

PROMOTING STATE RESPONSIBILITY FOR INTIMATE PARTNER VIOLENCE AGAINST WOMEN IN MOROCCO

Action Research Report Executive Summary

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

Women’s experiences with IPV

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

Impacts on women’s lives and their reactions

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

Responses of women's entourage

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

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

- Rather than actively investigating the violent acts, public authorities tend to focus on determining the relationship between the perpetrator and the victim. In 7% of criminal cases in front of courts, unmarried IPV victims were prosecuted themselves for sexual relations outside of marriage. On the other hand, married IPV victims are pressured to renounce criminal complaints and returned to the conjugal home.
- 75% of online respondents and 83% of interviewees had reported the violence to at least one public actor. The courts are the sector women most often turn to at some point, given the prevalence of seeking only civil remedies under the Family Code in IPV cases.
- Diverse economic, legal and social barriers, as well as threats to their safety, prevent women from reporting IPV to public authorities, or lead them to withdraw their complaints. These include threats of being prosecuted themselves for sexual relations outside of marriage, the non-criminalization of marital rape, pessimism and skepticism that reporting would lead to any outcome, unclear and complicated procedures, lack of confidence in the system, impossible evidentiary requirements, threats by the perpetrator, ill-treatment by public actors, and financial hardship and inability to meet costs related to travel, legal fees, and expenses related to service of process on the perpetrator.
- The action research did not reveal any instances where women benefitted from protective measures available in the current Penal Code and Code of Penal Procedure.
- A good number of women subjected to intimate partner violence never engage with the criminal justice system, and only file cases in Family Court for civil remedies such as divorce, financial support, and paternity determinations. The vast majority of divorce cases where there is IPV are decided as "irreconcilable differences" cases instead of fault-based divorces for harm caused.

Recommendations for developing recommendations

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