

# **Securing women's safety from violence through effective protection measures:**

**grassroots action research  
for evidence-based  
advocacy in Morocco**



**Morocco 2026**

**Mobilising for Rights Associates (MRA)**

## Securing women's safety from violence through effective protection measures: grassroots action research for evidence-based advocacy in Morocco

Mobilising for Rights Associates or MRA - "woman" in Arabic - is a non-profit organization based in Rabat and working across the Maghreb. Our mission is to contribute to changes in four areas – legal, structural, relational, and socio-cultural - 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 English version is a summary of the complete Arabic language report, also available in PDF format on the MRA website. Please see this latter report for examples of actual protection orders, case studies, additional details on the methodology, and more.

*Thank you*

@ the four NGO partners in this initiative: [Association Amal pour la Femme et le Développement](#) (El-Hajeb) ; [FADD- Fondation Anaouat Pour Droits et Développement](#) (Chichaoua) ; [Association Tafii Moubadarat](#) (Taza) ; and [Association Mhashass pour le développement humain](#) (Larache).

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## I. Research context and objectives

This report presents the findings of participatory action research conducted in Morocco on women's right to protection measures in cases of gender-based violence. The research serves both informational and advocacy purposes: it aims to contribute to an initial knowledge base on protection orders and promote State accountability for their effective implementation.

This action research was designed and carried out by MRA Mobilising for Rights Associates in collaboration with four local partner NGOs working in diverse urban and rural areas across Morocco: [Association Amal pour la Femme et le Développement](#) (El Hajeb), [FADD- Fondation Anaouat Pour Droits et Développement](#) (Chichaoua), [Association Tafiiil Moubadarat](#) (Taza), and [Association Mhashass pour le développement humain](#) (Larache).

*Law 103-13 on the elimination of violence against women* (2018) introduced new protection measures in cases of such violence into the Penal Code and the Penal Procedure Code.<sup>1</sup> Additionally, as a State Party to all major international human rights conventions, Morocco has an obligation to protect women from all forms of violence and to prevent future or potential violence, including by ensuring available and effective protection measures.<sup>2</sup>

This action research was designed to:

- Shed light on women's current realities of violence and efforts to seek protection;
- Document the implementation and effectiveness of existing legal provisions;
- Identify gaps and deficiencies in existing protection measures;
- Support rights-based assessments and fact-based analyses of the State's performance in fulfilling its obligation to protect women from violence ;
- Promote State accountability and responsibility for ensuring available and effective protection measures for women victims of violence ;
- Encourage evidence-based advocacy and data-driven decision-making to develop concrete, effective, and rights-based reforms to laws, policies, and procedures governing protection orders;
- Foster local systems relationships among NGO and public actors to strengthen responses to protection needs of women survivors of violence;
- Enhance public information about protection orders.

This research specifically aimed to develop a qualitative, illustrative snapshot of protection orders in Morocco by gathering information on:<sup>3</sup>

- Women's experiences obtaining protection measures;
- Motivations for seeking protection measures;
- Substantive patterns in protection order content and scope;
- Procedural trends in the issuance, execution and enforcement of protection measures;

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<sup>1</sup> Please see the section below on the Moroccan legal framework for a detailed overview.

<sup>2</sup> Please see the section below on international human rights standards and good practices for a detailed overview.

<sup>3</sup> The detailed questions for the individual in-depth interviews, key stakeholder interviews, group discussions, and case file review can be found in the Arabic language *Toolkit for information, monitoring, and advocacy on protection orders in gender-based violence cases*, available at <http://mrawomen.ma/wp-content/uploads/doc/AR%20plaidoyer%20sur%20les%20ordonnances%20de%20protection.pdf>.

- Barriers and obstacles to obtaining protection measures;
- The impact on women's lives of obtaining or not obtaining such measures;
- Recommendations for law, policy and procedural reforms.

This action research is part of a broader three year project *Promoting Best Practices in the State Response to Violence against Women: Mobilization, Monitoring and Advocacy*<sup>4</sup> that aims to:

- Strengthen local community-based systems among NGOs and local public actors to identify and develop better justice, law enforcement, and health care interventions and responses to VAW;
- Document and analyze the justice system response in VAW and Family Law cases and monitor the actual application by the justice system and effectiveness of both current provisions of and anticipated reforms to the Family and Penal Codes;
- Engage in evidence-based national and local advocacy for concrete proposals for on-going legal and systems reforms.

## II. Protection orders in violence against women cases : International human rights standards and Good practices<sup>5</sup>

Morocco has ratified all nine core international human rights conventions, and the preamble to the 2011 Constitution affirms their supremacy over domestic law. Consequently, Morocco is legally obligated to respect, protect, and fulfill the rights provided for in these conventions.

### 1. What are States required to do to address violence against women?

- Under international human rights law, States must take all appropriate measures to eliminate all forms of discrimination against women, including violence against women, and to protect their human rights, including their right to be free from violence.
- Due diligence obligations require States to take measures to prevent, protect against, investigate, punish, and provide redress and reparations for violence against women.
- The obligation to protect women from gender-based violence and prevent future or potential violence includes ensuring their safety and human rights through accessible and effective protection orders.

### 2. What do we mean by protection order?

Protection orders are a civil, not criminal, legal remedy issued by designated state authorities upon the request of the victim in situations of violence against women. Such orders generally prevent the abuser from approaching or communicating with the victim, as well as provide diverse other measures to prohibit, restrain or prescribe the abuser's behavior and provide specific relief to victims.

<sup>4</sup> This project is made possible through the support of the Royal Norwegian Embassy in Rabat, Morocco.

<sup>5</sup> This section is available in a practical sheet format in Arabic, French and English at <https://mrawomen.ma/our-resources/practical-guides-for-ngos-activists-and-lawyers/>. It is based on the following resources: Handbook for Legislation on Violence against Women (UN Women, 2012); Report of the Special Rapporteur on violence against women, its causes and consequences (UN Doc A/HRC/35/30, 13 June 2017); General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (1992) (UN Doc CEDAW/C/GC/35, 26 July 2017); Emergency Barring Orders in Situations of Domestic Violence: Article 52 of the Istanbul Convention (Council of Europe, June 2017); Good practices in responding to domestic violence: a comparative study (UN Women, 2019).

### 3. Why are civil protection orders a necessary tool to combat violence against women?

- Women who are subjected to violence often simply want the violence to stop, without involving the criminal justice system or being obligated to file a criminal complaint against the aggressor. Requiring women to institute other legal proceedings prevents them from seeking help.
- The lack of accessible and effective protection orders contributes to the low reporting rates and the high withdrawal rates in violence against women cases. Without adequate protection, women are deterred from filing or pursuing a case.

### 4. What are the objectives of protection orders?

- Ensure women's safety and security;
- Stop the violence and prevent it from escalating;
- Prevent abusers from committing future acts of violence.

### 5. What is the relationship between protection orders and other legal proceedings?

*Protection orders:*

- Are standalone, independent, and separate orders. Women should be able to seek a protection order without any requirement that they institute any other legal proceedings such as a criminal prosecution or divorce.
- Are complementary and in addition to other legal proceedings the victim may eventually choose to engage in such as a criminal prosecution or divorce, where other remedies may be available simultaneously.
- Are not in lieu of other legal penalties for any offenses committed, i.e. they do not replace a criminal penalty if the abuser is convicted.

### 6. What are some advantages of civil protection orders?

- Provide an alternative to burdensome criminal procedures;
- Provide an alternative to divorce;
- Provide access to immediate relief through the justice system in an efficient manner;
- Provide victims with relief through the legal system that she can control;
- Ensure that the person subjected to violence is not forced to leave her home;
- Prevent threats and witness tampering;
- Send a public message of zero tolerance for violence against women.

## 7. What are some Good Practices for obtaining and issuing protection orders?

### *Informing victims of their rights:*

- ✓ All relevant authorities and public services systematically inform women subjected to violence of their right to obtain a protection order.

### *Relationship to other legal proceedings:*

- ✓ Protection orders are not linked to, dependent on, or require a criminal complaint or prosecution. They are available to women victims of violence as a separate, independent, stand-alone remedy.

### *Forms of violence:*

- ✓ Protection orders are issued to protect women from all forms of violence, not just life-threatening or physical violence, but also from threats, harassment, stalking, coercive control, sexual violence, and other forms of abuse.

### *Beneficiaries of protection orders:*

- ✓ Protection orders are issued in cases of violence committed by a partner in a wide range of intimate relationships, and are not limited to just spouses in legal marriage or other relatives. They also include violence committed by other current and former cohabiting and non-cohabiting intimate partners, people dating, fiancés and ex-fiancés, ex-husbands, and members of the same household.
- ✓ In addition to the primary victim, protection orders can also include measures to protect her children or other dependents, relatives and other third persons as appropriate.

### *Standards of evidence:*

- ✓ Protection orders are civil, not criminal measures. As such, the standards of evidence and burden of proof are different than in criminal cases, and are lower than those required to pursue a criminal prosecution.
- ✓ The live testimony or a sworn statement or affidavit of the woman establishing that she has a reasonable apprehension of future abuse is sufficient evidence for the issuance of a protection order. No independent evidence—medical, police or otherwise—should be required for the issuance of a protection order.

### *Procedures :*

- ✓ Protection orders are issued swiftly and immediately.
- ✓ Protection orders are issued without undue administrative or financial burdens placed on the woman. They are available to her at no cost.

### *Enforcement:*

- ✓ Appropriate and effective monitoring measures are put into place to ensure the abuser respects the protection order.
- ✓ Violation of a civil protection order is criminalized and punished. Repeated violations of the protective order result in increased sanctions.

## 8. What are some Good Practices for measures to include in a protection order ?

*Ensuring the victim's safety and security by preventing future violence:*

- ✓ Prohibit the abuser from threatening or causing future violence to the woman, her children or other dependents, relatives and other relevant persons;
- ✓ Prohibit the abuser from contacting or communicating with the victim or third parties such as her children or other dependents, relatives and other third persons as appropriate;
- ✓ Order the abuser to stay a specified distance away from the woman or third parties such as her children or other dependents, relatives and other third persons as appropriate, and the places that they frequent, including a home, school, and workplace;
- ✓ Prohibit the abuser from purchasing, using or possessing a firearm or any other specified weapon, or have it confiscated;
- ✓ Remove the abuser from the shared home, regardless of ownership, until a final court decision is made. Removing a violent offender from the home prioritizes victim safety, security, life and physical and mental integrity over temporary restrictions on the abuser's access to the home for a limited period of time.

*Ensuring the victim's rights to housing and an adequate standard of living:*

- ✓ Guarantee financial support for basic living expenses for the woman and her children;
- ✓ Guarantee housing by providing for the right of the victim and her children to remain in the family home and ordering the abuser to pay mortgage or rental expenses as necessary ;
- ✓ Order the abuser to hand over essential items needed to meet the daily needs of the family, including means of transportation (such as a car);
- ✓ Bar abusers from damaging the victim's personal property or property held in common (car, house, furniture) or accessing or using assets held jointly with the victim.

*Protecting children:*

- ✓ Establish child custody and representation;
- ✓ Contain a presumption against award of child custody to the abuser.

*Additional remedial measures :*

- ✓ Order the abuser to cover or reimburse the victim's medical, legal, shelter and other expenses incurred by the violence, such as damage to property and lost wages ;
- ✓ Order the abuser to obtain appropriate counseling or medical treatment.

## 9. What types of protection orders should states make available to women?

Laws should provide for both:

1. *emergency ex parte protection orders* issued immediately based on the statement of the victim where there is an imminent threat of violence, and
2. *longer term protection orders* following a full hearing.

Emergency protection orders	Longer term protection orders
<ul style="list-style-type: none"> <li>• Are issued in cases of immediate danger of violence, when harm is imminent</li> <li>• Are issued upon the request of the victim or at the initiative of designated justice system authorities</li> <li>• Can be issued on an ex parte basis (without the presence of the abuser)</li> <li>• Can be issued without the presence of the victim and without requiring her to take action</li> <li>• Can be issued without a hearing, on the basis of a risk assessment</li> <li>• Are issued and enforced immediately as soon as authorities learn about the violence or its imminence</li> <li>• Are temporary and shorter-term, yet long enough to guarantee adequate protection until a longer term protection order is issued</li> <li>• Are available solely on the statement of the victim (seeking evidence leads to delays and places victims at risk)</li> <li>• Are reviewed within a specific time period by a judicial authority.</li> </ul> <p>Different countries grant the authority to issue emergency protection orders to different actors. Examples and options include:</p> <ul style="list-style-type: none"> <li>• Criminal court judge</li> <li>• Family court judge</li> <li>• Specialized VAW court judge</li> <li>• Prosecutor</li> <li>• Police</li> </ul> <p>Emergency protection orders may be considered criminal, civil or administrative in nature, regardless of who issues them. The important criteria is that the competent authority is available and accessible 24/7 and has the ability to respond immediately.</p> <p>In addition to the victim and the public authorities, some countries allow other actors such as family members and relevant professionals to apply for a protection order on behalf of the victim.</p>	<ul style="list-style-type: none"> <li>• Provide longer term relief over a specific period of time</li> <li>• Are issued as civil measures by a civil law or family judge</li> <li>• Are issued after notice to the abuser and a full hearing in front of the judge</li> <li>• Can be appealed, renewed, modified, cancelled, and/or paused</li> <li>• Are issued upon the request of the victim and according to the protective measures she wishes to seek</li> </ul>

### III. Moroccan legal and institutional framework on protection measures

The **Moroccan Constitution** (2011) expressly guarantees the rights to life and to the safety of all persons and their relatives, provides that public authorities are responsible for ensuring the safety of the population, and prohibits both public and private actors from inflicting physical or moral harm on others.<sup>6</sup>

The 2004 **Family code** 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.”

The Law 103-13 on the elimination of violence against women (2018) amended the **Penal code** and **Code of penal procedure** to include additional protection measures in cases of violence against women. It also established support mechanisms for women victims of violence,<sup>7</sup> in the form of (a) cells within centralized and decentralized justice, health and law enforcement services, and (b) committees at the national, regional and local level.

The regional and local committees are established within each appellate and first instance court respectively and presided by the Crown prosecutor. Comprised of diverse justice sector personnel such as a prosecutor, judge court clerk, court social worker, bailiff and lawyer, the regional and local committees “may be attended by any person known of his interest and experience in women’s affairs, and representative of any body, institution or associations which the committee sees useful to invite.” In addition, the committees’ missions explicitly include “communication and coordination with civil society associations working on this area.”

This paves the way for local associations, such as the partner NGOs in this initiative, to collaborate with local sectoral actors and play an active role in the community response to violence against women.<sup>8</sup>

Official information indicates that that 88 specialized units dedicated to supporting women and children victims of violence have been established in all first instance and appellate courts across the country.<sup>9</sup>

The chart below sets out the diverse provisions related to protection measures in current Moroccan penal laws, **highlighting in bold** language that indicates (a) the mandatory or optional nature of the measure, or (b) the stage in the process such measures are taken. These are among the critical questions for assessing the effectiveness of protection measures, and for developing eventual reforms.

<sup>6</sup> Moroccan Constitution (2011), articles 20 – 22.

<sup>7</sup> Articles 9 – 16.

<sup>8</sup> Decree No. 2.18.856 to implement Law 103.13 on the elimination of violence against women further institutionalized these committees and units, [https://social.gov.ma/wp-content/uploads/2021/06/w--دليل-عمل-اللجنة-landscap-15\\_20.pdf](https://social.gov.ma/wp-content/uploads/2021/06/w--دليل-عمل-اللجنة-landscap-15_20.pdf).

<sup>9</sup> [Cellules de prise en charge des femmes et enfants -Site officiel du ministère public](#)

## What protection measures are available under Moroccan penal laws?

Women have the rights to:	<i>Description</i>	<i>Procedures &amp; measures</i>	<i>Relevant laws</i>
<b>Information</b>	Crime victims <b>must</b> be informed of their rights to file a civil action and all other legal rights	By the judicial police or the public prosecutor This must be noted in the written report (procès-verbal) by the judicial police or the prosecutor.	Code of Penal procedure Article 82-4
	Victims <b>must</b> be informed of the measures taken to ensure their protection.	<ul style="list-style-type: none"> <li>By the prosecutor or the investigating judge</li> </ul>	Code of Penal procedure Article 82-10
	Victims <b>must</b> be informed of their legal rights to protection.	<ul style="list-style-type: none"> <li>By the judicial authorities responsible for their case</li> </ul>	Code of penal procedure article 82-5-3
<b>Protection</b>	The public prosecutor or the investigating judge <b>takes protective measures</b> to protect the victim, her family or her property from any harm to which she might be exposed <b>as a result of the complaint she filed.</b>	Measures made available to the victim <b>may</b> include: <ul style="list-style-type: none"> <li>providing the victim with a phone number to call the judicial police or security services at any time to request protection</li> <li>physical protection by law enforcement for her, her family members, or other members of her close entourage</li> <li>a change of residence and non-divulgence of information about her identity</li> <li>being presented for specialist medical examinations and</li> </ul>	Code of Penal procedure Article 82-5

		<p>benefitting from any necessary social assistance.</p> <p>If the above measures are not sufficient, any other measures may, by justified decision, be taken if they are considered to be an effective guarantee of protection.</p> <p>Victims also benefit from, as the case may be, the protection measures provided for in articles 82-6 and 82-7.<sup>10</sup></p>	
	In addition to the measures provided for in articles 82-4 and 82-5, the following measures <b>shall be taken immediately</b> in cases of violence against women	<ul style="list-style-type: none"> <li>• returning the child in custody with the custodian to the dwelling designated by the court;</li> <li>• warning the perpetrator not to commit any violence if the perpetrator threatened to do so and pledging him not to have recourse to violence;</li> <li>• informing the perpetrator that he is prohibited from exploiting the common property;</li> <li>• referring the victim to hospital centers for treatment;</li> <li>• ordering the depositary of the woman subject to violence in shelter houses or social care institutions if necessary, or if she wants to.</li> </ul>	Code of Penal procedure 82-5-2
	Law 103-13 added new personal preventive measures to the Penal code.	<ul style="list-style-type: none"> <li>• Lapse of rights regarding legal custody of children;</li> <li>• Prohibiting <b>the convict</b> from contacting the victim;</li> <li>• Subjecting <b>the convict</b> to appropriate psychological treatment.</li> </ul>	Penal code article 61

<sup>10</sup> Articles 82-6 provides that if there are serious reasons likely to endanger or cause harm to witness and experts, as well as members of their family or close entourage, the witness or expert may request the prosecutor or the investigating judge to apply on of the measures provided for in paragraphs 6, 7 and 8 of article 82-7. These three paragraphs provide for a special phone number for contacting the judicial police, surveillance of the victim or expert's telephone, and physical protection by law enforcement.

	Provides for loss of parental rights <b>upon conviction</b> .	<ul style="list-style-type: none"> <li>When an ascendant is convicted of a crime or offense legally punishable by imprisonment committed against one of their minor children, and finds and expressly declares in its judgment that the convicted person's habitual behavior endangers their minor children physically or morally, <b>it must order</b> the termination of parental rights.</li> </ul>	Penal code article 88
	The <b>court may</b> issue certain measures if a person is <b>convicted</b> of harassment, assault, sexual abuse, mistreatment or violence against women or minors, regardless of the nature of the act or the perpetrator thereof.	<ul style="list-style-type: none"> <li>Prohibit the convict from contacting the victim, approaching victim's whereabouts, communicating with the victim by any means whatsoever for a period no longer than five years as of the date of his release, or as of the date of the judicial decision in case of a suspended sentence, fine or alternative punishment;</li> </ul> <p>Reconciliation between the spouses <b>shall terminate</b> the prohibition against contact with the victim;</p> <ul style="list-style-type: none"> <li>The convict <b>shall be</b> subject to appropriate psychological treatment throughout the period provided for in the above item or throughout his imprisonment time.</li> </ul> <p>The court <b>may</b> give its order definitively prohibiting the convict from contacting the victim, approaching victim's whereabouts or communicating with the victim, providing that the court justifies such order.</p>	Penal code article 88-1
	The public prosecutor, the investigating judge, or the trial judge <b>may</b> issue certain measures in cases of <b>prosecution</b> for offenses listed in article 88-1 (harassment, assault, sexual abuse, mistreatment or violence against women or	<ul style="list-style-type: none"> <li>Prohibit the person being prosecuted from contacting the victim, approaching the victim's whereabouts or communicating with the victim by any means whatsoever.</li> </ul>	Penal code article 88-3

	<p>minors).</p> <p>Such order may also be issued at the victim's request.</p> <p>Such order shall remain in effect until the court issues its final decision.</p>		
<b>Privacy and confidentiality</b>	In cases of violence or sexual violence against a woman.	The court <b>may</b> hold a closed hearing at the victim's request.	Code of Penal Procedure Article 302
	<p>The Social Assistance Office at the court plays a key role in supporting women and children who are victims of violence. It ensures their initial reception in a dedicated, private space designed to respect their privacy. The office provides psychological support, listens to victims' concerns, and accompanies them throughout legal proceedings, both inside and outside the courtroom as necessary.</p> <p>All social workers and assistants within the office are strictly bound by professional confidentiality, ensuring the protection of victims' personal information and trust.</p>	The Court Social Assistance Office.	Code of Penal procedure 82-5-3 <sup>11</sup>

<sup>11</sup> Loi 03.23 modifiant et complétant la loi 22.01 relative au Code de procédure pénale, [https://www.sgg.gov.ma/BO/AR/3111/2025/BO\\_7437\\_Ar.pdf](https://www.sgg.gov.ma/BO/AR/3111/2025/BO_7437_Ar.pdf)

<b>Execution and Enforcement</b>	When the court issues certain measures if a person is <b>convicted</b> of harassment, assault, sexual abuse, mistreatment or violence against women or minors, regardless of the nature of the act or the perpetrator thereof.	The sentence <b>may</b> include the temporary enforcement of protection measures, even if an appeal is filed against the conviction.	Penal code article 88-1
	The prosecutor or the investigating judge <b>may</b> , on his or her own initiative or upon request, modify the protection measures taken in favor of victims, witness or experts, or add any other measures or cancel the measures.  If need be, the protection measures are maintained even after the judgment is issued.	By the prosecutor or the investigating judge.	Code of Penal procedure article 82-10
	Violation of certain protective measures is punishable by imprisonment and/or a fine.	<b>Shall be</b> punished with imprisonment from 6 months to two years and a fine ranging from 2,000 MAD to 20,000 MAD or one of them the person who violates the prohibition order regarding contacting the victim, approaching victim's whereabouts or communicating with the victim by any means whatsoever, or refusing psychological treatment according to articles 88-1 and 88-3.  Violation of the protective measures referred to in Article 82-5-2 of the Penal Code <b>shall subject</b> the person concerned therewith to imprisonment from one to three months or a fine from 5,000 to 20,000 MAD or one of them.	Penal code articles 323-1 and 323-2

	Sets out the grounds for terminating, exempting or suspending personal preventive measures.	These are the death of the convicted person, amnesty, repeal of the penal law, pardon, statute of limitations, parole, rehabilitation, and settlement.  A stay of execution of the sentence does not affect security measures.	Penal code article 93
	Sets out the statute of limitations for personal preventive measures.	A personal preventive measure that remains unexecuted is subject to a five-year statute of limitations, running from either the expiration of the custodial sentence actually served, or the payment of the fine, or from the date on which the statute of limitations for the sentence expires.  However, when the security measure was ordered for a period exceeding five years, the statute of limitations expires only after an equal period.	Penal code article 99
	Punishes the violation of Family code Article 53 provisions on expulsion of a spouse from the marital home.	Expulsion from the marital home or refusal to allow the expelled spouse to return to the marital is punishable by imprisonment for one to three months and a fine of 2,000 to 5,000 dirhams. The penalty is doubled in the event of a repeat offense.	Penal code article 480-1

## IV. Action research methodology

This action research was designed and carried out by MRA Mobilising for Rights Associates in collaboration with four local partner NGOs working in diverse urban and rural areas across Morocco: [Association Amal pour la Femme et le Développement](#) (El Hajeb), [FADD- Fondation Anaouat Pour Droits et Développement](#) (Chichaoua), [Association Tafii Moubadarat](#) (Taza), and [Association Mhashass pour le développement humain](#) (Larache).

The multifaceted research strategy was comprised of in-depth individual interviews and facilitated group discussions with women victims of violence, sector-specific key informant interviews with local public actors, case file reviews, and collection and analysis of selected protection orders issued.

In order to conduct this action research and promote broader engagement on the issue, MRA Mobilising for Rights Associates designed and developed a *Toolkit for information, action research, and advocacy* on protection orders in gender-based violence cases.<sup>12</sup> Designed as a practical tool for NGOs, public sectorial actors, researchers and lawmakers, the *Toolkit* contains:

1. an Information Sheet on Moroccan laws related to protection orders;
2. a Fact Sheet on international human rights standards and good practices;
3. Six Research Protocols:
  - In-depth individual interviews with women who received protection measures
  - In-depth individual interviews with women who requested but were denied protection measures
  - Facilitated group discussion guide with women victims of violence who never requested protection measures
  - Key informant interviews with public actors responsible for issuing protection measures
  - Case file review form for tracking protection measures in individual cases managed by NGO counseling centers and shelters
  - Protection order assessment and analysis form for reviewing issued orders collected from courts.

The protocols were comprised of approximately 20 open ended questions designed to solicit information, experiences and proposals around the following themes:

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<sup>12</sup> The complete *Toolkit* (in Arabic), and the separate fact sheet on human rights standards and good practices (in French and English) are available for download at [Arabic français English](#).

<b>Women's experiences obtaining protection measures</b>	<ul style="list-style-type: none"> <li>• How women were informed about protection orders</li> <li>• What women had to do to obtain protection measures (procedures, fees, evidence)</li> <li>• If women agreed/consented to the protection measures</li> </ul>
<b>Motivations for seeking protection measures</b>	<ul style="list-style-type: none"> <li>• Triggering event(s)</li> <li>• Perpetrator, place of violence, types of violence</li> <li>• Duration of violence prior to seeking protection</li> </ul>
<b>Substantive patterns in protection order content and scope</b>	<ul style="list-style-type: none"> <li>• What types of measures are included in protection orders</li> <li>• Who protection orders are issued against</li> <li>• Who protection orders benefit</li> </ul>
<b>Procedural trends in the issuance, execution and enforcement of protection measures</b>	<ul style="list-style-type: none"> <li>• How protection orders are initiated and by whom (the victim, the prosecutor, etc.)</li> <li>• Which public actor(s) issue protection measures</li> <li>• How long it took to obtain protection once the authorities became aware of the violence</li> <li>• When in the legal process protection measures are issued (complaint, investigation, instruction, prosecution, conviction, etc.)</li> <li>• Criteria for issuing a protection order (types of and/or and severity of violence)</li> <li>• Duration of protection orders and possibility of amendment</li> <li>• How often protection orders are issued</li> <li>• Any requirements to file a criminal complaint and cooperate with a prosecution of the abuser to benefit from protection measures</li> <li>• How protection orders are issued (by whom, form, notification of parties)</li> <li>• Procedures for execution and follow-up</li> </ul>
<b>The impact on women's lives of obtaining or not obtaining such measures</b>	<ul style="list-style-type: none"> <li>• Impact of obtaining or not obtaining protection measures on the abuser's behavior, on the victim's quality of life and safety and security, on any children</li> <li>• Whether women believe they benefitted from obtaining a protection order or not</li> <li>• Degree to which the abuser respected the protection measures</li> </ul>
<b>Barriers and obstacles to obtaining protection measures</b>	<ul style="list-style-type: none"> <li>• Any economic, logistical, administrative, social, personal, linguistic, legal, evidentiary or other obstacles</li> </ul>
<b>Recommendations for law, policy and procedural reforms.</b>	<ul style="list-style-type: none"> <li>• What women want in terms of protection from violence</li> <li>• What public actor stakeholders think should be the solution</li> <li>• How laws, policies, procedures, and practices should be changed to better protect women</li> </ul>

From September 2024 – March 2025 MRA Mobilising for Rights Associates:

- researched international human rights standards, global good practices, and Moroccan legal and institutional frameworks related to protection measures in violence against women cases;
- developed the draft versions of the six research protocols.

The action research was carried out from April 2025 to January 2026.

In an **initial pilot phase** (April – July 2025) MRA provided technical assistance to the four core partners to conduct initial engagement and research to introduce the topic to all of the stakeholders, test the research protocols, develop initial findings, and inform and hone the specific methodology and questions for the full action research. During this pilot phase, partner NGOs conducted initial interviews with public prosecutors in their local communities, reviewed selected case files from their centers for women victims of violence, and held individual interviews with women victims of violence. These included:

- 24 individual interviews with women victims of violence, and four interviews with their lawyers;
- One group meeting with 14 women who received protection orders;
- 21 meetings with representatives of the public prosecutor's office and the judicial police;
- Review of 486 client case files from women victims of violence who had received services from the partner NGOs between September 2024 and July 2025;
- Collection and review of nine selected protection orders from various courts across the country.

MRA finalized the six research protocols based on this initial pilot phase.

MRA launched the **main research phase** by holding an online training webinar with the four partner NGOs on implementing the six final research protocols (October 10, 2025). The partner NGOs submitted tentative findings in January 2026, which MRA then compiled and analyzed for this report.

During this main research phase, the four core partner NGOs carried out the participatory action research through:

- 15 in-depth individual interviews (IDIs) with women victims of violence who requested but were denied protection measures;
- 146 in-depth individual interviews (IDIs) with women victims of violence who received protective measures;
- 26 key informant interviews (KIIs) with prosecutors, social workers and law enforcement officers;
- 12 facilitated group discussions with 181 women victims of violence who had not ever sought a protective order.

In total, **368 people** participated in the action research. On average, the interviews and group discussions lasted between one and two hours.

The four core partner NGOs collaborated with thirteen additional local associations and five lawyers to carry out the action research. While the research was conducted in seven towns and three rural communities, the women victims of violence consulted originated from 41 different towns and villages, reflecting diverse geographic experiences with protection measures.

Participants included women ages 17 to 66 from both Arabic- and Amazigh-speaking regions of Morocco. They came from urban, semi-urban, and rural areas and reflected a wide range of social, economic, and professional backgrounds, as well as diverse civil statuses, including married and divorced women, mothers, and women in customary (unregistered) marriages. Women participating were engaged in domestic work, agriculture, tailoring and confectionery crafts, and café work, as well as those employed in the public and private sectors. The group further included students, unemployed women, and women in situations of extreme marginalization, including those engaged in survival begging.

A good number of participants were women benefiting from partner NGO residential shelters, as well as legal accompaniment, counselling, and other support services for women victims of violence. This facilitated outreach and participation in the research.

Participation in the action research was anonymous and confidential. No names or other personally identifiable information were requested from participants. Interviews and group discussions were not recorded or videotaped, and participants were not paid for their participation.

The lack of prior information and conceptual clarity on protection measures, among women participants, participating NGOs, and even some public actors, was a significant **challenge to carrying out the action research**.

In some interviews, it was difficult to obtain clear or complete responses. Some participants were unable to answer certain questions, resulting in gaps in the data, while others provided unclear or incomplete information. For example, some women reported being asked by authorities to provide evidence in order to obtain protection orders, but indicated that they had not received sufficient information to clearly distinguish between filing a complaint and obtaining a protection order.

Overall, there appears to be some confusion among women, participating NGOs, and even certain public actors regarding the distinction between (a) protection orders as proactive measures to prevent women from being subjected to future violence and (b) criminal complaints. For example:

- Some responses concerning the **time required** to issue a protection order were unclear, reflecting confusion between the time frame necessary for investigating a criminal complaint and the time required to issue a protection order;
- Some answers did not clearly distinguish between the **evidence required** to initiate a criminal complaint and any evidence necessary to obtain a protection order;
- Some women considered a document drafted by the husband, and legalized at a local administrative authority, in which he pledged not to use violence, as a form of protection order, particularly when a judicial police officer provided her with a copy.<sup>13</sup>

Partner organizations reported no significant difficulties recruiting women for the interviews or discussion groups. Women who had previously participated in the NGOs' programs were already familiar with the organizations' work and had developed relationships of trust with staff members. Many participants were keen to share their experiences.

Some women were initially reluctant to participate, due to doubts about the usefulness of participation, family pressure discouraging participation due to threats of negative repercussions or increased violence, and constraints related to travel costs and geographic distance. However, a communications approach based on reassurance, confidentiality and respect for privacy, along with

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<sup>13</sup> This was a practice identified during the action research.

support to reduce financial barriers, facilitated the engagement of a significant number of women and ensured their effective participation in the meetings.

Participation levels in the group discussions varied, ranging from hesitant to highly engaged. To foster trust, NGO facilitators adopted a strategy of building on the testimonies of more willing participants to encourage and reassure others. This contributed to a positive group dynamic and encouraged wider participation, while safeguarding the confidentiality of women's shared experiences.

As observed in previous action research carried out by MRA in Morocco, obtaining interviews with public actors proved quite complicated, if not impossible. It was difficult to obtain detailed information on policies, procedures, and practices from the relevant institutions. Direct engagement with the authorities concerned was often limited, and in many cases it was not possible to hold formal meetings with them. Law enforcement and justice officials in particular typically require written requests from local NGOs, as well as authorization from central authorities, before agreeing to participate in interviews.<sup>14</sup> This bureaucratic process is reflected in the limited number of official meetings that could be arranged. As a result, most of the public actors only agreed to meet with NGOs informally and anonymously.

Meetings with public authorities similarly revealed a reluctance to share detailed information. Officials generally provided only broad, publicly available information and were careful to avoid discussing operational details or practices related to their daily work.

Court social workers in some areas facilitated meetings with prosecutors. In addition, the partners' sustained, long-term work accompanying women to access public services helped build trust and credibility, which in turn encouraged some prosecutors to engage—albeit on an informal basis.

The implementation of the action research itself generated **observable changes and outcomes**, in addition to the findings generated. Women victims of violence, lawyers and local public authorities improved their knowledge of women's right to protective measures, understanding of the importance of such measures, and recognition of the need for improvements to ensure protection from violence. This led to several institutional and behavioral shifts:

- Participating local associations began monitoring and documenting the issuance of protection measures to better support women victims of violence throughout legal proceedings;
- Partner NGOs reported that after participating in interviews and group discussions, several women sought additional information and assistance to apply for protection measures;
- Participants requested additional meetings to discuss protection measures and violence against women;
- Two of the partner NGOs developed and widely distributed simplified informational flyers on the right to obtain protection orders in violence against women cases, and the procedures for obtaining them.

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<sup>14</sup> Such authorizations are extremely slow to process and rarely forthcoming, even within six month timeframes for carrying out research.

## V. Action research findings and analysis

This action research provides an illustrative snapshot of women's experiences and institutional practices related to protection orders in selected regions of Morocco. The following section presents the main findings in response to the research questions; however, several initial questions developed in the study design remain unanswered. These ground-level findings should not be interpreted as fully reflecting the legal framework and may not capture practices in other parts of the country.

### 1. What led women to seek protection and assistance from the authorities?

A good majority of women had been subjected to severe, repeated, and multiple forms of physical and/or sexual violence over months, years, or even decades before seeking protection and assistance from the authorities. These abuses included burning, beatings, attempted strangulation, attempted murder, and in one case violence that resulted in a miscarriage. Women also experienced diverse forms of sexual violence, such as rape and harassment, as well as financial deprivation, threats (including death threats), and ongoing psychological abuse.

Many women reported that prior attempts at reconciliation or other efforts to privately stop the abuse had failed before they filed a complaint or sought protection from public actors. Most often the violence had recently escalated, including to death threats or threats to her children's safety and security, in one instance to an unborn child. The good majority of incidents were perpetrated by husbands and occurred within the marital home.

In one region, "threats of homelessness" and "protection from homelessness" were a key factor driving women to seek protection from the authorities.<sup>15</sup> Married women reported fleeing from repeated marital rape and other forced sexual practices, or being evicted from the home after divorce or when the husband refused to legally acknowledge a verbal marriage and their children. Unmarried women reported receiving death threats or being forced from their homes by families when they became pregnant from an intimate partner or as a result of rape or incest. In one instance, a woman was kidnapped and raped at gunpoint, resulting in an unwanted and unintended pregnancy. In these cases, the "protection" granted consisted of an order placing the woman and any children in an NGO-managed residential shelter.

It should be emphasized that the need for protection orders here arises from the inadequate enforcement of existing family laws, as well as from the continued existence of harmful criminal laws punishing so-called "morality" crimes:

- The Family Code guarantees the right of women and their children to return to the marital home from which they have been evicted; however, in practice, "protection" orders often result in the victim and her children being placed in shelters instead. Similarly, while children are entitled to housing and maintenance from their parents, several of the cases reviewed involved child neglect and abandonment rather than gender-based violence against women per se.
- Penal code provisions criminalizing sexual relations outside of marriage perpetuate harmful gender stereotypes and foster the violence against women that then forces unmarried women from their homes and creates the need for protection. However, instead of

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<sup>15</sup> Half of the cases reviewed in this region were of women residents at a shelter for victims of violence, and out of 50 case files examined, 41 included a measure placing the victim, and her children as appropriate, in a shelter.

addressing the root causes and taking measures against the persons making threats and perpetrating violence, the State response consists of placing the women victims in shelters, where they often remain in hiding for years.

These cases illustrate how the notion of “protection” is often stretched beyond its intended scope—shifting from stopping and preventing criminal male violence to a paternalistic, charity-based approach focused on managing threats of homelessness and poverty for women. Threat which, as noted above, are created are created in the first place by the laws themselves or their inadequate enforcement.

## 2. How and when in the legal process are protection orders initiated and issued ?

The law provides that protection orders may be issued at the complaint, prosecution, or conviction stages of the legal process, although the specific measures available at each stage may differ.<sup>16</sup> The measures available also vary depending on whether the relief sought is of a family-law nature or of a criminal-law nature.

The decision to grant protection measures is left to the discretion of the competent authority—whether the prosecutor, investigating judge, or trial judge, depending on the stage of the process. Many legal provisions use the term “may” when referring to these measures, indicating their optional nature rather than a mandatory requirement.<sup>17</sup>

The majority of protection orders obtained and reviewed in this action research were issued by a prosecutor, either at the complaint stage or upon initiation of criminal proceedings. Women reported violence and requested various measures either to law enforcement - police or gendarmes - or directly to the public prosecutor. The findings suggest that prosecutors frequently initiate protection measures, even in the absence of an express request from the woman. Official statistics indicate that only 11% of all protection measures were issued based on an initial request from the victim.<sup>18</sup>

The action research indicates that women are most often aware of measures of a family-law nature, such as placement in a shelter or accompaniment to return to the marital home after being evicted, assistance recovering her personal affairs, or regaining physical custody over a child. In contrast, women appear to be less familiar with the more recent measures of a criminal-law nature in Law 103-13 on violence against women - until or unless they are informed by an association, law enforcement officers or the prosecutor. As a result, women don't necessarily explicitly request such measures from the outset.

The majority of measures of a criminal-law nature reviewed were signed by the prosecutor, the aggressor and the victim, with copies provided to both parties.

It appears that measures of a family-law nature are often issued immediately once a woman seeks assistance from law enforcement or the prosecutor, and executed as a matter of urgency. In some instances, such measures are executed by law enforcement officers based on oral instructions from the prosecutor.<sup>19</sup>

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<sup>16</sup> Please see the section detailing Moroccan laws on protection orders.

<sup>17</sup> Please see the section detailing Moroccan laws on protection orders. One exception is Code of penal procedure article 82-5-2, which states that certain measures “shall” be taken immediately.

<sup>18</sup> Le rapport annuel sur la mise en œuvre de la politique pénale et l'amélioration du rendement du ministère public au titre de l'année 2024 (Maroc).

<sup>19</sup> Penal procedure code article 82-5-2 requires that these measures be taken immediately.

In contrast, findings suggest that measures of a criminal-law nature, such as warnings not to commit violence and no-contact orders, are generally not issued unless and until the perpetrator is arrested and brought before the prosecutor. This raises concerns about the time lapse between notifying law enforcement and the issuance of protection measures, with significant implications for women's safety, security, and the prevention of future violence.

In only one region, some women interviewed who had received protection measures of a criminal-law nature reported waiting two to five months to obtain them after reporting the violence. Given that this finding was an exception, it is unclear whether the delay reflects conceptual confusion between the issuance of protection measures and the final judgment in a criminal case, or whether it represents a genuine difference in practice, with protection measures actually taking longer to issue in that specific region.

A recent Parliamentary evaluation of Law 103-13 on the elimination of violence against women<sup>20</sup> likewise raised concerns that measures permitting the abuser to contact, approach or communicate with the victim are only issued during criminal prosecutions or after conviction. The evaluation also found that a key shortcoming of the law is that personal protective measures are applied only after violence has occurred, rather than providing effective protection for women beforehand.

### 3. Which forms of violence can trigger a protection order ?

Relevant legal provisions on protection measures refer to “violence against women” generally, and do not explicitly limit their availability to specific forms of violence, or condition the orders on a certain level of severity or frequency.<sup>21</sup> Some public actors interviewed stated that protection measures are available for all forms of violence. However, as noted above, the majority of cases reviewed in this research involved multiple forms of severe violence repeated over time. A report from the National Human Rights Council (CNDH) highlighted several cases in which no protective measures were taken, despite established violence and a clear risk of its recurrence.<sup>22</sup> The same report found that the majority of court decisions applying protective measures concerned misdemeanor cases, whereas such measures were not applied in felony cases, despite their seriousness. Additional research is needed to assess the use of protection measures across different circumstances.

### 4. Are women required to file a criminal complaint or pursue prosecution against the violent offender to benefit from a protection order?

Protection orders must be requested through either law enforcement authorities or the public prosecutor. While the laws are not entirely clear, it appears that protection measures of a family-law nature, such as regaining custody of a child, recovering belongings, returning to the family home or going to a shelter, are activated immediately solely upon request.

In contrast, the Penal code and Penal procedure code also provide for additional measures of a criminal-law nature at different stages of the legal process – preliminary investigation, prosecution, or conviction. These imply that a criminal complaint is required.

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<sup>20</sup> Evaluation des modalités et des conditions d'application de la loi no. 103-13, relative à la lutte contre la violence à l'égard des femmes : Rapport du Groupe de travail thématique de la chambre des représentants du Parlement marocain (juillet 2024).

<sup>21</sup> Please see the section detailing Moroccan laws on protection orders. Law 103-13 on the elimination of violence against women Article 1 definitions encompass physical, psychological, sexual and economic violence.

<sup>22</sup> <https://cndh.ma/sites/default/files/2024-07/rapport - violence contre les femmes - version digital 2.pdf>

Responses to this question varied across different public actors and regions, so this is one area where understandings and practices may differ and where additional clarification in laws and policies may be useful.

The Economic, social and environmental Council (CESE) has similarly noted that “the implementation of protection orders is limited to the initiation of criminal proceedings, thus excluding any possibility of a protection order within the framework of civil proceedings initiated with the family justice services.”<sup>23</sup>

## 5. What are women required to do to obtain a protection order?

Both the women and authorities consulted said that protection orders are issued at no charge to the victim of violence.

It is unclear what level of proof is required to obtain a protection order. Moroccan laws generally lack detailed standards of evidence. Article 286 of the Penal Procedure Code provides that, “Crimes can be proven by any means of proof,” leaving it to individual authorities’ discretion to assess evidence based on their “intimate conviction.”

Existing legal provisions on violence against women do not explicitly specify any required amount or quality of evidence required to obtain a protection measure. Consultations for this action research suggest contradictory interpretations and practices. Some interviewees stated that no evidence is required once a complaint is filed. Others indicated that conclusive proof is not necessary, and that serious indications of real or potential danger of violence are sufficient. Still others reported that, in some cases, law enforcement requires the abuser to sign a pledge not to commit any violence, even in the absence of evidence.

Only one region surveyed reported cases of women’s requests for protection orders denied for “lack of evidence.” However, it’s unclear if this is due to a real divergence in practice in that region or if there was a misunderstanding and confusion between denying a protection order and dropping a criminal case altogether for lack of evidence.<sup>24</sup> Regardless, the problem remains that women in that region who filed complaints for violence appear to have then been left with no protection for weeks or months.

No cases were identified in the other three regions surveyed in which women’s requests for protection measures were denied. One possible explanation may be that such requests and refusals were made orally and therefore not recorded. It may also reflect the fact that most of the cases examined involved victims who had received support from a local women’s association, which may have increased their likelihood of obtaining protection orders as compared to women who do not benefit from such assistance.

While the potential flexibility allowing oral requests for protection could be seen as a good practice — particularly given the high illiteracy rates among Moroccan women—it also prevents tracking the total number of requests and refusals, as well as the motives for any such refusals.

It may be that the evidence required varies depending on whether the protection measures sought are of a family-law nature or of a criminal-law nature. The former are “immediately implemented,”<sup>25</sup>

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<sup>23</sup> Avis du Conseil économique, social et environnemental, Eliminer la violence à l’égard des filles et des femmes: Une urgence nationale, Auto-Saisine n°48/2020.

<sup>24</sup> Either among the women, the authorities, or the field researchers.

<sup>25</sup> Provided for in Penal procedure code Article 82-5-2 and Family Code Article 53.

implying a lighter – or no - investigative process, while the latter are issued at later stages of the legal process and imply a criminal complaint requiring some level of proof.

## 6. What types of protection measures are issued ?

The protection orders reviewed in this research included measures of both a family-law nature and/or of a criminal-law nature.<sup>26</sup> While the specific measures were linked to the nature of the complaint filed by the victim as well as the stage in the legal process, those that appeared the most frequently were:

Measures of a criminal-law nature:

- Warning the perpetrator not to commit violence;
- Obtaining the perpetrator’s pledge to not commit violence in future;
- Warning the perpetrator not to contact or approach the victim;
- Warning the perpetrator that he will go to prison if he violates the order.

Measures of a family-law nature:

- Instruct law enforcement officers - gendarmes or police - to return children to the custodial parent victim, i.e. accompany the mother to recover physical custody of her children or seek the children from where they are being held and bring them to her;
- Instruct law enforcement officers to accompany the woman to the marital home, either to ensure her return or to recover her belongings;
- Refer the woman and any children to a shelter.

The language used in protection orders tended to be fairly uniform and standard within a specific region, which illustrates the general practice within that jurisdiction. This also raises the question as to what extent measures are tailored to the specific facts of the case and to the needs and desires of each victim.

On the other hand, across and between regions the analysis reveals some variations in the language used and the types of measures issued. For example, in areas lacking nearby shelters, measures are more frequently issued to accompany the woman back to the marital home instead.<sup>27</sup>

In two regions, the research revealed three innovative examples where, instead of placing the woman and children in a shelter, the violent abuser himself was actually removed from the home.<sup>28</sup>

Unfortunately, the circumstances in these cases were presented as somewhat exceptional and limited in order to justify what is to date a rare measure in Morocco.<sup>29</sup>

- In one example, the prosecutor ordered the husband to leave the marital home, citing the “best interests of the children” and their right to education. However, the measure allowing the wife and children to stay in the marital home was only temporary, to allow the children to

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<sup>26</sup> None of the protection orders reviewed included psychological treatment for the perpetrator, but this can be explained by the fact that the law only provides for such treatment once there is a conviction.

<sup>27</sup> The National Human Rights Council has noted the absence of comprehensive nationwide coverage of shelters for women victims of violence across all jurisdictions, as well as the limited capacity of the existing facilities [https://cndh.ma/sites/default/files/2024-07/rapport\\_-\\_violence\\_contre\\_les\\_femmes\\_-\\_version\\_digital\\_2.pdf](https://cndh.ma/sites/default/files/2024-07/rapport_-_violence_contre_les_femmes_-_version_digital_2.pdf).

<sup>28</sup> In a third region, a prosecutor stated that such a measure is possible. Current Moroccan laws do not explicitly provide for this, but do state that “any other measure considered to be an effective guarantee of protection” may be taken during the preliminary investigation phase.

<sup>29</sup> Despite the fact that women’s groups in Morocco had long campaigned for the removal of a violent offender from the home as part of advocacy for a comprehensive VAW law.

complete their examinations. After the end of the school year and finalization of the divorce, the mother and children were expected to vacate the home. It must also be noted that in this case the husband owned a second home where he could live temporarily.

- In another example in a different region, the abusive husband was drunk as well as violent, and neighbors had also reported him for nuisance on several occasions.

Protection orders reviewed in one region included some unique and tailored measures, including:

- Warning the perpetrator not to evict the woman from the marital home;
- Ordering the husband to provide independent housing for the wife;
- Warning the abuser not to insult the woman ;
- Ordering the father to respect child visitation conditions;
- Ordering the violent husband to provide financial support to his wife and children;
- Prohibiting the aggressor from disposing of jointly held assets;<sup>30</sup>
- Referring the victim to a hospital center for medical treatment;
- Obligating the abuser to pay for the victim's medical treatment.

Official national statistics<sup>31</sup> indicate that the 16,503 protection measures<sup>32</sup> issued by prosecutors in 2024 fell into six categories:

- Referring the victim to the hospital (37%);
- Warning the abuser not to commit violence (26%);
- Forbidding the abuser from communicating with or approaching the victim (25%);
- Returning children to their custodial mother (8%);
- Placing the victim in a shelter (3%);
- Informing the abuser that he cannot dispose of common property (0.33%).

The 667 protection measures issued by judges that same year, following the abuser's conviction, included:

- 631 orders prohibiting the guilty party from contacting the victim;
- 36 orders requiring the offender to undergo psychological treatment.

## 7. Who are protection orders issued against? Who do they protect ?

The protection measures reviewed were issued against the violent perpetrator only; some authorities indicated that when there are multiple aggressors (i.e. a husband and his relatives), measures are taken against the primary aggressor only.

The majority of protection measures analyzed were issued against the victim's husband; the remaining orders were directed at a neighbor, co-worker, uncle, brother, son or parent.

Measures directing the victim to be placed in a shelter are not issued against any specific abusive person; rather, they are in favor of the victim and, where appropriate, any children.

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<sup>30</sup> This measure and the following measure to refer the victim for treatment are explicitly provided for in the law.

<sup>31</sup> Le rapport annuel sur la mise en œuvre de la politique pénale et l'amélioration du rendement du ministère public au titre de l'année 2024 (Maroc), <https://www.pmp.ma/bibliotheque/2024-للسنة-العامة-النيابة-رئاسة-تقرير>.

<sup>32</sup> Measures, not orders. Orders often combined several of these measures.

Some authorities interviewed stated that protection measures may also be issued in favor of witnesses and members of the victim's entourage, although this research did not turn up any such examples.

## 8. How often are protection orders issued?

Official national statistics<sup>33</sup> indicate that in 2024 prosecutors issued 16,503 protection measures<sup>34</sup> and judges issued 667 protection measures following the abuser's conviction. The same report notes that a total of 73 645 complaints of violence from a total of 27,267 women victims were registered that year. This demonstrates that, contrary to the prevalent dominant narrative, women are coming forward and reporting the violence they have been subjected to. Legal proceedings were initiated in only 19,535 cases, representing 27% of the total. Meanwhile, 4,286 complaints were dismissed, 25% of these dismissals following the victim's withdrawal of the complaint.

Additional research is needed to determine exactly how often protection orders are issued in violence against women cases. This action research did not locate any official statistics on the proportion of all violence against women cases that result in protection measures. Some interviews with public actors suggested that such measures are almost always issued, while others indicated that the number of protection measures is low compared to the total number of violence against women cases. Because some measures may be issued orally, the exact numbers—and therefore their frequency—may not be fully captured in official statistics.

The research suggests that some prosecutors and judges don't issue protection orders in violence against women cases, and that lawyers do not always request them on behalf of their clients. This may stem from a lack of training or from skepticism regarding the effectiveness of such measures.

It is worth repeating that while most legal provisions on protective measures are left to the prosecutor's or judge's discretion, the Code of penal procedure article 82-5-2 measures do appear to be mandatory.

## 9. How long do protection orders last? Can they be renewed?

The duration of protection measures tended to depend on whether they were of a family-law nature or of a criminal-law nature. Public actors interviewed stated that measures can be renewed or amended according to changes in circumstances; the orders reviewed for this research did not explicitly stipulate the possibility of modification or renewal.

Some of the measures remained in effect until a final judicial decision was issued in the case, such as until a divorce was finalized or a criminal verdict rendered. Orders placing women in shelters either had fixed dates (two, four or six months renewable) or linked the order to a specific event such as the birth of baby or family reintegration. Other orders were left open-ended and did not mention a specific duration.

In one notable example, a woman withdrew her complaint, but in the official reconciliation report the Prosecutor included a protection measure warning the abuser not to commit any future violence. In

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<sup>33</sup> Le rapport annuel sur la mise en œuvre de la politique pénale et l'amélioration du rendement du ministère public au titre de l'année 2024 (Maroc), <https://www.pmp.ma/bibliotheque/2024-للسنة-العامة-النيابة-رئاسة-تقرير>.

<sup>34</sup> Measures, not orders. Orders often combined several of these measures.

another region, it was noted that even if the victim withdraws her complaint, any protection orders are kept on file as proof of recidivism.<sup>35</sup>

## 10. How are protection orders followed up on and enforced?

Women and public actors alike described challenges to monitoring and enforcing protection orders. Generally, the prosecutor's office sends a copy of the protection order to the law enforcement unit for women victims of violence, although in urgent cases prosecutors often issue oral instructions by phone. Women also reported providing a copy of the order to the shelter where applicable, or to other local women's centers for assistance with follow-up and monitoring.

Many women consulted reported inadequate follow-up and monitoring of the protective measures they received. Women are required to return to law enforcement or the public prosecutor to report any subsequent acts of violence or other violation of the protection measures. Some women provided with the telephone number of the judicial police or security services to contact<sup>36</sup> reported that they were later unable to reach the number.

Women evicted from the marital home and then returned under the Family code article 53 procedures described how, other than a verbal warning issued to the abusers, they were left without any effective protection from future violence. This lack of effective enforcement mechanisms explains why many women prefer to be placed in a shelter rather than return to the marital home.

Available official statistics<sup>37</sup> indicate that in 2024 there were 213 prosecutions for refusal to allow an evicted spouse to return home,<sup>38</sup> and 10 prosecutions for violation of a no-contact order.<sup>39</sup> This should be interpreted in light of the findings from this action research. The extent to which this low number reflects actual compliance with protection orders, a lack of prosecution for violations, or the fact that women may not report such violations, requires further examination.

The same official statistics report that in 2024 public prosecutors carried out 1,926 cases of reconciliation cases that led to the return of the evicted woman to the marital home, although only 871 of these cases were concluded through an actual settlement between the parties.

A National Human Rights Council (CNDH) comprehensive study of court decisions involving protective measures noted the difficulties monitoring and enforcing orders preventing contact with victims, requiring offenders to undergo psychological treatment, and in implementing custody-related protective measures. The same report also observed that most treatment orders do not specify who is responsible for bearing the costs—whether the accused or the State—nor do they clearly define the nature or scope of the treatment required.<sup>40</sup>

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<sup>35</sup> Penal code article 88-1 provides that no-contact orders are cancelled upon reconciliation between spouses.

<sup>36</sup> As provided for in the Code of criminal procedure in Article 82-5.

<sup>37</sup> Le rapport annuel sur la mise en œuvre de la politique pénale et l'amélioration du rendement du ministère public au titre de l'année 2024 (Maroc), <https://www.pmp.ma/bibliotheque/2024-للسنة-العامة-النيابة-رئاسة-تقرير>.

<sup>38</sup> Penal code Article 480-1 criminalizes refusing to allow an evicted spouse to return home, as provided for in Family code article 53..

<sup>39</sup> Penal code Article 323-1 criminalizes the violation of a no-contact order.

<sup>40</sup> [https://cndh.ma/sites/default/files/2024-07/rapport\\_-\\_violence\\_contre\\_les\\_femmes\\_-\\_version\\_digital\\_2.pdf](https://cndh.ma/sites/default/files/2024-07/rapport_-_violence_contre_les_femmes_-_version_digital_2.pdf)

In addition, the Economic, Social and Environmental Council (CESE) has raised concerns that Law 103-13 does not clearly define the responsibilities of public officials in cases of violence against women, nor does it provide for sanctions in the event of non-compliance or failure to enforce its provisions.<sup>41</sup>

A recent evaluation of Law 103-13 noted that the “lack of institutionalized mechanisms to verify the implementation of protection measures ordered by the public prosecutor’s office indicates a gap in the monitoring and enforcement of judicial decisions, making it difficult to assess the effectiveness of the protection measures in place for victims. Without an effective verification system, it is challenging to ensure that the ordered measures have a real impact and are properly implemented.”<sup>42</sup>

## 11. What factors deter women from seeking protection orders?

Both women<sup>43</sup> and authorities consulted described numerous obstacles and barriers that make it difficult for victims to seek protection measures or prevent them from doing so. Several women reported being discouraged from seeking assistance after hearing about the negative experiences of other victims.

*Threats of future violence* include:

- Threats of retaliation, reprisals, and escalating abuse from the abuser and/or his entourage, including death threats against her, her children, and/or other family members;
- Threats to separate the victim from her children;
- Threats to deprive the victim of financial support or housing.

*Economic marginalization* means that many victims faced threats of insecurity, homelessness, and poverty.

*Inadequate legal provisions, procedures and public services* that deter women from seeking protection measures include:

- Lack of information on legal rights and procedures related to protection measures
- Belief that the perpetrator will just be released
- Heavy evidentiary requirements and difficulties proving violence
- Belief that the violence they experienced did not meet the criteria for protection orders
- Geographic distance to public services
- Transportation and documentation costs
- Communications barriers for women with disabilities or limited literacy skills
- Threats that the authorities will merely return the victim home to the abusive environment
- Threats of the victim being prosecuted herself under Penal code articles 489 - 93 for sexual relations outside of marriage
- Complex and lengthy legal and administrative procedures
- Threats that the abuser will violate the protection order

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<sup>41</sup> <https://www.cese.ma/media/2024/09/القضاء-على-العنف-ضد-الفتيات-والنساء.pdf>

<sup>42</sup> ÉTUDE « Cinq ans après la loi 103-13 », DANS LE CADRE DU PROJET “Avançons Ensemble II : Consolidation d'un réseau d'associations féministes qui offrent des services de réinsertion professionnelle et de protection aux femmes en situation de vulnérabilité dans le nord du Maroc”, Nadia Naïr, Hafsa Afailal et Mercedes Jiménez.

<sup>43</sup> This section includes observations from both women who faced obstacles but eventually obtained protection measures, and women who were deterred from seeking them.

- Lack of trust in public institutions
- Inability to leave home to file a complaint or seek assistance.

*Social and cultural norms* cited include:

- Family and social pressure to be patient and “save the family”
- Social condemnation of women who report husbands to the authorities
- Preference to maintain confidentiality about private life.

The recent Parliamentary evaluation of Law 103-13 on the elimination of violence against women<sup>44</sup> also noted how:

- The law’s requirement that public authorities conduct education and awareness-raising on violence against women does not clearly identify the actors responsible for these activities;<sup>45</sup>
- The criminalization of sexual relations outside marriage prevents rape victims from reporting the crime.

The Economic, Social and Environmental Council (CESE) has also highlighted the absence of an intersectional approach, and the failure to take into account the specific situations of marginalized groups. In particular, it noted that policies, programs, and structures addressing gender-based violence do not adequately consider the needs of groups such as girls and women with disabilities, undocumented migrants, single mothers, and domestic workers, particularly minors.<sup>46</sup>

Women who were eventually able to obtain protection orders identified several key factors that helped them overcome these obstacles, including:

- Support from local associations, who provided accompaniment and assistance throughout the process of applying for protection orders;
- The arrest of their husbands, which encouraged them to request protection measures;
- Material and moral support from their families;
- The presence of a family member accompanying them in the application process;
- Assistance from law enforcement in submitting applications to the public prosecutor, particularly to overcome language barriers;
- Access to shelter for themselves and their children, helping prevent a return to the marital home;
- The severity of the violence experienced, such as attempted murder, played a decisive role in motivating them to seek protection.

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<sup>44</sup> Evaluation des modalités et des conditions d’application de la loi no. 103-13, relative à la lutte contre la violence à l’égard des femmes : Rapport du Groupe de travail thématique de la chambre des représentants du Parlement marocain (juillet 2024).

<sup>45</sup> Article 17.

<sup>46</sup> Avis du Conseil économique, social et environnemental, Eliminer la violence à l’égard des filles et des femmes : Une urgence nationale, Auto-Saisine n°48/2020.

## 12. What were the outcomes and experiences for women granted protection measures?

Women who received protection measures reported a wide range of experiences and outcomes, often differing or even contradictory.

Among the victims who considered the protection measures helpful:

- Women placed in shelters reported feeling protected, as the abusers could not contact or approach them;
- Some women reported feeling safer, stating that the measures kept the abuser away, stopped the violence, and/or reduced the abuser's attempts to contact them;
- Women appreciated retrieving their personal belongings and regaining custody of their children;
- Some women reported that the measures served as a deterrent, even if they did not consider them fully effective or lasting;
- Others highlighted the symbolic value of the measures, noting that they felt supported, that their position in front of the aggressor was strengthened, and that legal protection sometimes led to a reduction in violence;
- Some women described psychological and social benefits resulting from the protection measures.

Among the victims who did not consider the protection measures helpful:

- Some women reported that the violence escalated as retaliation for seeking assistance from the justice system;
- Some women reported that the emergency phone numbers provided for follow-up with law enforcement were either non-operational or went unanswered;
- Some women reported that the abusers were not deterred by the protection measures, did not consider them legally binding, and continued their violent behavior;
- Women who returned home to the abusive environment noted that there is no effective protection when the aggressor is still present;
- Women described being left without protection during the time period between filing a complaint and the aggressor being brought before the prosecutor.

If the abuser violates the protection orders, many women noted that their only recourse is to return to the authorities to report the ongoing violence. They described how this is particularly difficult for women who cannot leave the house, lack money for transportation, or don't have access to a telephone.

Both women and authorities consulted noted difficulties monitoring protection measures, and agreed that their practical impact depends on the extent to which orders are implemented and institutionally supported. Inadequate enforcement of protection orders fosters a lack of trust in public institutions; many women explained that they didn't see any point in returning to the authorities to report ongoing violence.

The recent parliamentary evaluation of Law 103-13 on the elimination of violence against women also noted another gap in the law: it does not require that women victims of violence be informed if their abuser is released or escapes from prison.<sup>47</sup>

### 13. What were the outcomes and experiences for women not granted protection measures? <sup>48</sup>

The lack of legal deterrence creates a sense of impunity among abusers, leading to escalated, aggravated, and prolonged violence. It is clear from the research that the common admonishment to “*sbree*” (be patient) is not a solution; rather it enables abusers to persist in their violent behavior. Women who did not seek or receive protection measures described being subjected to multiple forms of ongoing violence, resulting in a wide range of physical, sexual, psychological, professional, social and economic harm :

- Psychological issues, including panic, constant fear, anxiety, stress, isolation, and suicide attempts;
- Detrimental effects on health, including sexually transmitted diseases (STDs);
- Being confined at home and prevented from communicating with anyone;
- Theft of her personal property by the abuser;
- Eviction from the marital home;
- Forced into homelessness and to resort to survival begging;
- Forced to flee the family or marital home to another location;
- Forced to leave employment;
- Renunciation of rights to child support and child custody;
- Forced to accept polygamy or flagrant adultery.

The research also revealed numerous harmful consequences on children whose mothers were not adequately protected from violence. These included being subjected to violence themselves from the abuser, dropping out of school, running away from home, engaging in delinquent behavior, substance abuse, child marriage, adopting violent behavior, poor academic performance, psychological and behavioral issues, and taking on adult responsibilities, such as working to support the family.

In the absence of other solutions, women often resort to divorce as the only way to escape the abuser. Nevertheless, even women who obtained a divorce reported that the violence didn't stop. Discriminatory provisions in the Family Code give ex-husbands leverage over their ex-wives, enabling them to commit other forms of violence, such as threatening child custody or visitation rights, as well as limiting her ability to remarry or relocate.<sup>49</sup>

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<sup>47</sup> Evaluation des modalités et des conditions d'application de la loi no. 103-13, relative à la lutte contre la violence à l'égard des femmes : Rapport du Groupe de travail thématique de la chambre des représentants du Parlement marocain (juillet 2024).

<sup>48</sup> This section is based on interviews with women who never applied for protection measures, as well as those in the one region where victims reported requests for protection being denied.

<sup>49</sup> See Family code articles 174 – 179.

## 14. What do women want in terms of protection from violence ?

The women consulted emphasized the need for comprehensive and holistic protection that goes beyond existing legal provisions. They identified a range of new protection measures and proposed changes to the procedures for obtaining them.

Women's recommendations include:

### *Specific protection measures:*

- Remove the abuser and allow the victim and any children to remain in the family home;
- Guarantee independent housing for the victim and any children;
- Provide temporary financial support for children while awaiting a final court ruling;
- Order psychological treatment for abusers.

### *Procedural improvements:*

- Ensure immediate protection from violence as soon as it is reported, for victims, her children and her family;
- Ensure automatic protection for victims, even if they don't request it;
- Accelerate, facilitate and simplify procedures for reporting violence and obtaining protection;
- Enhance enforcement of current measures to prevent abusers from contacting or approaching the victim, kidnapping children, or stealing the victim's personal property;
- Inform and continually update victims about all measures taken against the aggressor;
- Authorize law enforcement officers to intervene immediately in cases of no-contact order violations, without requiring a complaint to be filed with the prosecutor;
- Guarantee confidentiality for victims of violence;
- Lower the costs of accessing the justice system, including though free legal advice.

### *Institutional reforms:*

- Unify and standardize procedures across all systems actors, including law enforcement, justice sector and lawyers' associations;
- Eliminate corruption and bribery;
- Establish surveillance and monitoring systems for authorities to track and control the aggressor;
- Provide victims with ongoing psychological and social support;
- Ensure that counseling centers and shelters for women victims of violence are available across the country, including in rural areas.

### *Public information:*

- Provide clear and accessible information about protection orders and procedures for obtaining them, such as through television or radio programs;
- Establish tools or mechanisms to detect abusive behavior in a fiancé prior to marriage, such as through a publicly accessible list of persons previously convicted of domestic abuse.

## 15. How do public actor stakeholders think laws, policies, procedures, and practices should be changed to better protect women?

Public actor stakeholders consulted likewise recommended a range of procedural reforms aimed at improving the accessibility, effectiveness, and enforcement of protection measures.

These include:

### *Accessibility:*

- Conduct public information campaigns on the right to protection orders and procedures for obtaining them;
- Ensure that services providers, including social workers, systematically inform women of the right to protection orders and procedures for obtaining them;
- Exempt women victims of violence from paying court fees;
- Eliminate overly burdensome and complex evidentiary requirements;
- Establish or ensure effective functioning of specialized violence against women units in prosecutors' offices;
- Encourage early reporting of violence;
- Simplify procedures for reporting violence and obtaining protection measures.

### *Effectiveness:*

- Involve all relevant actors, including local associations, in drafting laws on violence against women;
- Conduct ongoing risk assessments in violence against women cases;
- Strengthen collaboration and coordination among sectoral public actors and associations across the country;
- Ensure that all protective measures, including those issued orally, are registered on the relevant online platforms.

### *Enforcement:*

- Ensure that law enforcement agencies maintain regular contact with women victims of violence;
- Strengthen follow-up, monitoring and implementation of protective measures;
- Ensure immediate law enforcement intervention in cases of violation of protection measures;
- Enhance data sharing among law enforcement agencies and justice sector actors across jurisdictions nationwide;
- Improve sectoral communications and coordination in violence against women cases;
- Expedite procedures and interventions in violence against women cases, particularly when there is an imminent risk of harm;
- Increase penalties for violation of protection measures;
- Use electronic monitoring (EM) to track the location of abusers subjected to protection measures;
- Provide comprehensive training to all justice sector personnel and lawyers on protection measures.

## VI. Concluding observations and recommendations for reforms

States have a duty under international law to ensure the safety and security of all persons within their territory, without discrimination. Moreover, the Moroccan Constitution expressly guarantees the rights to life and to safety of all persons and their relatives, provides that public authorities are responsible for ensuring the safety of the population, and prohibits both public and private actors from inflicting physical or moral harm on others.<sup>50</sup>

Accordingly, Morocco is legally obligated to guarantee the safety of all women by taking all necessary measures to protect them from gender-based violence and to prevent any future or potential harm. This obligation requires urgent reform and amendment of laws, policies, and procedures related to protection orders, ensuring that they comply fully with:

- (a) international human rights standards;<sup>51</sup>
- (b) the explicit recommendations of women victims of violence;<sup>52</sup>
- (c) proposals from frontline service providers and public sector actors; and<sup>53</sup>
- (d) the findings and evidence generated by this action research.

This action research identifies the following critical areas for reform:

### ***Guarantee the right to adequate, autonomous and sustainable housing for women victims of violence and their children.***

The findings suggest that in the majority of cases, women and any children are forced to flee the family home and seek shelter elsewhere, most often in NGO-run centers for women victims of violence. This displacement comes with significant restrictions, logistical challenges, and potential adverse effects on daily life, education, and employment; meanwhile abusers are allowed to remain in the family home. Such outcomes are clearly inconsistent with a human rights-based approach.

Although emergency shelters are essential for immediate protection, they cannot serve as a long-term solution to the threats of homelessness faced by women and their children. The action research reveals that, in practice, women and their children may remain in these shelters for months or even years.

International human rights standards and good practices establish that women have the right to refer themselves to shelters directly and at any time needed (24/7). Victims must be able to call and access shelter themselves, without navigating bureaucratic procedures or having other institutions make decisions on their behalf. Similarly, women's shelters should have decision-making authority to admit women and children independently, without requiring any governmental authorization.<sup>54</sup>

However, this research illustrates how public prosecutors, in accordance with current Moroccan laws, "order the depository of the woman subjected to violence in shelter houses or social care institutions

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<sup>50</sup> Moroccan Constitution (2011), articles 20 – 22.

<sup>51</sup> As set out in a previous section of this report.

<sup>52</sup> As described above.

<sup>53</sup> As described above.

<sup>54</sup> Report of the Special Rapporteur on violence against women, its causes and consequences (UN Doc A/HRC/35/30, 13 June 2017); WAVE-HANDBOOK Prevention and Support Standards for Women Survivors of Violence (2017); Quality guidelines for shelters for victims of Violence against Women and Domestic Violence (Council of Europe, February 2021).

if necessary, or if she wants to.”<sup>55</sup> Although technically no official order or authorization is required for a woman to access a shelter or for an NGO to admit a victim of violence, NGO participants in this research indicated that in practice they notify local authorities upon admitting women to their shelter, as a strategic measure to maintain cooperative relationships with authorities and avoid potential risks or liabilities.

The action research further indicates that women often resort to seeking refuge in shelters rather than return to the family home under the procedures outlined in Family Code Article 53. In the absence of measures to remove the violent perpetrator, women are left unprotected in an abusive environment.

Lastly, this action research demonstrates that current Penal Code provisions criminalizing sexual relations outside of marriage foster the violence and threats that then force unmarried women to leave their homes and seek protection in the first place. However, instead of addressing the root causes or taking effective action against the perpetrators of threats and violence, the State’s response is limited to placing women victims in shelters, effectively offering a token response to a problem it created and perpetuates through its own legislation.

- **The law should expressly provide for, and actively encourage and empower, law enforcement and prosecutors to prioritize the removal of the violent offender from the home, rather than placing women and children in shelters.** Current Moroccan laws allow the prosecutor to take “any other measure that shall be considered as effective security for the benefit of the protected person.”<sup>56</sup> The action research identified three cases in which the violent offender was removed from the home, allowing the victim and her children to remain safely in their residence. There is therefore precedent for such a measure to be considered a good practice and incorporated into official policy.

The National Human Rights Council (CNDH) has similarly recommended, “Issue to the perpetrator of domestic violence, in situations of immediate danger, a protection order requiring them to leave the residence of the victim or the person in danger for a sufficient period of time and prohibiting the perpetrator from entering the home of the victim or the person in danger or from contacting them.”<sup>57</sup>

- **The law should explicitly recognize women’s right to access shelters directly and ensure that shelters have full authority and autonomy to admit them,** without requiring any official authorization or order.
- **Repeal Penal code articles 489 – 493** criminalizing consensual sexual relations between unmarried persons. Official statistics show that in 2024 there were over 12 333 prosecutions under Penal Code articles 490-491; there is a significant gap between the large numbers of such cases prosecuted for sexual relations outside of marriage and the relatively low numbers of prosecutions for violence against women crimes. Previous action research has demonstrated how these legal provisions prevent women from reporting abuse and foster violence against women.<sup>58</sup>

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<sup>55</sup> Code of penal procedure article 82-5-2.

<sup>56</sup> Code of penal procedure article 82-5.

<sup>57</sup> Conseil national des droits de l’Homme, La lutte contre les violences à l’encontre des femmes Série contribution au débat public - N°4.

<sup>58</sup> Protection Not Prison: How the criminalization of sexual relations outside of marriage promotes violence against women (MRA Mobilising for Rights Associates, 2022), available at <https://mrawomen.ma/wp-content/uploads/doc/English%20490%20report%20FINAL.pdf>

***Clarify and simplify evidentiary requirements for obtaining protection measures to ensure they are consistently understood and applied by authorities, and fully accessible to victims.***

The action research suggests a lack of clarity and consistent understanding regarding the level of evidence—if any—required to obtain protection measures, and how this may differ from the standards of proof needed to initiate a criminal prosecution. This confusion may stem from the combination of measures with both family-law and criminal-law elements, the fact that protection measures are requested through and granted by criminal justice authorities, and the lack of explicit evidentiary standards in the relevant legal texts.

- The laws should explicitly recognize that the standards of evidence and burden of proof required to obtain protection measures are different from and lower than those required to pursue a criminal prosecution. The live testimony or a sworn statement or affidavit of the woman establishing that she has a reasonable apprehension of future abuse should be sufficient evidence for the issuance of a protection order. No independent evidence—medical, police or otherwise—should be required for the issuance of a protection order.
- Establish clear criteria for issuing protection measures, grounded in comprehensive risk assessments.

The National Human Rights Council (CNDH) CNDH has also recommended that “the testimony of a person or the oral or written sworn statement of the complainant shall be considered sufficient evidence for the issuance of a protection order. No independent evidence (police, medical, or other) shall be required for the issuance of a protection order after the complainant has testified in person or made an oral/written sworn statement.”<sup>59</sup>

***Ensure that effective protection measures are implemented immediately as soon as violence or a risk of violence is brought to the attention of the authorities.***

This action research illustrates how women seldom seek assistance from the justice system, even in serious cases of violence, until a significant period of time has passed or the abuse has escalated to a severe level. This demonstrates that women typically turn to the authorities only as a last resort, after exhausting all other options and when their own safety and/or that of their children is at risk. Consequently, when women do request protection or a file complaint, their reports must be taken seriously, and immediate measures must be provided.

Consultations with women also revealed that, in some cases, seeking assistance from the justice system actually exacerbated the violence. This is consistent with global data showing that the most dangerous time for women victims of violence is when they file complaints against, leave, or seek divorce from their abuser.<sup>60</sup> This highlights the need for swift protection measures from the very outset.

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<sup>59</sup> Conseil national des droits de l’Homme, La lutte contre les violences à l’encontre des femmes Série contribution au débat public - N°4.

<sup>60</sup> See e.g. <https://www.forbes.com/sites/patriciafersch/2025/01/07/does-it-really-end-with-us/>, <https://onfr.tfo.org/le-moment-le-plus-dangereux-cest-lorsquune-femme-quitte-son-partenaire/#~:text=%C2%AB%20Le%20moment%20le%20plus%20dangereux,femme%20quitte%20son%20partenaire%20%C2%BB%20%2D%20ONFR>

Indeed, the action research findings illustrate how the lack of effective protection measures contributes to low reporting rates<sup>61</sup> and high withdrawal rates<sup>62</sup> in violence against women cases. Without immediate and adequate protection measures, women will not report violence or pursue a case.

### ***Provide Civil Protection Options Independent of Criminal Proceedings***<sup>63</sup>

The fact that the criminal justice system – here the public prosecutor – has been tasked with issuing protection orders in violence against women cases has several advantages. In theory, it can ensure swift execution and response by mobilizing the powers of law enforcement agencies. Additionally, the United Nations Special rapporteur on violence against women has noted that shelters and protection orders are necessary and complementary protection measures that can be used simultaneously.<sup>64</sup> The fact that in Morocco the prosecutor manages both of these components has the potential to avoid the bureaucratic divide between social services and the justice system that in other countries often results in protection gaps caused by insufficient coordination.

On the other hand, the findings of this action research demonstrate that women subjected to violence most frequently simply want the violence to stop, without being required to engage the criminal justice system. The fact that many women delayed or postponed seeking assistance from the authorities until the violence became extreme and life-threatening underscores this point. As described above, involvement with the criminal justice system has also caused confusion regarding the level of evidence needed to obtain protection measures.

Furthermore, with 89.4% of complaints filed for violence against women either abandoned or resulting in acquittals,<sup>65</sup> among the women who actually seek help from the authorities, the large majority are left without lasting protection. The fact that only 10.4% of victims even file a complaint in the first place further highlights the significant gap between the need for protection and actual access to effective measures.<sup>66</sup>

The Economic, Social, and Environmental Council (CESE) has similarly recommended that the government of Morocco addressing the identified shortcomings and gaps in current laws expanding the possibility of issuing protection orders within the framework of civil procedure.<sup>67</sup>

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<sup>61</sup> Only 10.4% of victims initiated legal action or filed a complaint with the competent authorities (police, judicial system, local authority) after experiencing physical and/or sexual violence (Haut-Commissariat au Plan, Enquête Nationale sur la Violence à l'Encontre des Femmes 2019).

<sup>62</sup> 89.4% of complaints filed are abandoned or lead to acquittals. La réponse du secteur de la justice aux violences faites aux femmes au Maroc : du cadre juridique, politique et institutionnel aux attitudes et pratiques professionnelles (DCAF - Geneva Centre for Security Sector Governance, 2023).

<sup>63</sup> In Tunisia the family court judge is charged with issuing protection orders (Organic Law No. 2017-58 of 11 August 2017, relating to the elimination of violence against women).

<sup>64</sup> Report of the Special Rapporteur on violence against women, its causes and consequences (UN Doc A/HRC/35/30, 13 June 2017).

<sup>65</sup> 89.4% of complaints filed are abandoned or lead to acquittals. La réponse du secteur de la justice aux violences faites aux femmes au Maroc : du cadre juridique, politique et institutionnel aux attitudes et pratiques professionnelles (DCAF - Geneva Centre for Security Sector Governance, 2023).

<sup>66</sup> Haut-Commissariat au Plan, Enquête Nationale sur la Violence à l'Encontre des Femmes 2019.

<sup>67</sup> Avis du Conseil économique, social et environnemental, Eliminer la violence à l'égard des filles et des femmes : Une urgence nationale, Auto-Saisine n°48/2020.

***Ensure that comprehensive and tailored protection measures are consistently issued across all jurisdictions nationwide in violence against women cases.***

The action research reveals how the content of protection orders can vary between jurisdictions, and at the same time, within a particular court the orders are fairly uniform. Measures are issued at discretion of the prosecutor;<sup>68</sup> while in theory this could allow protection orders to be tailored to each woman's specific needs and wishes, this review of protection orders indicates that the full range of measures provided under the law are not being systematically issued or fully utilized.

***Ensure that women victims of violence receive timely, accessible and comprehensive information about their rights to protection orders and procedures for obtaining them***

Women's "ignorance" of laws and procedures is often cited as a primary reason for their limited engagement with the criminal justice system. However, governments have an obligation to provide citizens with clear, accessible information in language and formats they can understand. Instead of promoting general "awareness-raising," efforts should be directed towards ensuring that state actors take proactive steps to implement robust public information campaigns. Law enforcement and justice system actors should integrate such efforts into daily practice by ensuring that women victims of violence are consistently provided with clear, detailed, and accessible information regarding their rights to all types of protection measures available and the procedures for obtaining them.

This action research also underscores the need for the ***following additional reforms*** to align Moroccan laws and procedures on protective measures with international obligations and good practices:

- Ensure that protection measures cover all forms of violence and risks of violence;
- Guarantee that protection measures explicitly benefit all persons at risk, regardless of their relationship to the abuser, including the direct victim, her children, relatives, and others where applicable;
- Clearly specify in writing in the order the duration of protection measures the possibility of amendment and renewal;
- Enhance data collection on protection orders, including by collecting disaggregated information on the abuser's relationship to the victim, types of violence, measures ordered, their impact, and any violations or breaches.

The Economic, Social, and Environmental Council (CESE) has similarly recommended a series of measures to establish an integrated and effective protection system for girls and women victims of violence, including:

- Adopt appropriate measures that take into account the specific circumstances of the most marginalized groups—particularly girls and women with disabilities, undocumented migrants, single mothers, and domestic workers, especially minors—within policies, programs, and structures aimed at combating gender-based violence.<sup>69</sup>

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<sup>68</sup> Or the judge when the abuser is convicted.

<sup>69</sup> Avis du Conseil économique, social et environnemental, Eliminer la violence à l'égard des filles et des femmes: Une urgence nationale, Auto-Saisine n°48/2020.



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