

PROTECTION NOT PUNISHMENT:

Promoting State Responsibility for Sexual Violence against
Women in Morocco

Action Research Report

الحماية بدل العقاب

تعزير الممارسات المثلى في اجابة السلطات العمومية على العنف الجنسي
الممارس ضد النساء بالمغرب

تقرير بحث إجرائي

January 2021



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

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This action research report is part of a three-year *Promoting Best Practices in the State Response to Sexual Violence against Women in Morocco* initiative implemented from September 2018 – August 2021. This report was written by Stephanie Willman Bordat and Saida Kouzzi, Founding Partners at MRA Mobilising for Rights Associates.

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

— Thank you —

@ the four Moroccan NGO partners in this action research: [Association Amal pour la Femme et le Développement](#) (El Hajeb), [Association Anaouat pour Femme et Enfant](#) (Chichaoua), [Association Tafiil Moubadarat](#) (Taza), and), [Fédération des Ligues des Droits des Femmes](#) (Ouarzazate).

@ the 1021 people who participated in this action research.

@ [The Advocates for Human Rights](#) for leading the two national training workshops and providing invaluable technical assistance to this initiative.

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Royaume
des Pays-Bas

PROMOTING STATE RESPONSIBILITY FOR SEXUAL VIOLENCE AGAINST WOMEN IN MOROCCO

Action Research Report Executive Summary

Prepared by: MRA Mobilising for Rights Associates, in collaboration with Association Amal pour la Femme et le Développement (El Hajeb), Fédération des Ligues des Droits des Femmes (Ouarzazate), Anaouat pour femme et enfant (Chichaoua), and Tafil Al Moubadarat (Taza).

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January 2021

Sexual violence is any sexual act such as rape, sexual assault or any unwanted sexual contact by a person, regardless of their relationship with the victim, in any place, **without the free and voluntary consent of the other person to this contact**. This action research aims to produce a knowledge base on SVAW in Morocco and promote State accountability for its response. It included interviews with women who had been subjected to sexual violence, group discussions, an online survey, case file reviews, and public actors in the law enforcement, justice and health care sectors, with 1021 participants from 41 diverse sites across the country.

Women's experiences with SVAW

- The vast majority of perpetrators are men from the woman's intimate personal entourage – current or former husbands, fiancés, and boyfriends. Sexual violence committed by an unknown perpetrator is the exception.
- SVAW most frequently occurs in private homes, although women also reported violence in a wide diversity of public settings including the workplace, schools, streets, and agricultural fields.
- Perpetrators use a wide range of diverse coercive behaviors and circumstances. In addition to the use or threats of physical constraint or violence, most prevalent are verbal pressure or coercion, manipulation, fraud, false promises, deceit and betrayal of trust. In other instances women are not capable of expressing consent due to her young age or disability. This indicates premeditation, planning and strategic victim selection on the part of the perpetrator.
- SVAW is characterized by an ongoing pattern of violent behavior by the perpetrator, as the majority of women reported frequent and repeated acts of sexual violence occurring over long periods of time. One-time incidents of sexual violence are the exception.
- Perpetrator motives included blackmailing women to engage in continued sexual relations or marry him, force her to file for divorce, take revenge, or extort her for money.

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 SVAW. Additional consequences include unwanted pregnancies, suicide attempts, and prosecution and imprisonment of the victim for sexual relations outside of marriage.
- Women have a wide variety of immediate reactions to SVAW, including being in shock. Due to trauma, a good number do not react or take actions until days or weeks later. There is frequently a significant time lag between when the violence occurs and when women seek assistance from public authorities, if ever.

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.
- Reactions from families were mixed. Supportive responses included accompanying her to public services, protection from the perpetrator, help in stopping the violence, financial assistance, shelter, and moral support. Neutral responses included telling her to be patient or do nothing. Harmful responses included expelling her from the family home, blaming her, threatening her with physical violence, and forced marriage to the perpetrator.

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

- 58% of online respondents and 74% of interviewees had reported the sexual violence to at least one public actor. Public health services are both the sector women most often turn to at some point, and the one that women most frequently turn to first.
- Reasons women do not report sexual violence to public authorities, or withdraw their complaint at some point in the process, include threats of being blamed, or even 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 related costs.
- Public actor response to sexual violence cases tends to be limited to determining whether or not there was a pre-existing relationship between the perpetrator and the victim, rather than actively investigating and focusing on the coercive circumstances of the specific incident.
- 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 sexual 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.

Recommendations for developing recommendations

- Address the current gaps in current laws on sexual violence, including the lack of a comprehensive definition of consent that includes a wide variety of coercive circumstances;
- Focus on the perpetrator and his behavior, not the relationship between him and the victim;
- Ensure that women receive adequate protection from SVAW, including implementation of available protection measures and development of new ones;
- Understand how the current State response punishes victims and perpetuates offender impunity;
- Hold public State actors, not victims, accountable for finding solutions to SVAW;
- Develop holistic strategies that respond to all of the barriers women face to reporting SVAW, including threats to her personal, physical, social and economic safety, and legal obstacles of inadequate laws, policies, procedures and practices.
- Ensure that the State response to sexual violence reflects women's voiced priorities of good reception, adequate public services, application of criminal laws and procedures, and appropriate remedies.



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REFLECTION QUESTIONS:

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

1. International human rights standards define sexual violence as "any sexual act such as rape, sexual assault or any unwanted sexual contact by a person, regardless of their relationship with the victim, in any place, without the free and voluntary consent of the other person to this contact."

Questions:

What instances have you observed that fall under this definition?

What are some examples of behavior and circumstances where the woman is not giving "free and voluntary consent"?

How does current law and practice in Morocco reflect or not reflect this definition?

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

Questions: With the above criteria in mind,

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

What factors and circumstances led to negative outcomes?

What obstacles do women face in pursuing sexual violence cases?

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

Questions:

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

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

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

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

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Acronyms

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

I. ACTION RESEARCH OVERVIEW

What is Sexual Violence (SVAW) against Women?

For the purposes of this initiative, we define sexual violence as "any sexual act such as rape, sexual assault or any unwanted sexual contact by a person, regardless of their relationship with the victim, in any place, without the free and voluntary consent of the other person to this contact." ¹

This action research uses a broad definition of consent and examines a wide range of coercive behaviors and circumstances used to commit sexual violence.²

- Consent is an agreement between individuals to engage in sexual activity;
- Consent can be withdrawn by either individual at any time;
- Consent is absent when manipulation or coercion compels an individual to say yes when she means no;
- Coercion can be physical or verbal, come from the perpetrators' behavior, the circumstances or place of the violence, or the nature of the perpetrator's relationship to the victim;
- Someone who is drunk, drugged, asleep, or incapacitated cannot give consent;
- Someone who is underage or lacks mental capacity cannot give consent;
- A lack of fighting or objecting does not indicate consent;
- Consent is specific to each individual sexual act each and every time; a pre-existing relationship between the perpetrator and the victim does not indicate blanket consent;
- Consent is the presence of "yes," not the absence of "no."

Why conduct action research on SVAW in Morocco?

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

- Gender-based violence, including sexual violence, is a form of **discrimination** that seriously inhibits women's ability to enjoy rights and freedoms on a basis of **equality** with men.³
- Rape and other forms of sexual violence are considered constitute a form of **torture** under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴
- Women have the right to **government protection** against violence. Governments are prohibited from invoking "any custom, tradition or religious consideration to avoid their obligations with respect to its elimination."⁵ Women also have the right to **an effective remedy** for the violence committed against them.⁶

¹ See www.who.int and www.svri.org/

² As seen in a December 2018 national training workshop held in collaboration with The Advocates for Human Rights.

³ United Nations Committee on the Elimination of Discrimination against Women, General recommendations No. 19 (1992) and 35 (2017).

⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17152&>

⁵ United Nations Declaration on the Elimination of Violence against Women, proclaimed by General Assembly resolution 48/104 of 20 December 1993.

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

- Governments are required to regularly collect, analyze and publish statistical **data** on gender-based violence against women, including on the number and types of protection orders issued, the rates of dismissal and withdrawal of complaints, prosecution and conviction rates, time taken for disposal of cases, sentences imposed on perpetrators and the reparation, including compensation, provided for victims/survivors.⁷

The United Nations Special Rapporteur on violence against women, its causes and consequences, will focus her June 2021 thematic report to the UN Human Rights Council on “States’ responsibility to criminalize and prosecute rape as a grave and systematic human rights violation and a manifestation of gender-based violence against women, in line with international human rights standards.”⁸

Several United Nations Human Rights mechanisms have reminded Morocco of its obligations to effectively address SVAW. The United Nations Committee on Torture (2011),⁹ Committee on Economic, Social and Cultural Rights (2015),¹⁰ the Human Rights Committee (2016),¹¹ the Human Rights Council Working Group on the Universal Periodic Review (2017), and the Working Group on Discrimination against Women in Law and Practice (2017)¹² have all recommended that Morocco adopt a comprehensive law on violence against women that conforms to the relevant international standards and eliminates all forms of physical and sexual violence, including sexual harassment and marital rape. They have also urged Morocco to repeal legal provisions criminalizing sexual relations outside of marriage, in order to eliminate obstacles to reporting SVAW crimes.

SVAW is a serious problem in Morocco.

A recent nationwide survey found that the prevalence of SVAW increased from 9% to 14% between 2009 and 2019. However, less than 3% of victims of sexual violence filed a complaint with the police or another competent authority.¹³ While 948 criminal prosecutions were instituted for rape in 2019, in contrast there were 15,192 prosecutions for sexual relations outside of marriage.¹⁴

⁷ United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 35 (2017).

⁸ <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRVAW.aspx>

⁹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMAR%2fCO%2f4&Lang=en

¹⁰ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMAR%2fCO%2f4&Lang=en

¹¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMAR%2fCO%2f6&Lang=en

¹² http://www.ohchr.org/Documents/Issues/Women/WG/Communications/OL_MAR_2_2017.pdf and <http://www.ohchr.org/Documents/Issues/Women/WG/Communications/32/OL-MAR-14-11-17.pdf>

¹³ *Communiqué from the High Commissioner for Planning on the occasion of the national and international mobilization campaign for the elimination of violence against women* (2019), <https://www.hcp.ma/Communiqué-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l-a2411.html>, *Note sur les violences faites aux femmes et aux filles*, HCP 2019, https://www.hcp.ma/Note-sur-les-violences-faites-aux-femmes-et-aux-filles_a2627.html.

¹⁴ *Annual report on the implementation of the penal policy and the improvement of the performance of the Public Prosecutor*, 2019.

The three official national studies to date, the aforementioned ENPVEF and two *Rapports Annuels sur la Violence à l'égard des femmes*,¹⁵ focus on demographic characteristics of women, prevalence rates, and types of violence. These reports are thus limited in approach and content, not assessing the performance of public services, how their own institutions are responding to SVAW cases, or how effective these State interventions are.

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

What are the objectives of this action research?

This action research was designed to:

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

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

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

¹⁵ Ministry of Ministry of Solidarity, Women, Family and Social Development , http://www.social.gov.ma/sites/default/files/e_20%لللعنف%20الوطني%20المرصد%20تقرير%20OK.pdf

Who are the partners in this action research?

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

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

What methodologies were used?

Methods

The multifaceted action research was comprised of:

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

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

The Protocols for the Interviews, Discussion Groups and Case File Reviews were in Arabic, while the online survey had both Arabic and French versions available.¹⁶ Interviews were conducted in Arabic and Amazigh.

¹⁶ A sample interview protocol that gives an idea of the detailed topics covered and the questions asked can be found in English at <https://mrawomen.ma/wp-content/uploads/doc/English%20translation%20-%20IDI%20Guide.pdf> and in French at <https://mrawomen.ma/wp-content/uploads/doc/Traduction%20fran%C3%A7aise%20-%20Guide%20entretiens%20individuels%20VSFF.pdf>. The complete Arabic language research package is available at <https://mrawomen.ma/wp-content/uploads/doc/Kit%20methodologie%20recherche%20action%20violence%20sexuel.pdf>

Method	Participants	Protocol Used	Objective	Average Time to Complete
<i>Individual Interviews</i>	<ul style="list-style-type: none"> Women who had experienced SVAW 	<ul style="list-style-type: none"> Individual Interview Guide 	Solicit individual women's personal experiences with SVAW.	30 – 180 minutes 60-75 minutes average
<i>Discussion Groups</i>	<ul style="list-style-type: none"> Groups of women 	<ul style="list-style-type: none"> Discussion Group Guide 	Gain an understanding of how groups of women understand SVAW generally.	2 - 3 hours 2 ½ hours average
<i>Key Stakeholder Interviews</i>	<ul style="list-style-type: none"> Police and Gendarmes Prosecutors Lawyers Health care professionals Social Workers Judges and other court personnel 	<ul style="list-style-type: none"> Sector specific Key Stakeholder Interview Guides 	Solicit key stakeholder's personal experiences managing cases of SVAW in their professional capacity.	30 minutes– 3 hours 60 – 75 minutes average
<i>Case File Reviews</i>	<ul style="list-style-type: none"> Case files from existing archives at partner NGOs, other collaborating NGOs, lawyers' offices 	<ul style="list-style-type: none"> Case Review Protocol 	Conduct an archival review of files of SVAW cases handled by NGOs and lawyers, to extract information for action research and identify improvement for future case file management.	30 minutes – 3 hours, 60-75 minutes average
<i>On-line Survey</i>	<ul style="list-style-type: none"> Women who had experienced SVAW 	Online survey via SurveyMonkey ¹⁷	Solicit individual women's personal experiences.	

Themes

The Protocols and online survey were comprised of approximately 100 open and close ended questions,¹⁸ designed to solicit information and experiences around the themes listed below. A significant part of this action research focuses on the State response to SVAW. In general, studies and policy efforts related to GBV in Morocco to date have tended to examine issues related to the victims themselves, prevalence rates and types of violence. Such an approach is thus limited in approach and content, not at all assessing public actor performance, monitoring how State institutions are responding to GBV cases, evaluating how effective public interventions are, or holding the State accountable and responsible for its response.

¹⁷ The survey was open from July 18, 2019 through April 15, 2020, and was entirely anonymous and confidential. It was widely publicized through social media pages and groups managed by MRA and the partner NGOs, as well as periodic email announcements to our contact lists of over 2000 local NGOs, activists, lawyers, and journalists. In addition, we designed and distributed a one-page flyer announcement about the survey with tear-off tabs with the survey website link, for local groups to post in strategic places in their communities.

¹⁸ The complete interview guide included detailed questions about the responses of all State actors in the targeted sectors – health services, law enforcement, prosecution, and the courts. As few women experiencing SVAW actually go through the entire process of reporting, investigating, prosecuting and going to trial, most participants were not asked to answer all 100 questions or go through the entire questionnaire. Those that did were given the option of completing the interview in more than one session.

Women's experiences with SVAW	<ul style="list-style-type: none"> • Perpetrator profile and relationship to victim • Means of coercion used • Places the violence occurred • When the violence occurred • Frequency of the violence • Total duration of the violence 		
Impacts of SVAW on women's lives	<ul style="list-style-type: none"> • Types of harm suffered as a result 		
Women's reactions to the SVAW	<ul style="list-style-type: none"> • How women reacted after the violence 		
Reactions and responses by women's entourage	<ul style="list-style-type: none"> • If women did or did not speak to anyone • Reasons why or why not • The entourage's reactions • Results of their responses • Women's satisfaction with these responses • What women would have wanted as a response 		
Responses by public actors : health sector, law enforcement, and justice system	<ul style="list-style-type: none"> • If women did or did not speak to public actors • Reasons why or why not • Who women sought help from first • Which point in the process the case ended • The public actors' responses¹⁹ • Results of their responses • Women's satisfaction with these responses • What women would have wanted as a response 		
<i>Health sector</i>	<i>Law enforcement</i>	<i>Prosecutor's Office</i>	<i>Courts</i>
✓ If went alone or accompanied			
✓ When went in relation to the violence			
✓ How long the first visit lasted			
✓ How many times went in total			
✓ Different people interacted with			
✓ Types of questions victim was asked			
✓ Types of questions other people (perpetrator, witnesses) were asked			
✓ Types of evidence collected and means used			
✓ Type of information provided about rights and services			
✓ Coordination with other actors to facilitate victim's access to other services			
✓ If victim had to pay for anything			
✓ If victim felt pressured to drop the case			
✓ If anyone spoke to the victim about the possibility of being prosecuted for illegal sexual relations			
✓ If received any documentation, steps to obtain it, its content			
✓ If case ended at this stage and if so, why			
✓ Examinations conducted	✓ Was there an investigation?	✓ Who was interviewed for the investigation?	✓ How long trial lasted
✓ Treatment received	✓ Who was interviewed for the investigation?	✓ If victim was afraid of the aggressor at this stage, any measures taken.	✓ Evidence and arguments advanced by prosecution and defense
✓ If given information about exams and treatment to be given	✓ If victim was afraid of the aggressor at this stage, if told law enforcement, any measures taken.		✓ If victim was afraid of the aggressor at this stage, if told court, any measures taken.
✓ If consented to exams and treatment			✓ Result of the trial and reasons for it

¹⁹ As detailed in this chart, there was a common set of questions asked about the victim's experience and the response from each of the four State actors, and then additional questions specific to each sector.

Process and Timeline

September – November 2018

- Conducted literature review around SVAW.
- Completed a preliminary assessment of the chain of State services for women victims of sexual violence with 14 local NGOs in 11 diverse communities across Morocco.

December 2018

- Held National Training Workshop on *Promoting Best Practices in the State Response to Sexual Violence against Women* for 22 members of 14 local NGOs and public actors from 11 communities across Morocco to:
 - Design a monitoring and documentation (M&D) project on sexual violence against women;
 - Assess State response to SVAW from a best practices perspective;
 - Identify systemic issues for action research.

January – February 2019

- Four core partner NGOs held repeat *Promoting Best Practices* training workshops in their respective communities for 147 NGO members and public actors from the law enforcement, justice system and health care sectors from 12 local communities to identify current deficiencies in their response to sexual violence and identify priority areas for improvements.

March – July 2019

- Developed and distributed to all four core partner NGOs a 125-page Arabic language *Monitoring and Documenting SVAW research package* with a Methodological Guide and specific research protocols for collecting data on the State response to SVAW.
- Four partners trained research teams within their NGOs.
- Created on-line SurveyMonkey version of a questionnaire for women
- Launched the action research via email and social media distribution of research tools
- Shared the online survey announcement broadly via email and social media to NGOs and press across Morocco
- Posted flyer announcements on online survey in strategic places in local communities

August 2019 - May 2020

- Four partner NGOs conducted action research in their communities through individual interviews with women, group discussions, interviews with key stakeholders, and case file reviews
- Responses collected to SurveyMonkey questionnaire

December 2019

- Held National Training Workshop on *Analyzing Research Findings on the State Response to Sexual Violence against Women* for 20 members of 14 local NGOs and public actors from 12 communities across Morocco to:
 - Synthesize and analyze data from sexual violence case files and fieldwork;
 - Identify trends and systemic issues in the current State response to this violence across key sectors;
 - Craft recommendations for improvements in the State response to SVAW, based on findings and conclusions.

February 2020

- Four core partner NGOs held repeat *Analyzing Research Findings* training workshops in their respective communities for 95 NGO members and public actors from the law enforcement, justice system and health care sectors from 11 local communities.

June 2020 - September 2020

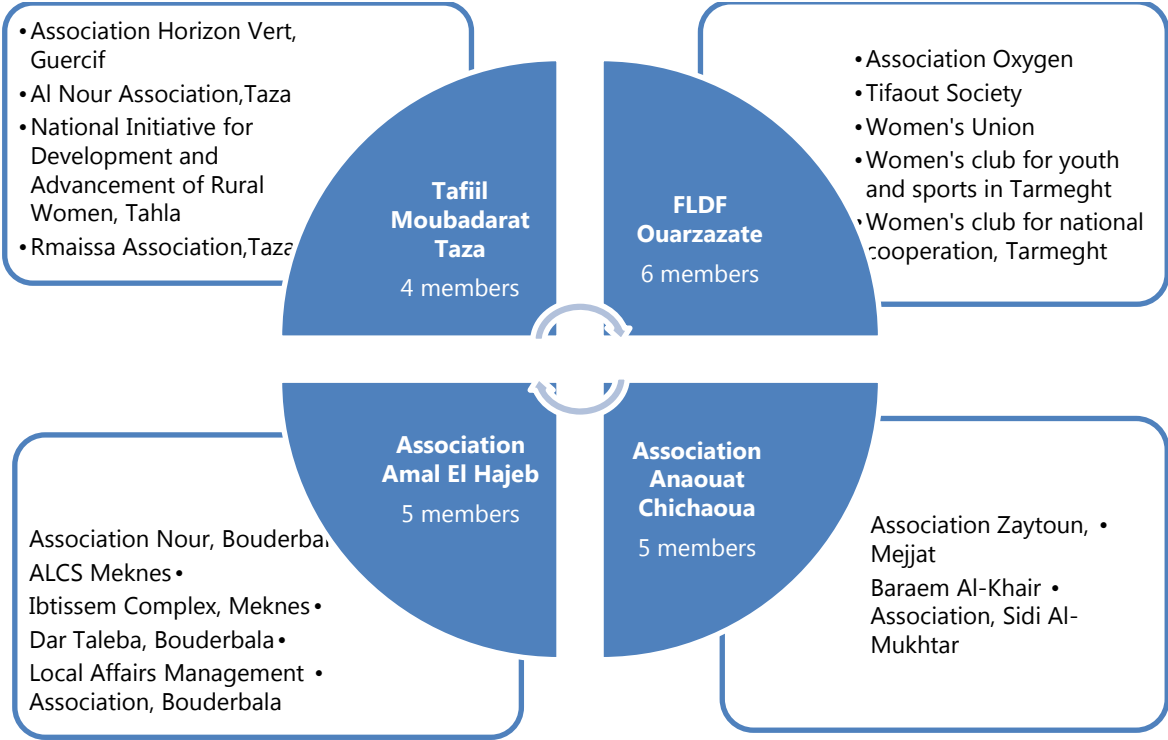
- Format for final report developed and submitted to partners
- Partner reports submitted and translated
- Survey Monkey responses translated

September - December 2020

- Final report written

While the last part of the action research and report writing coincided with the COVID-19 pandemic and resulting lockdowns in Morocco, this report remains focused on SVAW against women in Morocco generally. Please see our report on *The Impact of COVID-19 on Violence against Women in Morocco*²⁰ for information specific to the pandemic period.

Research Teams



Research locations



²⁰ June 2020. The report is available at www.mrawomen.ma in English, French and Arabic.

The map illustrates the different locations where the action research was conducted. Blue points indicate the four core research sites where the partner NGOs are located: Ouarzazate, Chichaoua, El Hajeb and Taza. Red points denote additional sites where research activities were also carried out. In total, interviews and group discussions were conducted in 41 cities, towns and villages in different regions across the country.

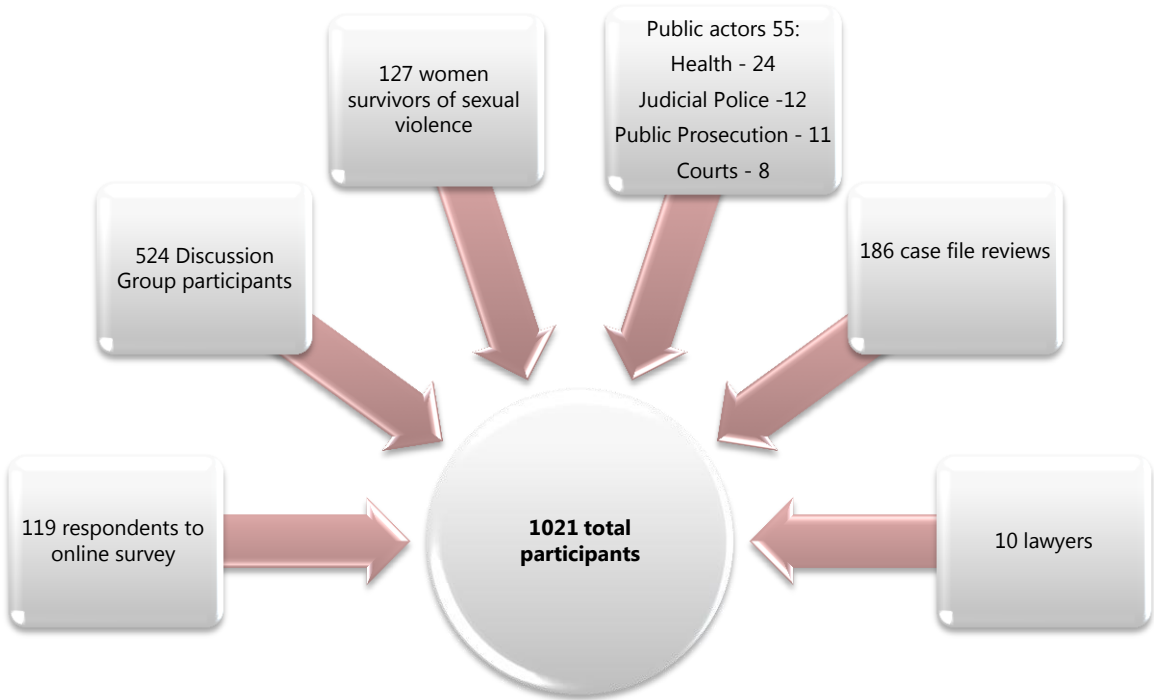
Participants²¹

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

Recruitment for participants in the interviews and discussion groups included:

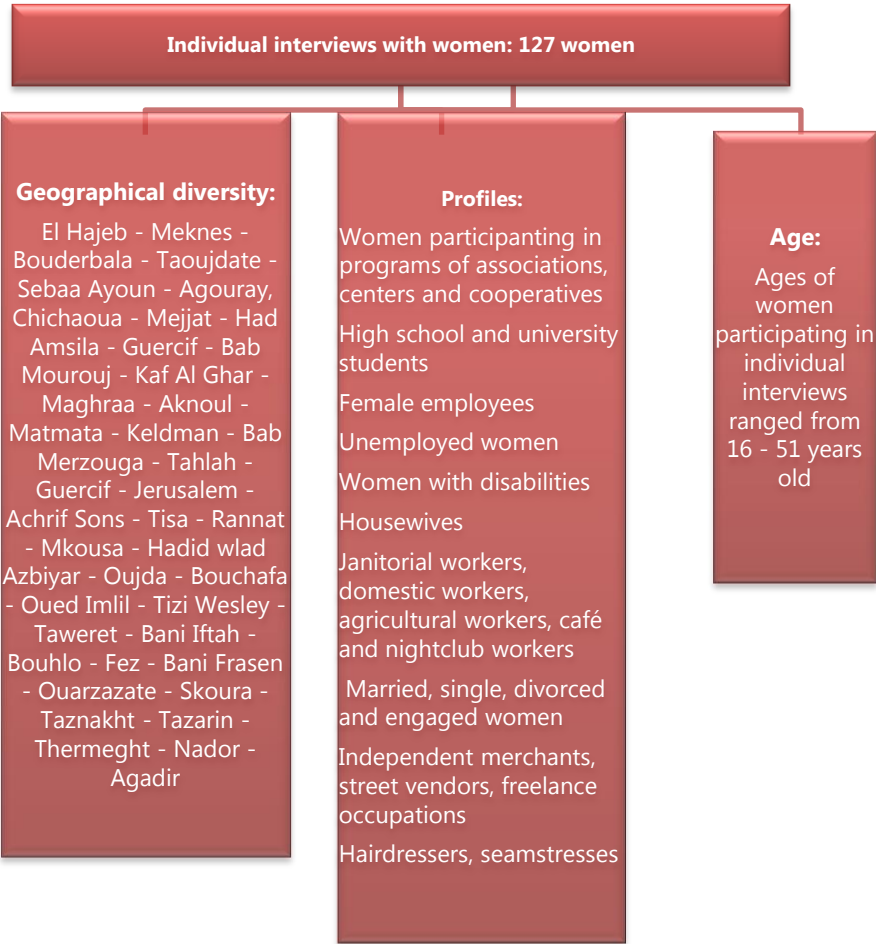
- women who had previously sought assistance and services from the associations;
- women the association met with during outreach and awareness-raising campaigns;
- beneficiaries of training programs organized by the core partner NGO or other NGOs in their communities;
- word of mouth and referrals by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

Total Participants

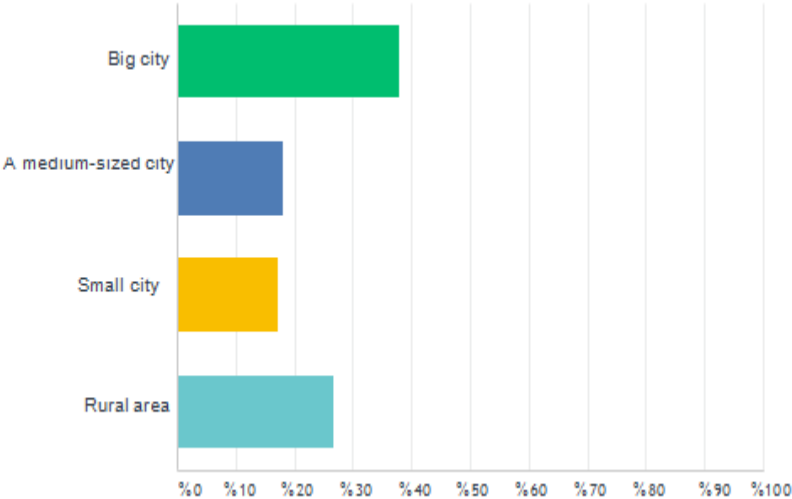


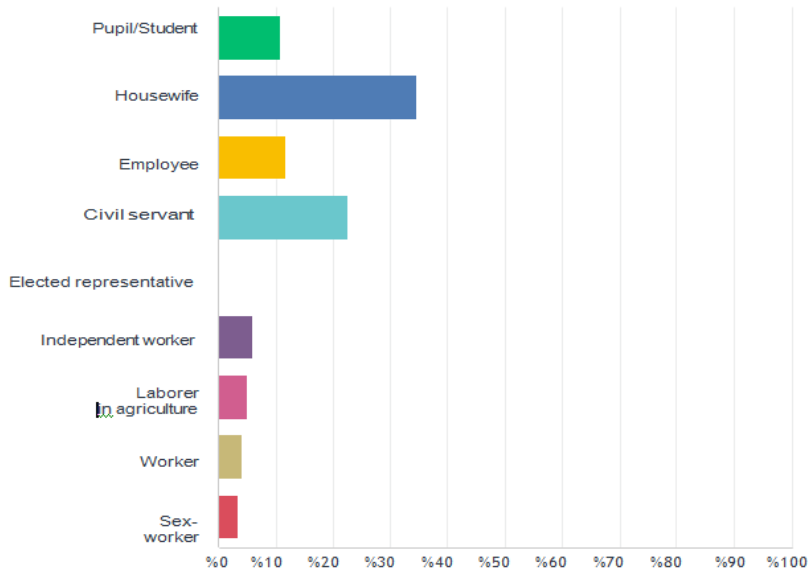
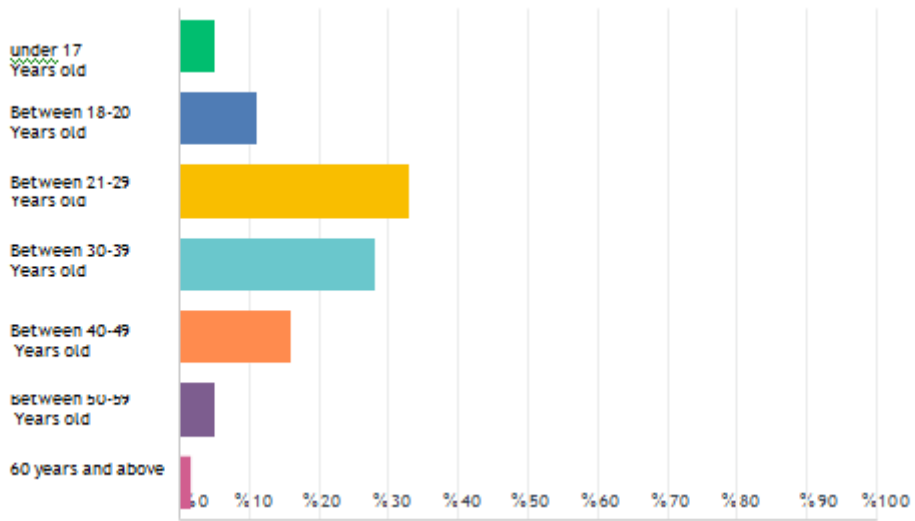
²¹ Detailed charts of the action research implementation can be found in the appendices to the Arabic report.

Individual Interviews with Women

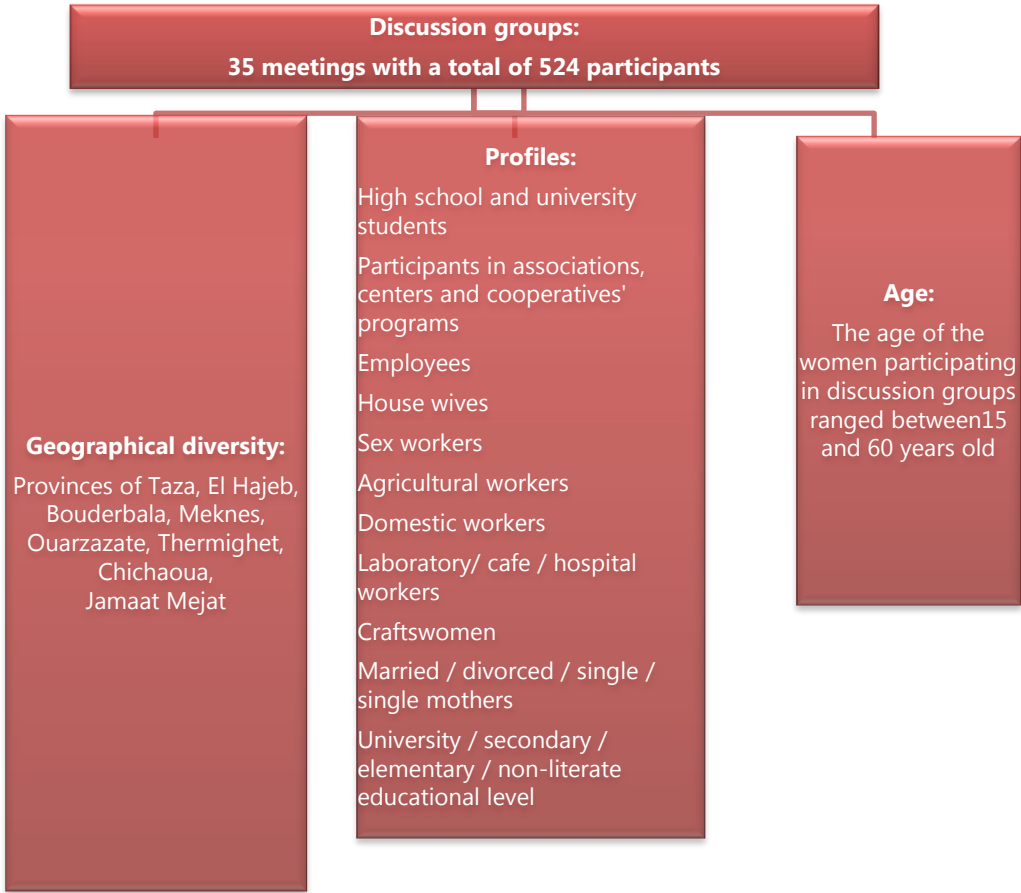


Participants came from a diversity of urban, peri-urban and rural areas. Women participants in the interviews and group discussions reflected a wide range of socio-economic profiles, marital status, and professional activities. Respondents to the online survey likewise reflected a diversity of geographic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

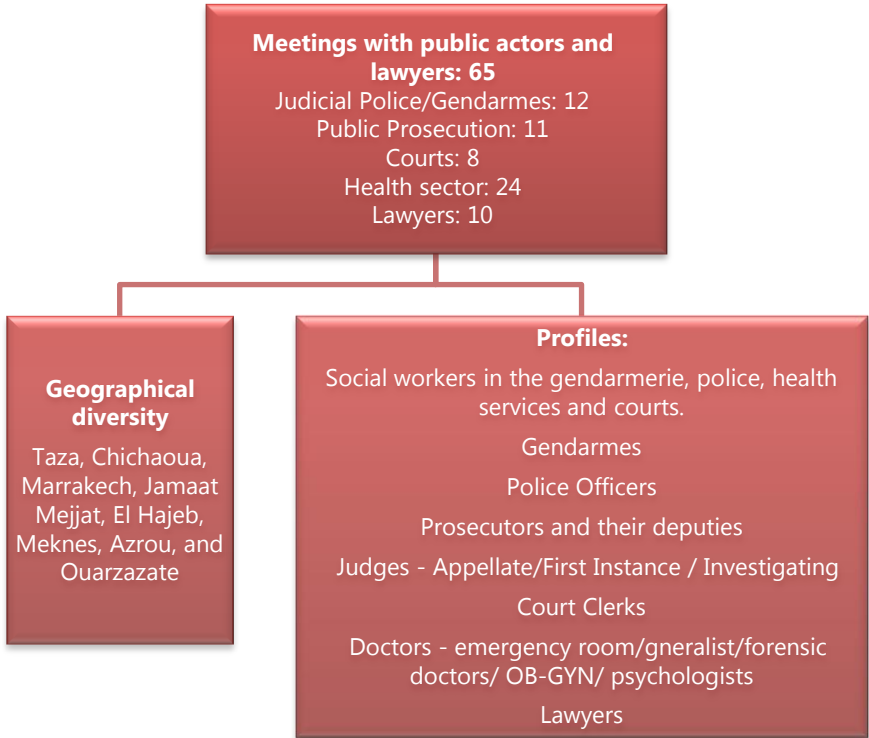




Discussion Groups

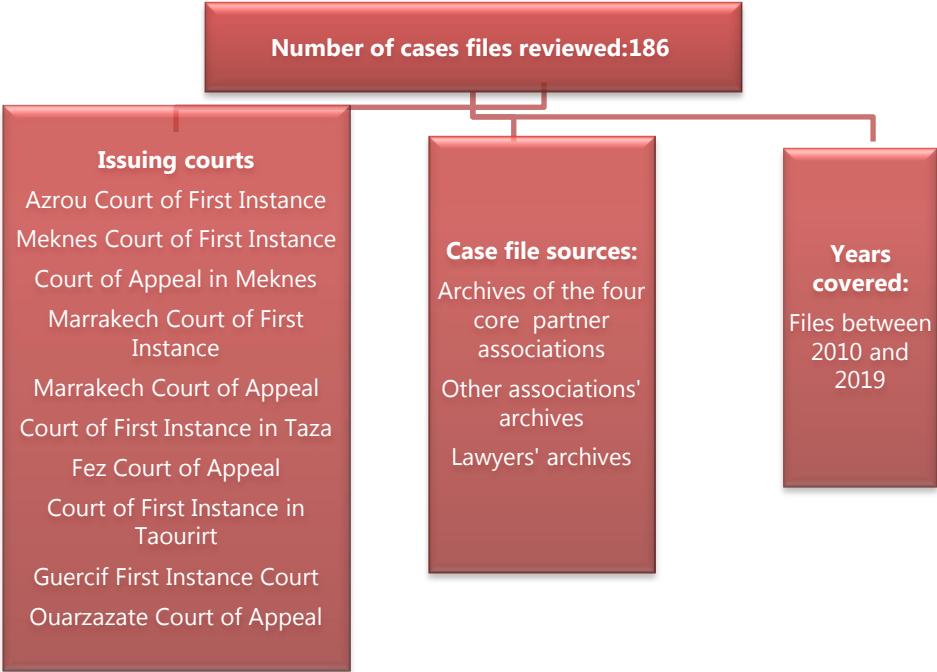


Key Stakeholder Interviews



Key stakeholder interviews were greatly facilitated when the partner NGO had prior relationships and collaboration with public actors in their daily work on violence against women.

Case File Reviews



Challenges to action research

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

Some women declined at first to participate in interviews, out of concerns that their identity would be disclosed or their stories made known publically. A good number initially hesitated to participate out of fear of subsequent arrest and prosecution for sexual relations outside of marriage. At first women in group discussions often hesitated to speak openly in front of others, but usually the discussions opened up and became quite animated and enthusiastic.

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

- Women victims of sexual violence themselves didn’t always have the necessary information, know the answers to certain questions, understand the procedures they went through, distinguish between the different public actors, or remember all of the details. Reasons include the trauma they experienced, the complexity of the process, or the fact that someone else – a family member, NGO, or lawyer – handled all of the steps for them. This suggests the

need for greater involvement of women in their cases and more proactive provision of explanations and information to women by public actors.

- Likewise, group discussions revealed a lack of knowledge among women generally of the procedures for reporting violence.
- NGOs are not noticing and recording in their case files much of the information asked for in this research, particularly related to the public actor response to SVAW. The Case File Reviews were thus of limited value in providing information on these issues.
- Information on actual policies, procedures and institutional practices was difficult to obtain, as public actors can be quite inaccessible. As is consistent with prior experience conducting action research in Morocco, obtaining interviews with public actors was extremely difficult to impossible. Law enforcement and justice system officials in particular usually require written requests from the local NGOs and authorizations from the central authorities before agreeing to grant interviews.²²

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

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

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

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

Participation in the action research served to:

- Provide an opportunity for women to *speak about SVAW*, in particular to:
 - reveal their own experiences for the very first time, and
 - engage in debate and discussion about marital rape;
- *Raise awareness* on the issue of SVAW among both women and key stakeholders;
- Encourage women to *seek assistance* for cases of SVAW; and
- Incite public actor stakeholders to begin *reforming their procedures* to address SVAW.

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

²² Such authorizations are extremely slow to process and rarely forthcoming, even within six month timeframes for carrying out research.

- ✓ A good number of women subsequently sought out individual counseling and legal assistance for cases of SVAW, either their own or among their friends and family;
- ✓ Increased receptivity and openness to discussing SVAW;
- ✓ Increased beliefs that disclosure is the first step in solving the problem;
- ✓ Expressions of a desire to change public actor practices, improved services for women, and severe punishments for perpetrators of SVAW;
- ✓ At least three women subsequently filed complaints with local authorities for marital rape, and two filed for divorce.

What are the next steps in this initiative?

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

- Create practical tools for improved awareness-raising, services provision, mobilization, and advocacy;
- Develop concrete recommendations for data-driven decisions and evidence-based reforms in laws, procedures, policies and practices on SVAW.

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

II. MOROCCAN LEGAL & INSTITUTIONAL CONTEXT

The Legal Framework

The Constitution (2011)²³ Article 22 prohibits all violations of physical and moral integrity and dignity, as well as all cruel, inhuman and degrading treatment, under any circumstances, whether committed by state or private actors.

The Penal Code²⁴

- Rape is defined as “the act whereby a man has sexual relations with a woman against her will” (article 486). Both rape and “indecent assault attempted or committed with violence” (article 485) are punishable with five to ten years imprisonment.²⁵
- Aggravating circumstances for sentencing purposes of rape include if the victim was a minor, a person with disabilities, pregnant or a virgin at the time of the rape (Articles 486 and 488).
- Marital rape is not criminalized.
- All sexual relations outside of legal marriage are illegal; the Penal Code punishes sexual activities between two persons of the same sex (Article 489), sexual relations between two unmarried persons of the opposite sex (Article 490) and adultery. Adultery charges may only be brought upon a complaint lodged by the “offended” spouse; the charges and any conviction are cancelled if the latter withdraws their complaint (Articles 491-492). Crimes under articles 490 and 491 may be established either by a report of flagrante delicto by a judicial police officer or admission by the accused in letters or documents or a judicial confession (Article 493).
- Abortion is illegal unless it is deemed necessary to protect the mother’s health and may only be carried out within the first six weeks of pregnancy. In addition, the husband’s authorization is required, except in cases where the mother’s life is in danger. In the absence of spousal authorization, the doctor must seek written permission from the Chief Medical Doctor in the district before performing the abortion. (Articles 449 – 458).

The Code of Penal Procedure²⁶ *Informational measures:* Crime victims must be informed of their rights to file a civil action and all other legal rights, and this must be indicated in the written report (*procès-verbal*), by the judicial police or the public prosecutor (Article 82-4).
Protection measures: The prosecutor or the investigating judge may take

²³ Kingdom of Morocco. *Royal Decree n ° 1-11-91 of Chaabane 1432 (July 29, 2011) Promulgating the Text of the Constitution*, (« Constitution »), 2011.

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

²⁵ “Lesser” crimes of obscenity, public indecency, and indecent assault are covered in articles 483-485; these articles consider it an aggravating circumstance for all of these crimes if the victim is a minor or person with disabilities. Likewise article 487 provides that it is an aggravating circumstance for all rape and lesser indecency offenses if the perpetrator is an ascendant, someone with authority over the victim, a civil servant or a religious leader, or in cases of multiple perpetrators.

²⁶ *Law # 22.01 relating to the Code of penal procedure as implemented by modified Royal Decree # 1.02.255, of October 3rd, 2002.*

protective measures during the preliminary investigation phase after filing of a criminal complaint, to protect the victim, their family, or their property, notably by: providing the victim with a phone number to call at any time to request protection; personal protection by law enforcement; a change of residence; non divulgation of information about their identity; specialist medical examinations and treatment; or any other measure considered to be an effective guarantee of protection (Article 82-5).

Law 103-13 on the Elimination of Violence against Women²⁷

- Defines sexual violence as “Any statement, act or exploitation that may affect the inviolability of the woman’s body, whether such statement, act or exploitation is for sexual or business purposes, and regardless of the means thereto.”

Expanded protective measures in Penal Code:

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

Expanded protective measures in Code of Penal Procedure:

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

Establishes units for support of women victims of violence within first instance and appellate courts, central and decentralized services of sectors in charge of justice, health, youth and women, the General Directorate of National Security, and the High Command of the Royal Gendarmerie. The units are to provide services such as reception, listening, support, orientation and accompaniment. The units inside the courts are comprised of a deputy prosecutor, a juvenile affairs judge and a social worker.

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

- The National Committee ensures coordination and communication, provides feedback on regional and local action plans, reviews reports

²⁷ Royaume du Maroc. Dahir no. 1.18.19 du 5 Jumada II 1439 (22 février 2018) portant promulgation de la loi n° 103.13 sur la lutte contre les violences faites aux femmes. An English language translation is available on the MRA website.

from the regional and local committees, monitors their work, and contributes to establishing mechanisms to improve the management of the cells and the committees;

- The Regional and Local Committees are established at the level of each appellate court and first instance court judicial district respectively, and are comprised of judicial officials (prosecutors and judges) and other court officers, charged with preparing regional action plans, ensuring communication and coordination at the regional or local level, harmonizing working methods, and developing solutions.

Law 103-13 on violence against women has numerous shortcomings, gaps and deficiencies related to sexual violence against women:

- It did not amend or modify any of the existing deficiencies in the Penal code provisions on rape and sexual assault, for example: by modifying the antiquated definition of rape to be “the absence of consent” rather than “against her will,” or by criminalizing marital rape, or by decriminalizing illicit sexual relations.
- It does not address the critical, earlier steps in the law enforcement process, such as the reporting, investigation, prosecution, or trial phases of violence against women cases. Notably, the law provides no guidance on standards of evidence to fill in existing gaps in the Penal and Penal Procedure Codes. As is, the law focuses almost exclusively on the final sentencing phase; as described below, the vast majority of cases never reach that stage in the process.
- It does not create obligations or establish any procedures for law enforcement and justice system personnel to follow at all stages of the process. Likewise, it does not provide for any sanctions against law enforcement or justice system personnel who act improperly.

Key Actors

Systems Actor	Role (in theory)	Comments
Law enforcement (police or gendarmes)	Receive the victim and collect preliminary data Draft a report Accompany to health services if necessary and as ordered by the Public Prosecutor Preliminary intervention and arrest of the defendant Refer to prosecutor	In theory: For the police there is a VAW Unit at the Prefectoral level, a unit at each of the district level judicial police brigades, and a contact person in each precinct For the gendarmes there is a VAW Unit at the judicial brigade level, a unit at the company level, and a contact person at each territorial brigade
Social Workers	Orientation and listening Psychological support Accompaniment in the procedures and case follow-up	Social workers were appointed in all court VAW units (their number increased from 81 social workers in 2008 to 298 in 2015). ²⁸

²⁸ Combined fifth and sixth periodic reports submitted by Morocco, Convention on the Elimination of all Forms of Discrimination against Women, CEDAW/C/MAR/5-6 (January 2020).

		Social workers are also assigned to the designated VAW units in hospitals and police stations. ²⁹
Hospital personnel	Conduct medical examinations Conduct forensic examinations upon instructions from the Public Prosecutor Provide medical treatment Issue medico-legal certificates and reports	The medico-legal certificates are supposed to be issued at no cost to women victims of violence. ³⁰ There are 99 designated VAW units in local, provincial and regional hospitals. ³¹
Courts	Record the written complaint filed with the Public Prosecutor Public Prosecutor issues instructions to public health services to conduct medico-legal exam for sexual violence Issue instructions to law enforcement to conduct an investigation Study the results of the preliminary investigation <ul style="list-style-type: none"> - No legal action taken and case archived - Prosecution, send the file to criminal chamber - Referral to Prosecutor for further examination - Prosecution - Close the file 	The courts of first instance and the courts of appeal have VAW units to allow women to report assaults or to file a complaint or take legal action for violence directly with the Public Prosecutor (88 total). ³² Prior to the institutionalization of these cells in Law 103-13, these units were primarily administrative and bureaucratic, and many barely even functional.

The Process

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

- The designated doctor(s) at the violence against women unit in the designated hospital must issue a medico-legal certificate(s) and report(s) detailing the injuries and estimating the period of disability; in SVAW cases this requires an OB-GYN.
 - Women frequently may go to the court VAW unit or law enforcement first, only to be told to go to the hospital VAW unit first to get the required documentation.
- A complaint must be written and attached to the medico-legal certificate.

²⁹ The important role of social workers in hospitals specifically is detailed in the health services section.

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

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

³² *Combined fifth and sixth periodic reports submitted by Morocco, Convention on the Elimination of all Forms of Discrimination against Women, CEDAW/C/MAR/5-6 (January 2020).*

- In reality women most often draft the complaint themselves, frequently seeking assistance from either the public scribe (for a fee) or a local NGO.
- As one option, women may file the complaint directly first with the Prosecutor/at the VAW Unit at the court. In this case the prosecutor refers the complaint by mail or other administrative means to the appropriate law enforcement agency for investigation.
 - In reality, women often hand deliver the complaint from the court to the law enforcement themselves in person.
- As a second option, women may file a complaint directly with the local law enforcement (police or gendarmes), who in theory take the woman's statement and produce a written report, interview the alleged perpetrator to take his statement and produce a written report, and then send the file to the Prosecutor for further action.
 - In reality, law enforcement is often reluctant to or won't take complaints without instructions from the Prosecutor. For this reason, the preference among most women and the NGOs supporting them is to file complaint directly with the Prosecutor to then order law enforcement to investigate.
- In case of Prosecution, the case is then referred to the appropriate criminal chamber (*correctionnelle* or *pénale*).

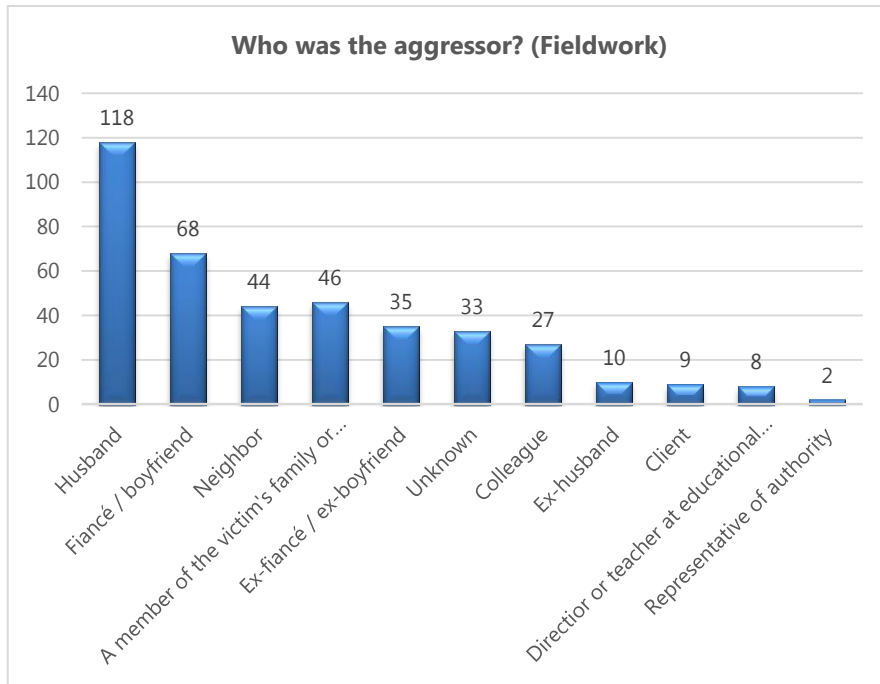
III. RESEARCH FINDINGS

Who are the aggressors in SVAW cases?

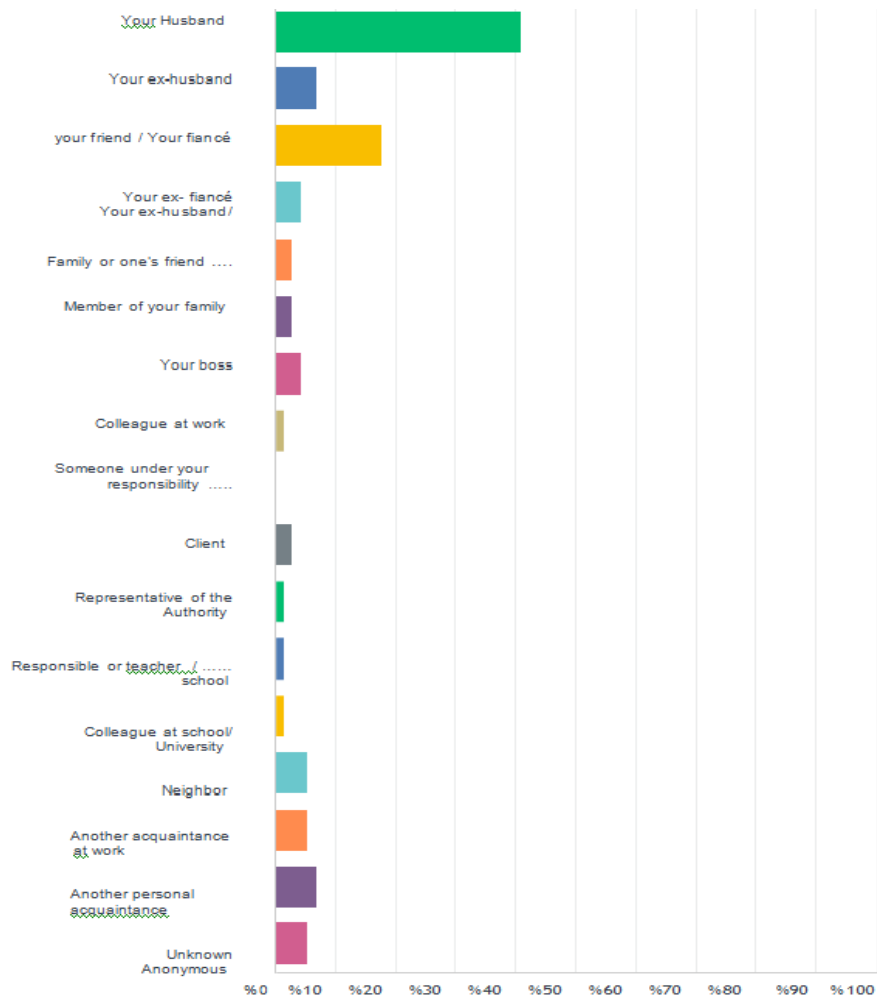


Observations:

- ***The vast majority of perpetrators – 58% in the field research and 70% in the online survey - were men from women’s personal and intimate entourage***, primarily husbands and ex-husbands but also fiancés and ex-fiancés, boyfriends and ex-boyfriends. It is worth pointing out for the Moroccan context that SVAW occurred in both “illegitimate” (i.e. illegal or socially disapproved) relationships as well as in “legitimate” (i.e. legal or social approved) ones.
- At the same time that SVAW is most frequently perpetrated by an intimate partner, women also reported such violence from ***a wide diversity of men in their professional and personal entourages***, including the family circle and people with authority over the victim. One of the online survey respondents reported being sexually assaulted by the guard at her student dormitory.
- It bears emphasizing that ***sexual violence by an unknown perpetrator was only reported by 5.48% of respondents*** to the online survey and ***8.25% of participants*** in the field research.
- The vast majority of women reported sexual violence by one perpetrator, although in a couple of instances multiple assailants were involved.
- ***Perpetrator motivations*** for committing sexual violence most often involved *exercising a perceived right of access* to women’s sexuality, as a tool for blackmail to *force women to engage in a sexual relationship or to marry him*, and as a means of *taking revenge* on the woman after breaking up, refusing to enter into a relationship, or turning down a marriage proposal. Still others reported sexual violence as a means of *extorting women for money*.
- Several married women reported that their husbands committed diverse forms of violence against them, including sexual violence, in order to force her to file for divorce, thus exonerating him from financial and other divorce-related obligations.



Who was the aggressor? (online survey)³³



³³ Total exceeds 100% because respondents were asked to check all that apply.

Illustrative quotes

One 21-year-old student was in a relationship with a young man, and when it became clear to her that he was a delinquent, she wanted to end her relationship with him. But he lured her into his home, raped her, and forced her to continue their intimate relationship. Fearing scandal and in the hope that the young man would fix what he had done to her, she stayed with him. He exploited her sexually, sometimes with threats and other times with promises of marriage. She continued like that for six months, only to find herself pregnant. When she told him, he evaded responsibility and disappeared and left her alone to her fate. She left the family home as she feared her father and brothers, and took refuge with her aunt until delivery. She did not take any action with the authorities because she was afraid they would hold her responsible. She came to the association wanting help to register her child in the civil status as a single mother.

Usually it is one assailant, but sometimes there are many perpetrators. For example, a group of sex workers confirmed to us that they were raped by three to four people. One of the sex workers described how she agreed with a client to spend the night with him at his home. After accompanying him, she was surprised to discover three other men who took turns having sex with her in all forms, using force, beating and threatening her the entire night. In the morning they threw her out in a deplorable condition. She called one of her friends, who accompanied her to a private clinic because she was bleeding. She did not inform the police because she was afraid that they would charge her with prostitution.

One of the married women declared, "He wants to remarry and does such things to make me hate him and leave the house and leave everything behind."

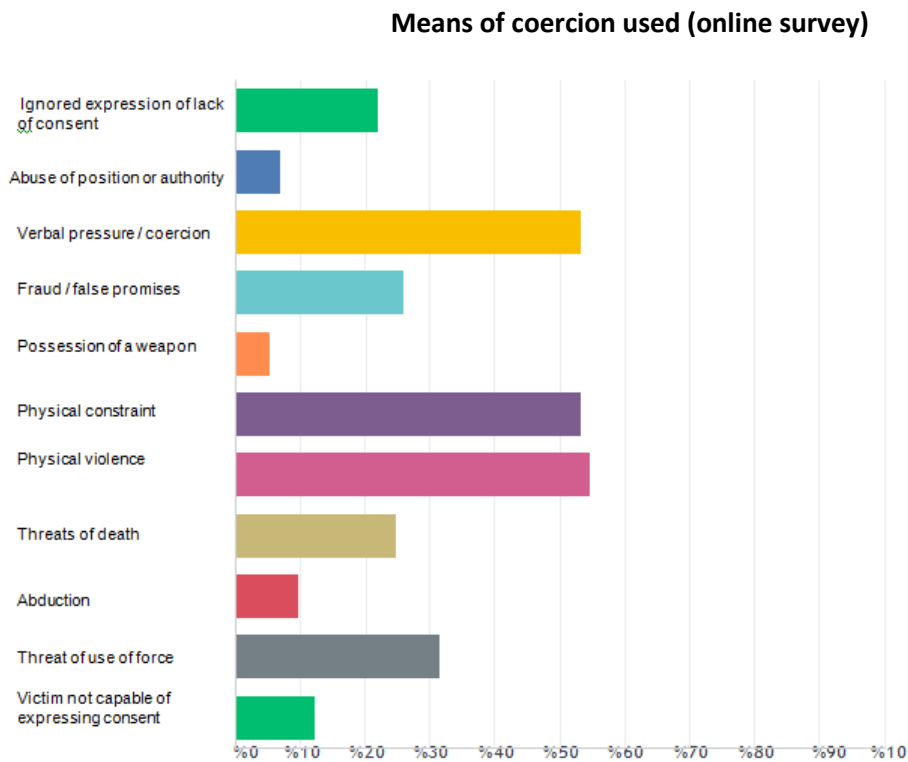
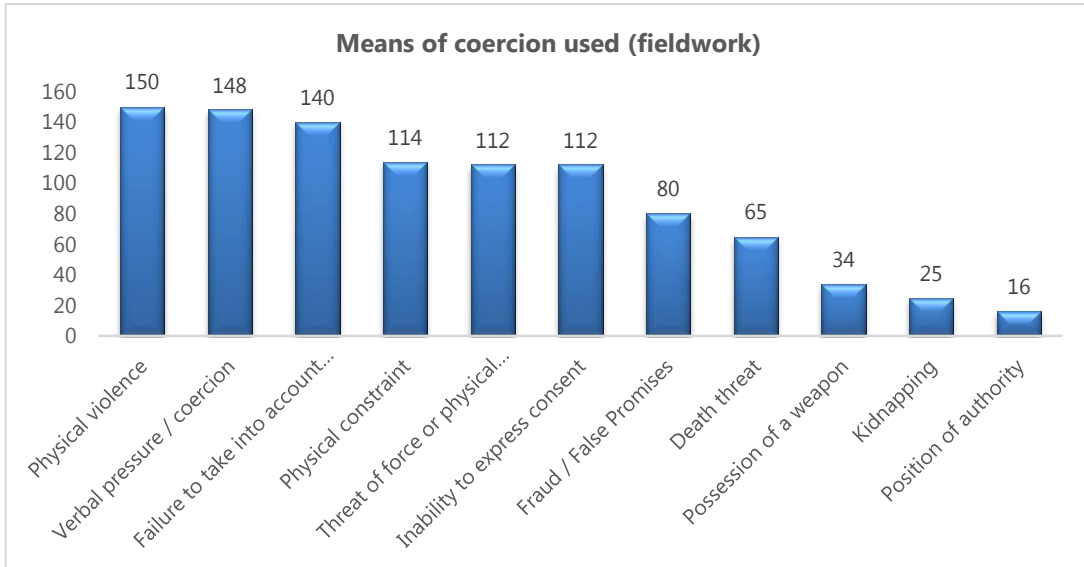
One woman was raped by two people after she ended a relationship with her boyfriend, who had planned the assault as revenge.

What means of coercion did the perpetrator use?

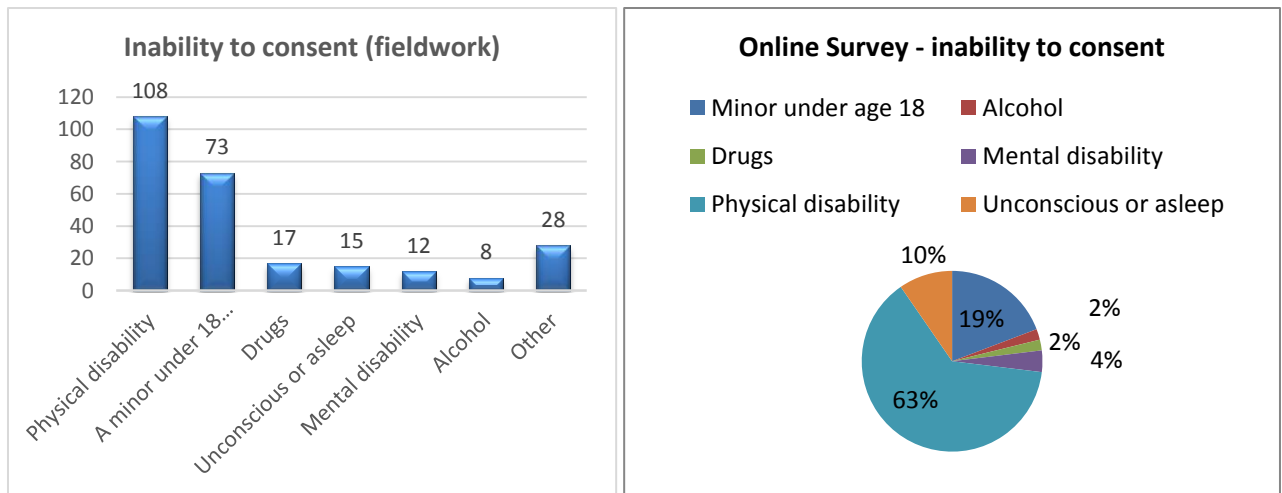


Observations

- Women reported **a wide range of diverse coercive behaviors and circumstances** used by perpetrators of sexual violence. The most prevalent included use or threats of physical constraint or violence, including death threats; verbal pressure or coercion; manipulation, fraud, false promises of marriage, deceit and betrayal of trust; and ignoring the woman's expression of non consent.
- Both the field research and the online survey illustrate the **high prevalence of verbal pressure and coercion, fraud and false promises** used as a means of coercion, including false promises of marriage. This illustrates how these crimes are premeditated, as the perpetrator engages in planning, strategic victim selection, manipulation, deceit, and betrayal of trust.



- The action research also revealed a host of instances where **women were not capable of expressing consent**, the most prevalent being the victim's physical disability or status as a minor under age 18. This also demonstrates how perpetrators deliberately target their victims such that they cannot later on report the violence.



Illustrative Quotes

“Whenever I refused sexual relations, he subjected me to severe physical violence in order not to refuse again.”

“A victim of sexual violence reported that she was raped by a person with whom she had a relationship and he was promising her to marry her. He lured her into his house and assaulted her by force, despite her complete rejection of the intercourse.”

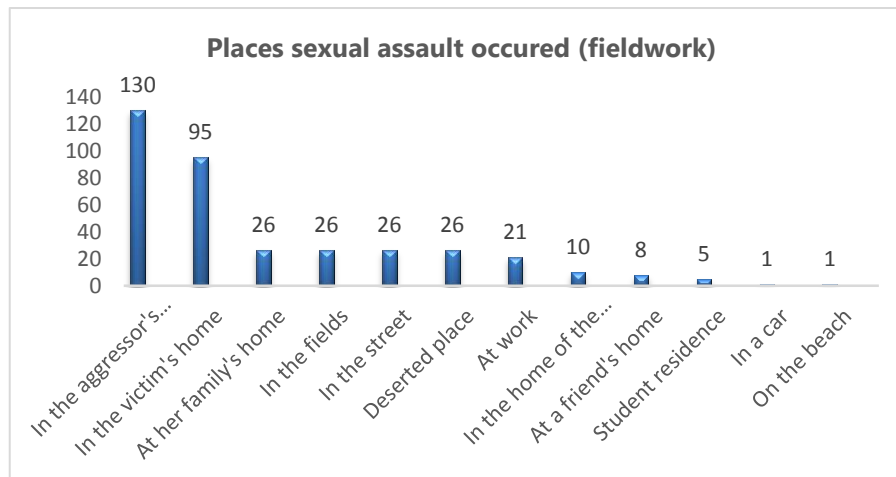
“One single mother, 19 years old, was in a relationship with a young man eight years older than her. She got to know him when she was 16 years old. She used to go out with him on the basis that he would ask for her parents’ permission to marry her, and then he began to exploit her sexually, threatening her if she reported the violence with anyone. She became pregnant.”

Where did the violence occur?

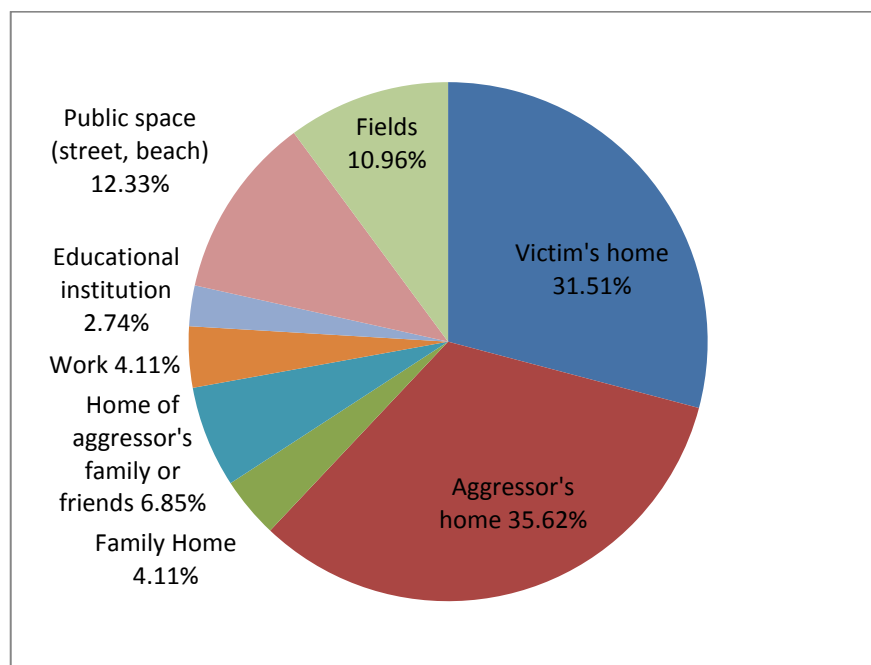


Observations

- Women most frequently reported experiencing SVAW **within the home**, either her home, the perpetrator’s, or the conjugal home.
- At the same, women are also vulnerable to such violence in **a wide diversity of public and private spaces**, as participants reported experiencing SVAW in educational and professional settings, as well as in public spaces such as beaches, streets, and agricultural fields.
- Given that the vast majority of cases occur within private homes, **there are rarely witnesses to sexual violence.**



Places sexual assault occurred (online survey)



Illustrative Quotes

Most of the women victims of marital rape confirmed that they are subjected to beatings, physical coercion and threats when rejecting the violent sexual practices their husbands desire. One woman married at age 16 and had four children over 24 years of marriage. Since the first week of marriage, she has been subjected to violence and the violent practices of her drug addicted husband who is skilled at submitting her to his desires through knife threats and severe beatings. She did not tell anyone what happened to her for a long time. She says she did not want to return to her poor parents' house, she continued like this until she contracted a number of sexually transmitted diseases and became unable able to engage in sexual practices with him, and she began to refuse sex. Then the husband began to bring his mistress home and threatened to expel her from the marital home. She is now at her parents' house after filing a complaint for battering. She filed for divorce, but she does not want anything from him, she just wants "to take a rest."

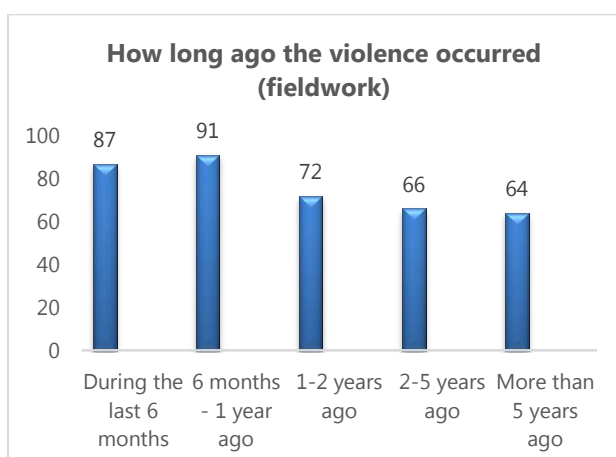
A 22-year-old student was raped, beaten, and injured in an outdoors space, and her buttocks were scarred with a razor blade by a close friend. Upon returning to her home, she was arrested by the police with the assailant because of the signs of the assault on her, but she stated that they fell off the motorcycle. She said, "If I had told the truth, I would have been arrested because I accompanied him of my own free will, then I will lose my reputation and my value among my family members, especially my mother who made sacrifices for the sake of raising me after the death of my father."

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



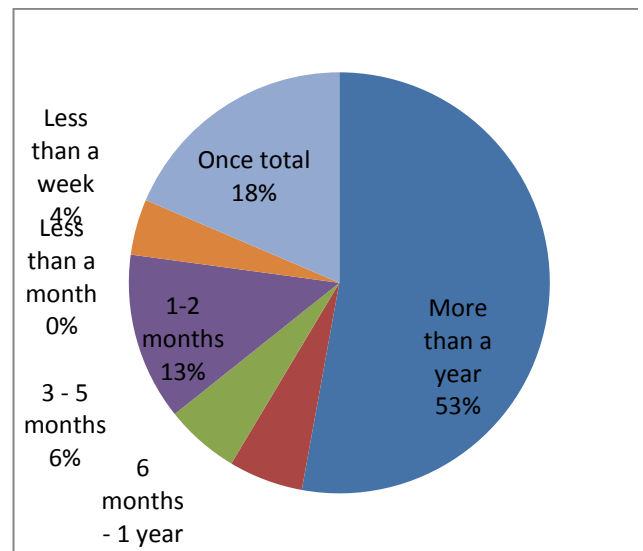
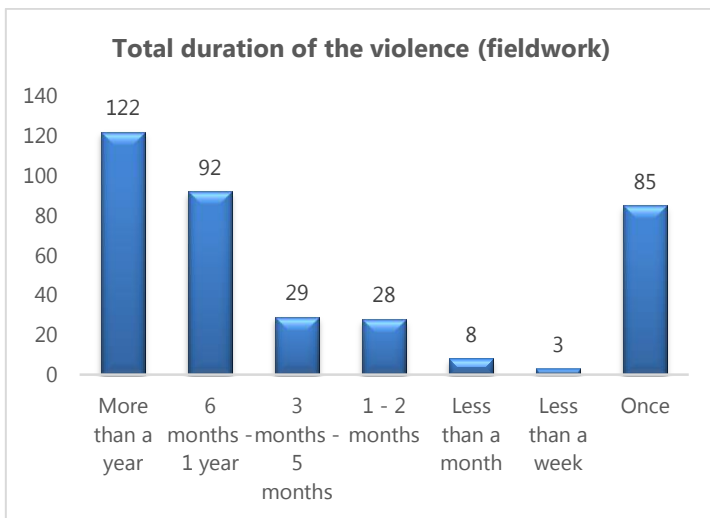
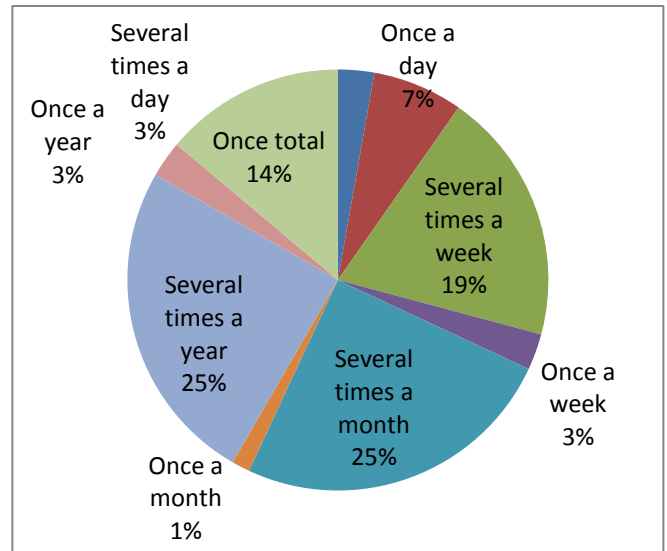
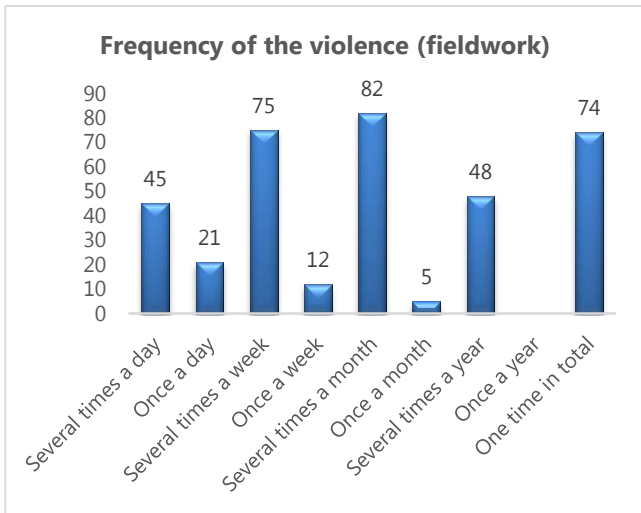
Observations

- A major characteristic of SVAW is its **frequent and repeated** nature. 44% of interviewees and half of online respondents reported sexual violence several times a week or several times per month.
- **One-time incidents of sexual assault are the exception**; women reporting one sole incident of sexual violence comprised just 20% of interviewees and 14% of online respondents.
- SVAW is also characterized by its **duration over time**. 33% of the interviewees and 53% of the online respondents reported instances of SVAW persisting for more than a year.
- Incidents of SVAW tended to occur with an intense **frequency within a concentrated period of time**. Women often reported multiple acts of sexual violence within a certain time frame, rather than just one act in a defined period.
- The above findings all illustrate an **ongoing pattern of sexual violence by the perpetrator**, and not an isolated behavior.



Online Survey

During the last 6 months	26.39%
Between 6 months to one year	8.33%
Between 1-2 years ago	15.28%
Between 2-5 years ago	26.39%
More than 5 years ago	26.39%



Illustrative Quotes

A 40 year old woman, mother of three children, one of whom has special needs, has been abused on a daily basis by her husband for a whole year, as he does not give her money and forces her to practice an intimate relationship with him under threats and beats her. Whenever the victim protests his cruel and hurtful behavior towards her, he tells her to file for divorce, or else he will continue to behave as he does, or even worse. He persisted in his assaults for the whole year and he even hit her with an iron stick in the head when she refused to fulfill his whims. She was admitted to the hospital in a serious condition.

A victim of sexual violence stated that it has been like this since her marriage with the aggressor. He forces her to have intimate relationships and whenever she refuses, he strikes and forces her. She also reported "abnormal practices," but she was unable to reveal this violence to anyone at the beginning because in her view it is a difficult topic to discuss because of shame, as well as because she believes that it is her duty to sleep with her husband whenever he wants and however he wants.



Questions for Future Inquiry

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

Was there any contact or communication with the aggressor before or after the assault?



Observations:

The vast majority of women - 78% of online respondents - experienced some form of **contact and communication with the perpetrator before** the SVAW occurred.

- This is reflective of the fact that the majority of the perpetrators are from the woman's personal or professional entourages.
- It is also indicative of criminal intent on the part of the perpetrator as noted above, with the high prevalence of preparatory measures leading up to the violence.

Likewise, a good half of women - 51% of online respondents - reported **contact and communication with the perpetrator after** the SVAW occurred.

- This is reflective of the fact that the majority of the perpetrators are from the woman's personal or professional entourages.
- It is also the result of deliberate measures by the perpetrator to isolate the woman, make her dependent on him, and vulnerable to further violence. Many women reported threats, pressure and/or extortion by the perpetrator to continue the violence and/or to force the woman to remain silent and not report him.
- The lack of an adequate public response leads women to seek individual private "solutions" to the violence. Families of the perpetrator and victim contact each other to "reach an agreement," avoid scandal, and/or avoid prison for one or both of the parties.
- Women who report the SVAW find themselves confronted with the perpetrator throughout the process. Women are obligated to come into contact with the perpetrator at the law enforcement station, prosecutor's office, and in the due to the lack of special spaces or procedures to guarantee safety.
- Unwed women who become pregnant as a result of the violence may marry the perpetrator to avoid being prosecuted for sexual relations outside of marriage and ensure legitimate paternity for her child.
- Due to the absence of adequate labor protections, in situations of workplace sexual assault women may be forced to continue working in the presence of the perpetrator.
- Due to the absence of adequate protection or no-contact orders removing the violent offender from the home, and the dearth of shelters, women may be forced to continue to live with the perpetrator.
- Some women victims of marital rape reported ongoing contact with the perpetrator for reconciliation, for financial support, or for reasons related to child visitation.

- A few women reported that their husband accompanied them to the hospital to prevent her from reporting marital rape during the medical examinations and treatment.



Questions for Future Inquiry

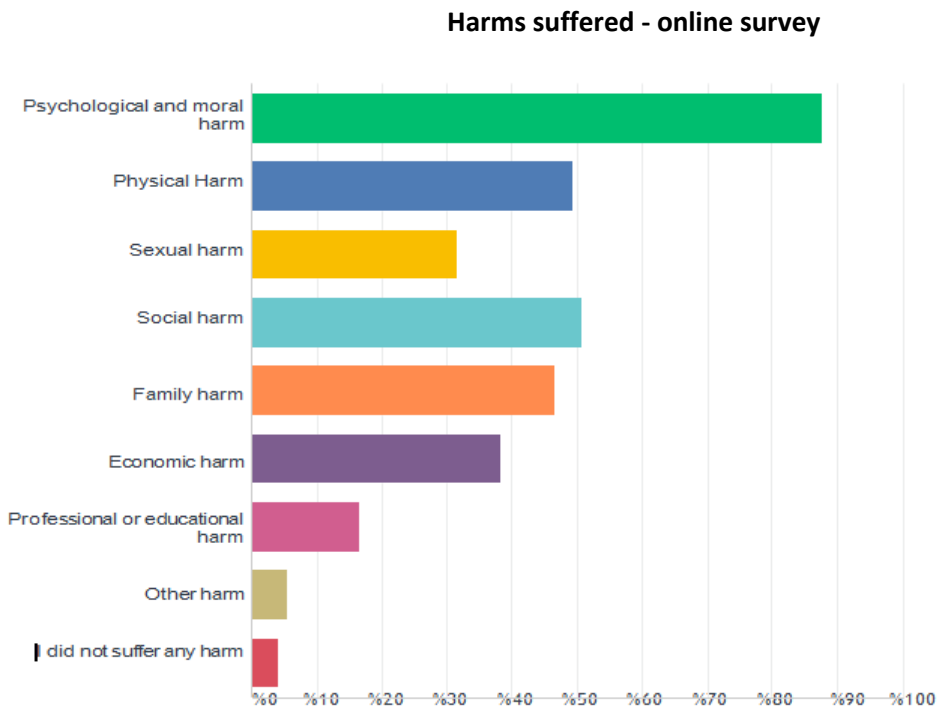
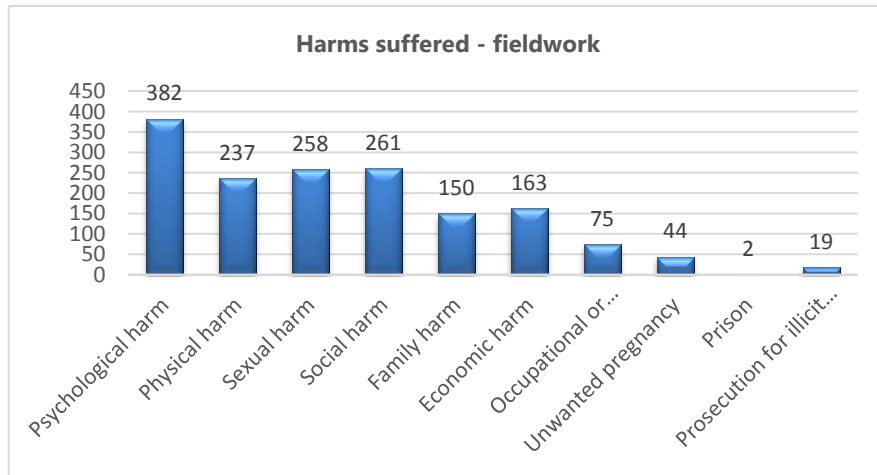
- To what extent is prior or subsequent contact between the perpetrator and the victim interpreted or used to infer that the victim “consented” to the sexual incident in question?
- To what extent is prior or subsequent contact between the perpetrator and the victim interpreted or used to determine criminal intent on the part of the perpetrator?
- To what extent does subsequent contact with the victim contribute to perpetrator impunity?

What are the consequences and impact of SVAW on women’s lives?



Observations

- Women suffered ***diverse and overlapping forms of harm*** from SVAW.
- The vast majority of women reported experiencing ***multiple types of harms simultaneously***.
- Moral/psychological prejudices were the most commonly experienced, cited by 90% of women participating in both interviews and the online survey. These included stress, constant fear, anxiety, loss of appetite, loss of self-confidence, withdrawal, attempted suicide and other manifestations of psychological harm. 15 cases of attempted suicide were recorded in the field research.
- Half of the respondents to the online survey reported experiencing physical, social and family harm.
- Sexual and economic harm – including loss of employment or educational dropout - were also cited by more than one in three respondents to the online survey.
- In response to the “Other Harm” category, a good number of women reported the pregnancies that resulted from the sexual assault, with all of the consequences for their reproductive and psychological health that implies. 44 women participating in interviews reported becoming pregnant as a result of rape. At least one respondent to the online survey subsequently sought an abortion, one reported suffering a miscarriage, and one interviewee was prosecuted when she abandoned the child born from the rape.
- Women in both interviews and the online survey reported being prosecuted and in some instances imprisoned for illicit sexual relations themselves.



Type of Harm	Manifestations
Psychological and moral	<ul style="list-style-type: none"> • Insomnia, Stress, Depression • Excessive nervousness, abuse of children • Feelings of guilt • Anorexia • Loss of self esteem • Shock • Difficulty communicating with others and withdrawal • Attempted suicide
Physical	<ul style="list-style-type: none"> • Wounds • Fractures • Temporary or permanent disabilities
Sexual	<ul style="list-style-type: none"> • Rape and loss of virginity • Sexually transmitted diseases • Loss of sexual desire • Inability to have sexual relations • Inability to conceive
Social	<ul style="list-style-type: none"> • Expulsion of victim from family or conjugal home • Family or societal rejection of the victim • Isolation • Homelessness • Fear of emotional attachment • Having to change residence
Family	<ul style="list-style-type: none"> • Kicked out of the family home • Insults and defamation • Controlling behavior, dress, limiting use of phone, ability to leave home • Total separation and estrangement from family • Having to flee the family home • Stigmatization of the entire family, loss of marriage prospects for other female members
Economic	<ul style="list-style-type: none"> • Loss of housing • Deterioration in standard of living • Deprivation of alimony • Deprivation of funds for medical expenses • Waiving all legal rights to financial support to obtain divorce
Professional or educational	<ul style="list-style-type: none"> • Dropping out of school • Being late to school, failing classes • Stop studying • Being fired from work • Being unable to perform work • Loss of work due to change of residence
Unwanted Pregnancy	<ul style="list-style-type: none"> • Unwanted pregnancy • Pregnancy at a young age • Health complications • Miscarriage • Forced/illegal abortion • Forced abandonment of the baby
Prosecution	<ul style="list-style-type: none"> • Prosecution and imprisonment for illicit sexual relations • Prosecution for child endangerment and abandonment • Imprisonment for child trafficking

Illustrative Quotes

One single woman was raped, resulting in an unwanted pregnancy. Due to her inability to disclose what happened and the lack of any support or assistance, she suffered a breakdown that prompted her to kill her daughter immediately after birth.

One woman's husband first raped her on their wedding night, repeating the abuse for three months, after which she discovered that she had contracted a sexually transmitted disease. As a result she became severely depressed and attempted suicide more than twice.

"I suffered economic damage because I had to buy a car to avoid further violence, even if it was a very short walk to school and work. I suffered psychological damage because I fear other people, especially Moroccans, and I walk along the wall in the street out of fear of touching other people. I can't play sports and just choosing what clothes to wear is very stressful."

One young woman became so depressed and afraid that she fled from home and abandoned her newborn child resulting from rape to move to another city where no one knows her. When she tried to place her child in the care of another family, she was prosecuted for the crime of human trafficking.

One victim of marital rape said, "I can't even stand myself! I confined myself and became very anxious. I became very severe with my children, I yell too much. I need psychological support in an individual meeting."

A minor girl was raped by a group of men from the village in which she lives. They photographed her during the assault in order to blackmail and pressure and thwart her from reporting the assault. This caused the victim to attempt suicide, as she threw herself from the roof of her family's house, and suffered serious injuries at the level of the spine and leg. Despite surgery the victim was left totally paralyzed.

How do women respond and react in the immediate aftermath of the violence?

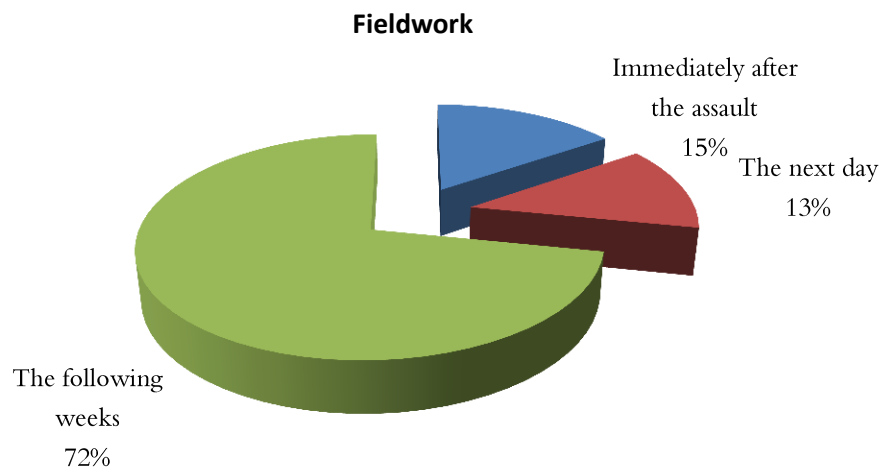


Observations

- Women had a wide variety of immediate reactions to the sexual violence, including being in shock, not reacting, trauma, trying to continue their normal life, withdrawal, attempting suicide and other reactions. ***No one reaction can be considered "normal" or "typical."***
- In the hours following the assault and next day, the majority of women ***remain in shock and do not take any actions*** related to the assault. 72% of interviewees and 81% of online respondents did not react to the assault until weeks later.
- ***Seeking assistance from the public authorities immediately after the assault is rare,*** especially from the criminal justice system.

- Findings demonstrate a **significant time lag** between when the violence occurred and when women seek assistance or intervention from the public authorities, if ever.
- In many instances, women only told someone about the violence and sought assistance **weeks or months later**, when they discovered that they were **pregnant** as a result of the assault and could not hide it.
- Many women reported using **informal or individual means** in the aftermath of the violence, considering themselves responsible for finding a solution. These included leaving home, her job, or even the country.

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



Online Survey

	Immediately after	The next day	The following weeks
Nothing / in shock/depressed	10/22 ³⁴	7/17	12/51
Sought assistance from public services/reported the assault to authorities – public health services, law enforcement, and/or prosecutor	3/22	5/17 <ul style="list-style-type: none"> • One of the visits to the health services was to obtain a certificate proof of loss of virginity 	12/51 <ul style="list-style-type: none"> • One of the visits to the health services was for a pregnancy test
Went to an NGO for assistance first			7/51
Other	<ul style="list-style-type: none"> • Fled home (5) • Left job (1) • Fled conjugal home but her family returned her (2) • Phoned the perpetrator to find a solution (1) 	<ul style="list-style-type: none"> • No detail (1) • Met with perpetrator, who begged for forgiveness and promised to marry her (1) • Told the perpetrator’s wife (1) • Told boyfriend, who did nothing because perpetrator was his relative (1) • Blocked perpetrator’s phone number (1) 	<ul style="list-style-type: none"> • 15/51 filed civil lawsuits only (divorce and/or financial support and/or to determine paternity) – sometimes after years had passed • 1/51 beat the perpetrator • 1/51 told her parents after months had passed when she discovered she was pregnant • 1/51 confronted the perpetrator • 1/51 told her family • 1/51 left Morocco

³⁴ The second numbers – 22, 17 and 51 – refer to the total number of respondents to that particular question.

Do women speak to anyone about the sexual violence?



Observations

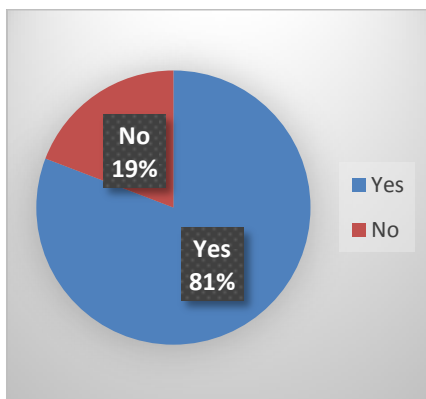
- 81% of interviewees and 86% of respondents to the online survey reported **reaching out and seeking assistance from people in their personal entourage**.
- More than 40% of the respondents to the online survey and 26% of interviewees **did not report the SVAW to any public actors at all**.

Methodological Note

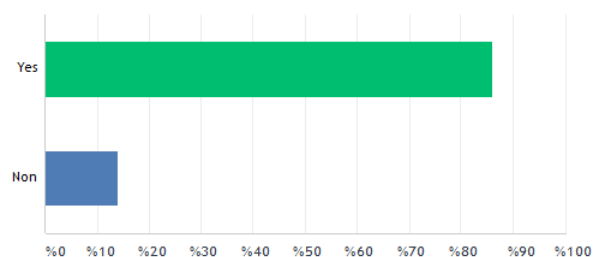
Given the research objective to examine the State response to sexual violence, it was essential to locate and interview women who had actually reported the violence to local authorities. Additionally, the majority of women participants in the fieldwork were beneficiaries of local women's NGOs, and had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

Do women speak to anyone in their entourage?

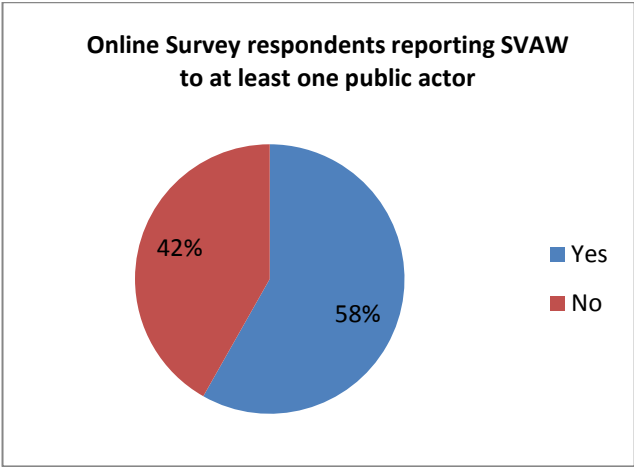
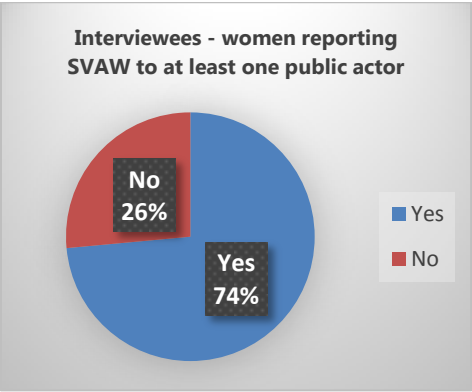
Field Research



Online Survey



Do women report SVAW to public authorities (health sector, law enforcement, justice system?)



Why don't women speak to anyone in their entourage or report the violence to public authorities?³⁵

OBSTACLES PREVENTING WOMEN FROM REPORTING SEXUAL VIOLENCE	
<p>LEGAL OBSTACLES</p>	<ul style="list-style-type: none"> • Marital rape is not criminalized in the Penal code • The criminalization of sexual relations outside of marriage • If the perpetrator is known, women either: <ul style="list-style-type: none"> ○ Will be told marital rape is not a crime (if they are married) ○ Risk prosecution for illicit sexual relations outside of marriage (if they aren't married) • If the perpetrator is unknown, difficulty to bring evidence of their identity • Current definitions of rape which do not take into account a wide diversity of circumstances where there is absence of consent • Sex workers in particular do not report SVAW to law enforcement due to the risk of being prosecuted, rendering them particularly vulnerable to sexual violence • Impossibility of meeting the heavy standard of proof or bring tangible evidence • Risk of losing custody of children • Risk of being fired from employment in the absence of adequate labor law protection

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

	<ul style="list-style-type: none"> • The criminalization of abortion creates an incentive to seek the perpetrator’s assistance • Current laws on lineage creates an incentive for women to not report in exchange for recognition of paternity of a child born of the rape • Lack of evidence due to time lag between the violence and the reporting • Lack of clarity, information from the authorities on laws and procedures • Lack of confidence in the justice system, pessimism about the system response • Lack of oversight and accountability mechanisms on how public authorities respond to sexual violence • Language barriers to justice system
THREATS OF	<ul style="list-style-type: none"> • Being judged, blamed herself, considered at fault for the violence • Being monitored and controlled • Being rejected by her family and socially stigmatized and excluded • Public knowledge of the incident • Secondary victimization and reliving the trauma when reporting • Violence – physical, sexual, via technology, or economic – including death threats, by the perpetrator and/or his entourage • Being prosecuted and imprisoned for sexual relations outside of marriage • Her own family’s violent reaction • Bribery in the public administration • Ill-treatment from public actors
SOCIAL OBSTACLES	<ul style="list-style-type: none"> • Societal stereotyping that considers women who lost their virginity as damaged • The prevalence of honor and shame culture • Contempt for women who separate from their husbands for sexual reasons • Perpetrator’s administrative or economic influence in the community
PSYCHOLOGICAL OBSTACLES	<ul style="list-style-type: none"> • Trauma, desire for silence and isolation • Desire to forget the violence and go on with her life • Marital rape is considered a marital secret
ECONOMIC OBSTACLES	<ul style="list-style-type: none"> • Fear of divorce, due to the victim’s lack of financial independence • Distance to and costs of transportation to public services • Need of financial assistance from the perpetrator to obtain an abortion • The interests of her children in terms of maintenance, housing and standard of living • The absence of guarantees to keep her employment and not be fired • Economic dependence on the aggressor • Lack of safe shelter and housing options

Illustrative Quotes

“I was afraid they would say I am a prostitute.”

“One day he (the perpetrator) was assaulting me in the street! A police officer arrested him! Then it took him five minutes to put everything back in order and make sure nothing had happened. How am I supposed to trust a person who is supposed to do everything to protect the citizen and who behaves like that? An acquaintance had the same concerns and all she was told was, ‘it was you who agreed to give yourself to him, it was you who agreed to go out with him, if you had stayed at home nothing would have happened!’”

One young woman was in a relationship with a young man for six months. She used to spend time with him to get to know each other better before getting engaged. One day he asked her to accompany him to his house in order to get to know his mother. He used violence and threats against her, and took her virginity. He told her that he would not abandon her and that he would marry her. She did not tell anyone what happened because of fear of the family and of the scandal in the hope that he would fulfill his promises. Due to fear of her family, she ran away from home to live in another city. In order to make ends meet, she worked in a café, where she was harassed by customers and the employer. She came to the association in order to get help in registering her daughter in the civil status. When we asked her why she did not inform the police what happened, she said that she was afraid of her family and that she was told that she would be prosecuted for debauchery and prostitution, because she had a relationship with the perpetrator.

“I did not go to the public authorities because he is the only provider for me and our three children.”

In some instances, women reported the perpetrator’s family offering the victim a bribe to remain silent, and in other cases intimidating and threatening the victim to not report the incident.

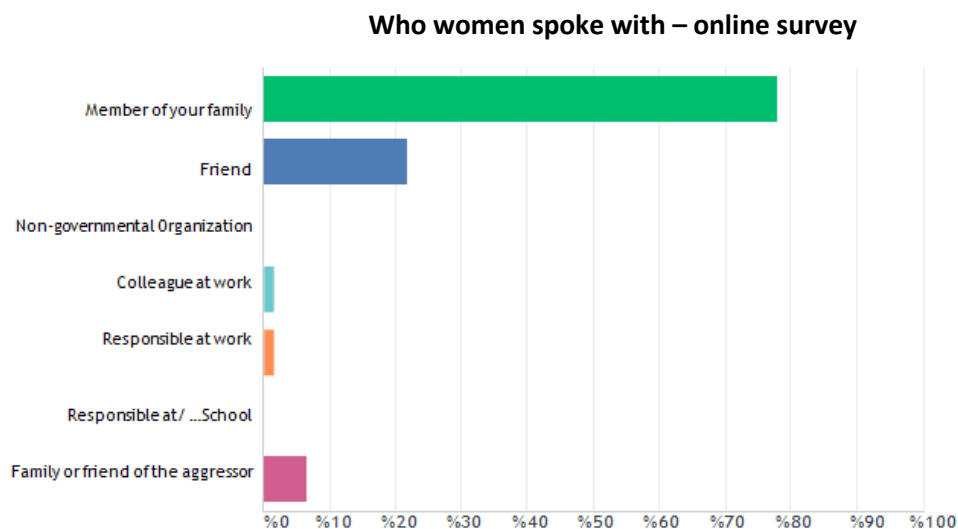
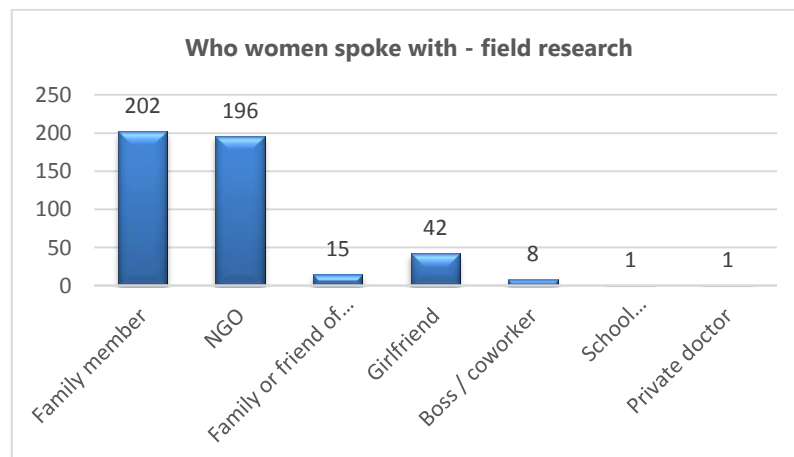
What about the women's entourage?

Who do women reach out to and why?



Observations

- Among women who do reach out to someone in their entourage, the majority of the time it is either to a selected, trusted **family member** (71% of online respondents, 44% of interviewees), most usually a mother or sister, or a **friend**.
- A good number of the fieldwork participants did reach out to a local women's NGO for assistance. This is reflective of a reporting bias, based on the fact that the action research was carried out by NGOs consulting beneficiaries of their programs and services.
- Fieldwork revealed a significant percentage of women who did not speak with anyone in their entourage until after the emergence of additional circumstances as a result of the violence, such as pregnancy, blackmail, or suicide attempts.
- Interviews also suggest that minor girls are more likely to reach out to their families in for protection and assistance than adult women, especially married women, who may feel pressured to conceal violence in a marital relationship.



Triggers, Drivers and Motivations for Reaching out to Entourage

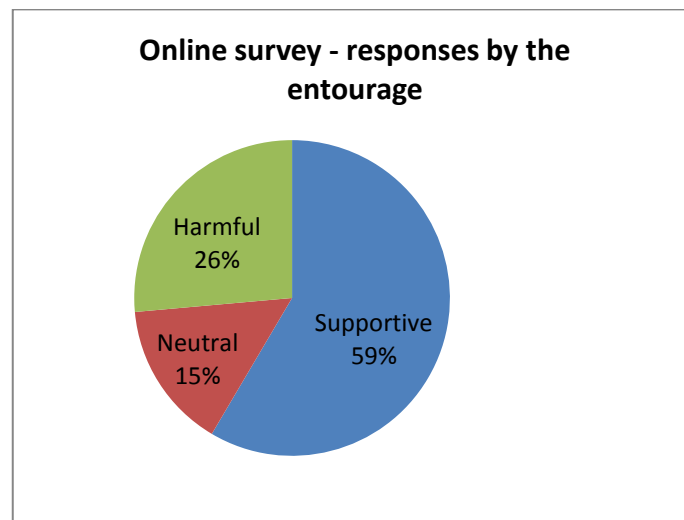
PERSON	TRIGGERS/DRIVERS/MOTIVATIONS
Family Member	<ul style="list-style-type: none"> • The appearance of signs of pregnancy • The family noticing the effects of the assault on the victim • For accompaniment to public services • For protection from the aggressor • For material and psychological support • Minors turn to their families in the hope of punishing the perpetrator, or of finding a “solution” through marriage, for example.
Girlfriend	<ul style="list-style-type: none"> • To speak with a close person from outside the family to avoid the latter’s violent reaction • For help finding “solutions” such as intervening with the perpetrator to persuade him to marry the victim or to not reveal the matter. • As the first person the victim met after being assaulted
Official/colleague at school /work	<ul style="list-style-type: none"> • To assist the victim and to intervene with the perpetrator who is a co-worker • To sanction the aggressor, if he is working with her in the same place
Family or friend of the perpetrator	<ul style="list-style-type: none"> • In order to find a “solution” without going to court • To intervene with the perpetrator and persuade him to marry her
NGO	<ul style="list-style-type: none"> • For accommodation • For assistance with childbirth • To obtain the necessary documents for children, such as registration in the civil status book or registration in school, and other matters related to identification documents for children • For legal advice and accompaniment to the various public actors, and support and follow-up on the file with the authorities • For assistance with various expenses, such as medical or legal expenses • A pre-existing relationship, such as being former beneficiaries of an association, having participated in a range of its activities, especially literacy and legal literacy programs. • Trust in the associations and in the services they provide, including legal advice, guidance and accompaniment • Previous knowledge of the association through its awareness campaigns on the subject of VAW • Women who want to benefit from the shelters provided by the associations are obliged to disclose the violence to the association so that the latter can obtain an order of accommodation from the Public Prosecution. • Some associations have a doctor who provides free services to women, such as treatment and examinations
Private Doctor	<p>Some parents took their daughters, especially minors, to a private doctor for several reasons, including:</p> <ul style="list-style-type: none"> • Prior relationship with the doctor may facilitate trust and encourage her to speak about the violence • Avoid public knowledge of the violence if they went to the public hospital. • Lack of trust in the public health services

How did the entourage respond and what were the outcomes?



Observations

- For the women who did reach out to someone, the **reactions among the entourage were diverse and mixed**, and can be placed along a continuum of varying degrees of supportive, neutral, or harmful. Satisfaction with the entourage response depended on the extent to which it corresponded to what women had wanted or hoped for.



PERSON SPOKE WITH	WHAT WOMEN WANTED	ENTOURAGE RESPONSE	RESULT OF ENTOURAGE'S RESPONSE
<p>Family member or friend</p>	<p><u>Protection from the perpetrator and stopping the violence</u></p> <ul style="list-style-type: none"> • Punishment for the aggressor • Accompanying her to file a complaint and track her file • Intervention with the perpetrator • Protection from the perpetrator and stopping the violence • Accompaniment to an NGO <p><u>Financial Support</u></p> <ul style="list-style-type: none"> • Transportation expenses • Shelter • Treatment costs • Attorney's costs and legal expenses <p><u>Moral support:</u></p> <ul style="list-style-type: none"> • Understanding and inclusion • Not to abandon them • Not to blame her or hold her responsible for what happened • Reassurance that it was not her fault • To feel safe 	<p><u>Positive responses</u></p> <ul style="list-style-type: none"> • Psychological and moral support, empathy • Housing and shelter at home • Financial support for her and her children • Advising her to file a complaint • Tracking down and confronting the perpetrator • Accompanying her to public services, NGOs, to court 	<ul style="list-style-type: none"> • File criminal complaint • File civil cases • Psychological support • Sense of reassurance and someone supporting them
		<p><u>Harmful responses</u></p> <ul style="list-style-type: none"> • Expulsion from the family home or threatening to • Blaming and punishing her, getting upset at her • "Advising me to get married so that my life would not be a loss" • Restricting her freedoms and confining her at home • Not believing her, accusing her of having a relationship with the perpetrator • Forced abortion • Threats of murder or attempted murder • Silencing her to "protect the family's reputation" • Intervening and mediating with the family of the aggressor • Sending the victim to a relative in another city to hide her pregnancy 	<ul style="list-style-type: none"> • Homelessness • Withdrawal • Attempted suicide • Repetitive and prolonged marital rape • Marriage of the victim to the perpetrator. • Flee from the village or city without any support or assistance. • Stop studying or drop out of school
		<p><u>responses Neutral</u></p> <ul style="list-style-type: none"> • Advice to be patient and accept reality • Doing nothing 	<ul style="list-style-type: none"> • The violence continues • Resorting to solutions other than equity and justice • Loss of trust in others • Inability to report violence

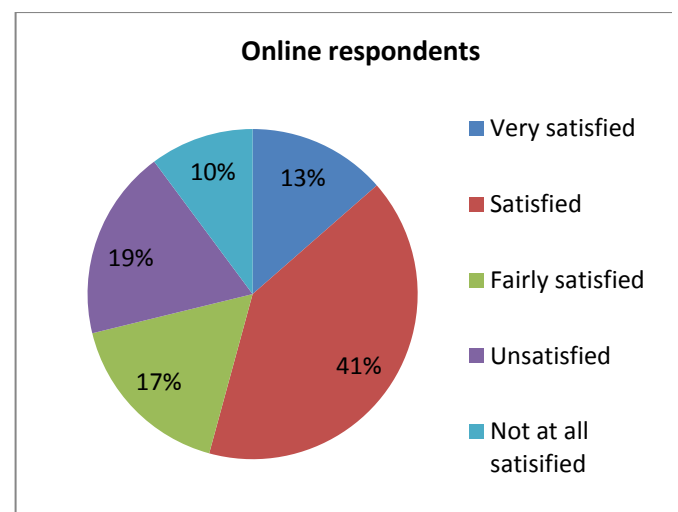
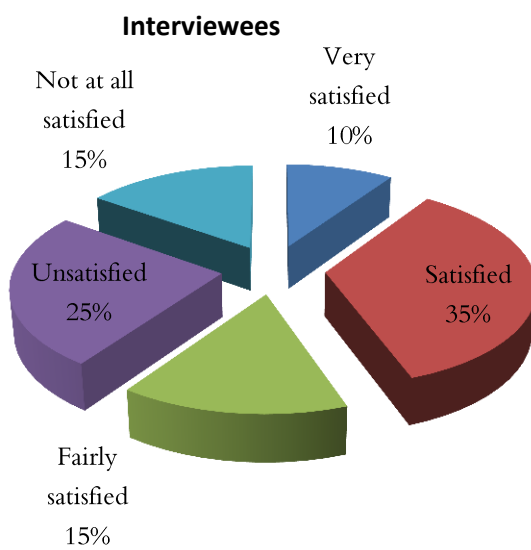
Boss or colleague at work	<ul style="list-style-type: none"> • Ask the perpetrator to admit that he had assaulted her • Provide her rights, including compensation for dismissal from work • Help punish the perpetrator • Protection 	<p style="text-align: center;"><u>Harmful responses</u></p> <ul style="list-style-type: none"> • Denial of violence • Unlawful dismissal of the victim to avoid public knowledge and suspicion about the workplace and the location of the violence • Asking the victim to change jobs • Mediation with the aggressor to find arrangement (often marriage and sometimes financial compensation) 	<ul style="list-style-type: none"> • Dismissal from work • Quitting her job • Marriage to the perpetrator • Continuing to work with the perpetrator
Family or friend of the perpetrator	<ul style="list-style-type: none"> • Talk to the attacker to find a "solution" • Support • Help locate the perpetrator 	<p style="text-align: center;"><u>Harmful responses</u></p> <ul style="list-style-type: none"> • Bribing the victim to silence her • Victim intimidation • Lying • Intervention and mediation to end the problem, often by marriage or with financial compensation 	<ul style="list-style-type: none"> • The victim's fear of reporting the incident • Marrying the aggressor sometimes for a few days before being expelled from the aggressor's family home
		<p style="text-align: center;"><u>Neutral responses</u></p> <ul style="list-style-type: none"> • No intervention 	<ul style="list-style-type: none"> • Having to live with the perpetrator
NGO	<ul style="list-style-type: none"> • Listening and legal advice • Shelter • Accompaniment • Tracking the file with the justice system • Intervention with public authorities 	<p style="text-align: center;"><u>Positive responses</u></p> <ul style="list-style-type: none"> • Provide listening/accompaniment to all public services and case file tracking • Coordination and intervention with public authorities. • Provide material and moral support for medical care and reporting procedures. 	<ul style="list-style-type: none"> • Being able to locate the perpetrator • Provision of accommodation • File a complaint and lawsuit against the perpetrator • Establish paternity of the child
		<p style="text-align: center;"><u>Neutral responses</u></p> <ul style="list-style-type: none"> • Facilitate administrative procedures • Professional training • Participation in income generation programs • Awareness of laws 	<ul style="list-style-type: none"> • Be able to register children in civil status • Obtain a professional certificate • Claim for divorce, alimony

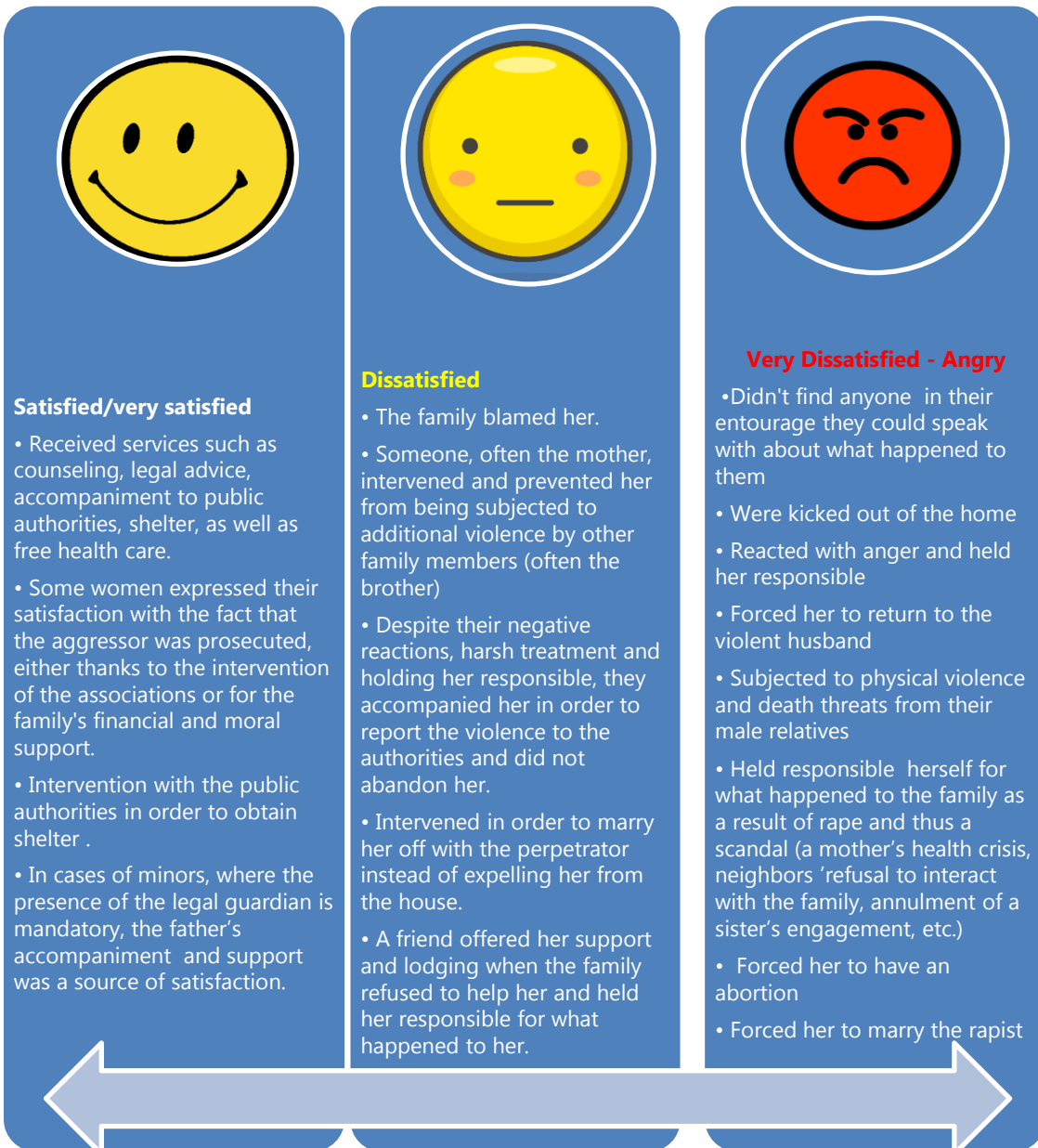
How satisfied were women with the entourage's reactions and why?



Observations

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





Illustrative Quotes

"I wanted them to acknowledge my suffering, that I was not crazy in thinking that this is not fair. I wanted to feel comfortable, not for them to tell me that I am strong. If I had been told that it is unfair, maybe I would have reported this to the police or at least to his wife but they expected me to be strong and 'move on'."

"I wanted them to say, 'Don't be afraid, we promise you that nobody will touch you from now on and he will be punished for everything he did, he will go to prison and no one else will know about this.'"

One victim of sexual violence said that she was subjected to all kinds of violence from her husband, as he forced her to practice intimate relationship in a sadistic way with threats, and violent practices. "He tortured me in a brutal way." She left the marital home and filed a divorce

lawsuit against him, but could not declare that the main reason was sexual abuse. After attempts of reconciliation between them and pressure from the parents, she decided to withdraw the lawsuit and waive any prosecution in order to ensure a decent life for her two children.

One victim of sexual violence was raped, and could not tell her family. When they were informed by the doctor, they got angry and threatened to kill her because she did not preserve the family's honor, which caused the victim a psychological crisis that resulted in a suicide attempt.

One young woman was raped when returning from her work at a café at night; her mother kicked her out of the home "so that she would not be an obstacle to the marriage of her younger sister."

"The sexual violence was covered up and their daughter was sent to another city to hide the pregnancy from her brothers so that they would not kill her."



Questions for Future Inquiry

- Who do women speak with first after a sexual assault?
- To what extent are local authorities interviewing the entourage as witnesses, particularly the "Outcry witness" (the first person the victim spoke to after the assault)?
- To what extent is the repeal of the second paragraph of Article 475 of the criminal law enforced in reality? (This provision had allowed for cancelling prosecution for rape of a minor if the perpetrator married the victim).

What about the public authorities? An Overview

Reminder: 58% of respondents to the online survey and 74% of interviewees had reported the violence to the authorities. The below sections examine the experiences of women who have reported sexual violence. As noted previously, most of the participants in this action research are current or former beneficiaries of a women's NGO or have received material and / or moral support from an association; hence the percentage of women resorting to public authorities here is likely higher than among the general population.



Observations:

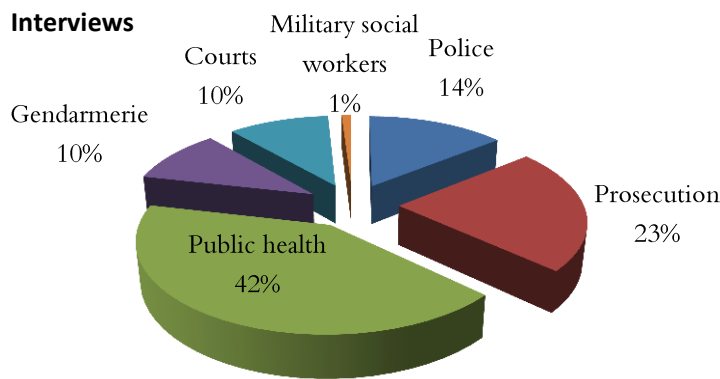
- Women **most prevalently resort to the health sector** in instances of sexual violence, with 42% of interviewees and 53% of online respondents reporting having sought services at the public hospital/health center at some point.
- At the same time, the health sector was frequently the public sector that women **sought help from first** - 36% of interviewees and 40% of online respondents. Public health services are clearly an essential, first line of help for women who have experienced SVAW.
- Who among the public services women turn to first place depends on and varies according to their knowledge, where they live, and what type of relief they are seeking.
 - Women in rural areas are dependent on the gendarmes as the nearest local services.
 - Women in marginalized urban areas may turn to the closest police station.
 - Some women went to the caïd to file a complaint, given that he is the closest authority that women know and have a daily relationship with.³⁶
 - In six instances where women were married to military personnel, women sought assistance from social workers inside the military barracks to report marital rape, given the military court's jurisdiction over these cases.
- Some women prefer to submit their complaints directly to the Public Prosecution:
 - As the Public Prosecution provides instructions to law enforcement to conduct an investigation, reporting there first speeds up the process. Some women who reported the violence directly to law enforcement described subsequently turning to the Public Prosecutor after failing to obtain satisfaction from the former.
 - The Public Prosecution also issues instructions to the health services to conduct a medico-legal exam specific to sexual violence; health services will not issue a medico-legal certificate for sexual violence without such instructions from the Prosecutor.
- Some women resorted to public health services **for medical treatment only**, and did not request a medico-legal certificate out of a desire to avoid the criminal justice system.

³⁶ "The Caïd is considered a local representative of the executive branch, responsible for tasks related to maintaining public order, as well as management and allocation of Ramed health coverage and other tasks
<http://bdj.mmsp.gov.ma/Ar/Document/3281-Dahir.aspx>

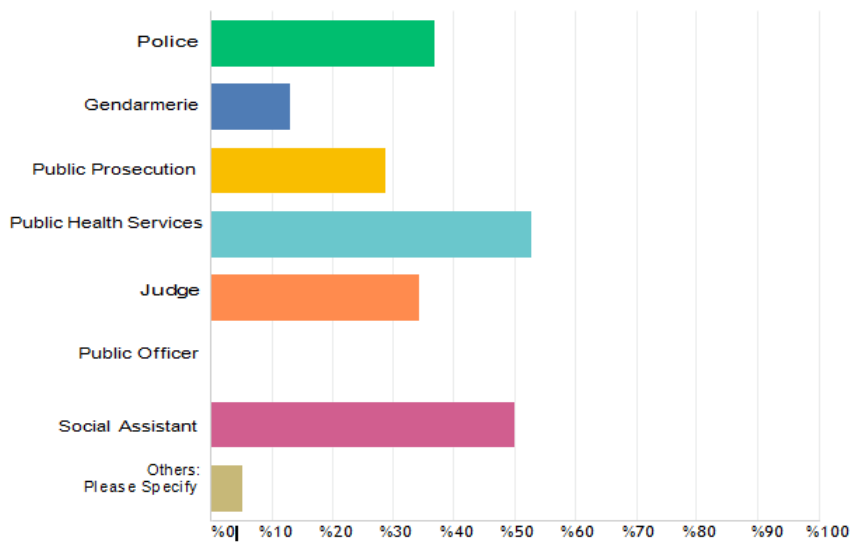
- A good number of women **only seek assistance from the courts, and only for civil remedies**, such as divorce, financial support and paternity determinations, suggesting that they are often primarily focused only on the needs of their children rather than on themselves as well.
- The action research revealed a diversity of reasons that SVAW cases may terminate before going through the entire law enforcement and justice system process.

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

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

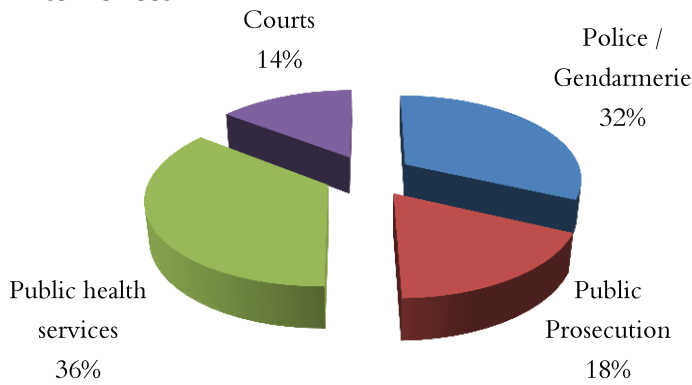


Online Respondents

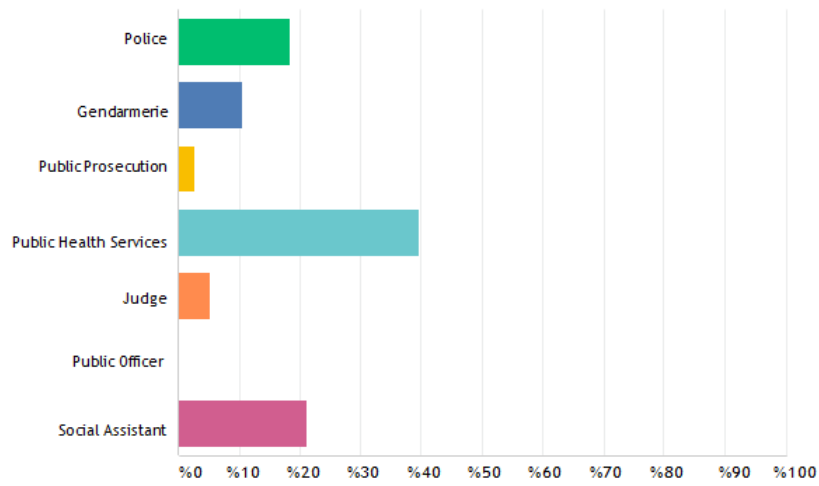


Which public actor did women go to FIRST?

Interviewees

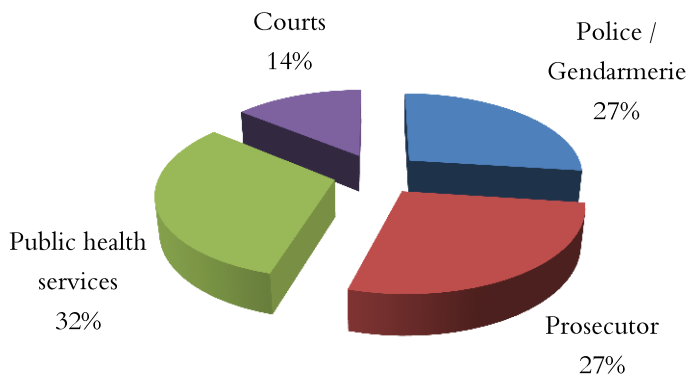


Online respondents

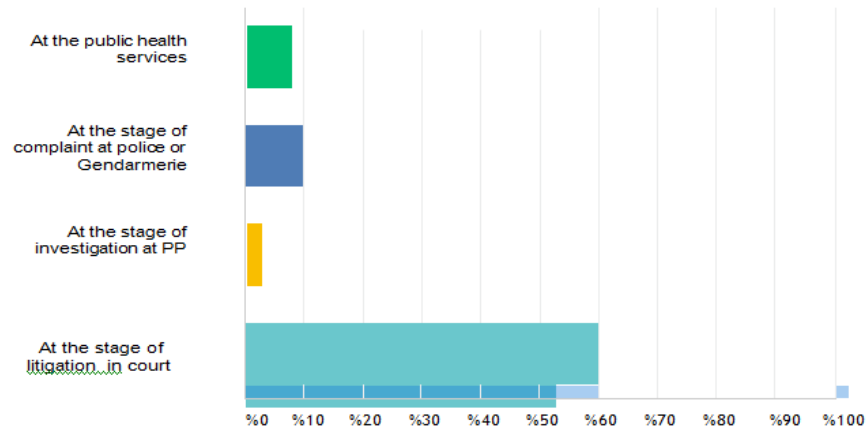


At which stage did cases come to an end?

Interviews



Online Respondents



Reasons cases ended at the health services	Reasons cases ended at law enforcement	Reasons cases ended at prosecution	Reasons cases ended at court
<ul style="list-style-type: none"> • When the woman wants a medical certificate to document the violence, but doesn't want to file a criminal complaint • When she only wants to have a pregnancy test • To avoid being prosecuted for sexual relations outside of marriage • Interventions by families to find an alternative "solution" to a criminal complaint, such as marriage. • Threats and / or extortion by the perpetrator 	<ul style="list-style-type: none"> • Lack of tangible evidence • Perpetrator's identity unknown • Women's lack of financial means to continue the procedures. • Numerous repeated visits to public services for interviews or to receive necessary documentation • Ill-treatment by some law enforcement officers against women victims of sexual violence • Withdrawal by victim: <ul style="list-style-type: none"> • Perpetrator promises of marriage • Avoid prosecution for sexual relations outside of marriage • Pressure from the family and the surrounding community to avoid tarnishing the family's reputation • Fear of the aggressor's threats 	<ul style="list-style-type: none"> • Lack of tangible evidence • Perpetrator's identity is unknown • Reclassifying the sexual violence complaint as illicit sexual relations outside of marriage when the victim had a prior relationship with the perpetrator or cannot provide that it was against her will • Family pressure • Withdrawal by the woman when informed of threat of being prosecuted for illicit sexual relations • Waiver of the complaint upon marriage to the perpetrator, often arranged by the families. • Lack of financial means to continue the procedures • Withdrawal of the complaint due to perpetrator's threats • Prosecution of the perpetrator for assault and battery rather than sexual violence 	<ul style="list-style-type: none"> • When a judgment is rendered in the case • Withdrawal of criminal complaint and file for divorce instead • Classification of the case as assault and battery rather than sexual violence, especially in cases of marital rape • Lack of tangible evidence • Lack of financial means to continue with the case

Illustrative Quotes

A 17 year old girl was subjected to an attempted rape by an unknown person when she left her home to go grocery shopping. The perpetrator tried to abduct her at knifepoint and slashed her face before eventually fleeing. The ambulance took her to the hospital, and she was interviewed by the police. The police searched for the perpetrator and showed her some photos of suspects, but she was unable to identify the perpetrator. The case was closed without follow-up and the police told her to contact them if she ever saw the perpetrator somewhere.



Questions for Future Inquiry

- To what extent do procedures and practices take into account all of the obstacles and threats that prevent women from approaching public authorities and reporting sexual violence?
- How do policies and practices interpret the time lag between the violence and the reporting of it? Is it considered as evidence of a consensual relationship instead of sexual violence? How if at all does the statute of limitations period take into account these specificities of sexual violence?

Sector Specific Response: Public Health Services

Reminder: 42% of interviewees and 53% of online respondents sought assistance from the health services at some point, 36% of interviewees and 40% of online respondents went to the health services first. As 32% of interviewees went no further in the process, it is worth examining factors that might lead to victim attrition at this point.

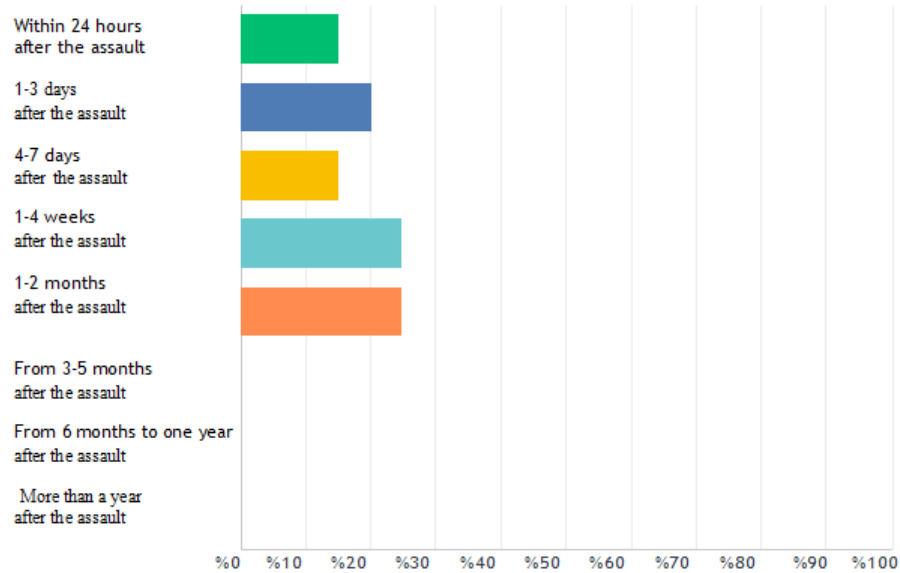


Observations

- In the event the woman first reports the violence to law enforcement or the Prosecutor to file a criminal complaint, the Prosecutor will direct her to the public health services with instructions for a forensic medical examination specific to sexual violence.
- Fieldwork suggests that sexual violence is reported more immediately to public health services when there are additional aggravating circumstances, such as when the victim attempts suicide or is a minor and the parents wish to obtain a certificate of virginity.
- Findings suggest a substantial time lag between the incident of SVAW and seeking assistance from the public health services, as half of online respondents didn't go to the hospital until one week to two months after the assault. This hampers forensic evidence collection.
- Eventual visits to public health services a significant time after the incident are frequently triggered by something external other than the incident of sexual violence itself, such as pregnancy, sexually transmitted diseases, birth of a child, or a suicide attempt.
- Field research indicates that the availability and quality of services provided to victims of sexual assault, particularly unmarried women, depends on the personality of the individual social workers and other personnel.
- Field research also demonstrates discrepancies and differences among public hospitals in terms of resources available, and services, examinations and treatment provided. For example, some public hospitals have specially designated spaces reserved just for women victims of sexual violence, while others do not.
- Women who flee their homes face additional obstacles accessing public health services, as they may be homeless or far away from their legal place of residence.
- Questions asked of the victim of sexual assault by public health services tend to emphasize determining the nature of the victim's relationship with the perpetrator, specifically if it was an unknown person or someone she was in a preexisting relationship with.
- Questions asked of the victim of sexual assault by public health services tend to be repetitive of those asked by other sectors, and she will be required to answer the same questions numerous times over and over again. If she has come to the hospital first then she will eventually be asked the same questions again by law enforcement and justice system authorities; if she has been directed to the public health services by those authorities then she will be required to answer these questions all over again at the hospital.

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

When women reach out to public health services varies across different circumstances. Results from both the field research and the online survey indicate the prevalence of a time lag between the incident and the visit to health services.



How long in total the first visit lasted also depended on the circumstance in each case; neither the field research nor the online survey suggested a prevalent trend. First visits lasted anywhere from 30 minutes to five days depending on the woman’s needs (or more in the case of pregnancies). The number of times women went to public health services also varied according to the circumstances. Several women reported going numerous times to the public health services but eventually gave up because of the doctor’s repeated absences.

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

Do women go alone or are they accompanied?	<ul style="list-style-type: none">• More than 8 of 10 interviewees and online respondents reported going to the health services accompanied by someone, usually a trusted family member (mother, father or brother) and/or NGO member for support.• Law enforcement officers accompany the woman to the hospital when the victim is a minor, or when the hospital visit is upon prosecutorial instructions.• A few women reported that the perpetrator's mother or the perpetrator himself accompanied her to prevent her from speaking about the violence.• Those that go unaccompanied reported doing so in order to avoid anyone finding out that she had been sexually assaulted.
Was there a time when the woman felt insulted or pressured to withdraw her case?	<ul style="list-style-type: none">• 25% of interviewees and online respondents described feeling insulted or pressured during the visit to public health services.• When women decide to file a criminal complaint, the Prosecutor orders law enforcement officers to accompany her to the hospital with prosecutorial instructions for the health services. Many women reported that having to go to the hospital in a law enforcement vehicle or publically accompanied by officers was a source of stress and pressure for them.• Some women reported being blamed for the assault by health care personnel. Single mothers in particular described being insulted and humiliated.• Others described how the perpetrator himself or his family pressured her to not reveal the violence to public health authorities.
Did anyone inform the woman about the risk that she could be prosecuted for illicit sexual relations outside of marriage?	<ul style="list-style-type: none">• 10% of online respondents and four out of ten women interviewees reported being told that they could be prosecuted for sexual relations outside of marriage.

	<ul style="list-style-type: none"> • Law enforcement officers tended to inform the woman of this risk as a matter of procedure, especially in instances where a single mother gives birth. In these instances the hospital contacts the law enforcement to come to the hospital and speak with the mother as a matter of child abandonment prevention. • Sometimes social workers tend to inform the woman of this risk as matter of counseling to avoid acknowledging a prior relationship with the perpetrator.
<p>Did the woman have to pay anything at the public health services?</p>	<ul style="list-style-type: none"> • Women victims of sexual violence who went through the social worker at the VAW Unit in the hospital reported receiving free public health services, <i>to the extent that these services are available, which is not systematically the case.</i> • Women who did not go through the VAW Unit reported paying for the medico-legal certificate, x-rays, laboratory tests, and medicines. • Some women reported making unofficial in-kind or monetary payments for public health services. • Some women reported resorting to private health services, for reasons including the long waits at public services, non-availability of public doctors, a desire to be examined quickly and not lose forensic evidence of the assault, insulting behaviors by public health services staff, and substantial transportation costs to travel to the public health services.³⁷

³⁷ Documentation from private health practitioners do not have the same legal value as that provided from the public VAW Units in designated hospitals.

What kinds of services and information did women receive?

<p>Who are the personnel that women received assistance from?</p>	<ul style="list-style-type: none">• First by the social worker at the VAW Unit, except in cases requiring the woman to go directly to the emergency room doctors.• In cases sent to the hospital by the Public Prosecutor for a medical expertise for a criminal complaint, an OB-GYN.• In hospitals where there is no OB-GYN, women may be directed to a second hospital, sometimes in another town, to be able to obtain a medico-legal certificate specific to sexual assault; as a result some women change their minds and give up.• In cases requiring psychological support, a doctor specializing in mental health, <i>if available (not systematically the case)</i>.• Women reported not having the choice of requesting female medical personnel, but being examined and treated by whoever happened to be on duty at the time.• Fieldwork indicates that VAW units suffer from a lack of human resources, as there may be only one doctor assigned to the VAW Unit; rather than a specialist reserved just for VAW cases, this doctor may be responsible for other tasks and cases as well.
<p>What role does the social worker at the hospital VAW Unit play?</p>	<p>Social workers receive women victims of violence directly (or after emergency room doctor referral).</p> <p>They provide orientation to women and carry out administrative tasks, including completing the application for the medico-legal certificate, completing designated forms used by some regional and provincial hospitals, preparing the woman's file, registering the woman in the Health Ministry statistics platform, and accompanying the woman for the medical examination.</p> <p>They also may coordinate with other health services personnel, law enforcement authorities, the Public prosecutor's office, and local women's NGOs.</p> <p>Fieldwork suggests that social workers are charged with other</p>

	administrative tasks and not always available as needed to receive all women victims of violence.
Which examinations were conducted?	<ul style="list-style-type: none"> • Examination of the hymen by an OB-GYN to detect signs of violence, as well as in certain cases to determine loss of virginity or not. Determination of loss of virginity is considered legally relevant <ul style="list-style-type: none"> (a) to qualify the crime as rape, which requires penetration, or the lesser crime of indecent assault, and (b) as an aggravating circumstance for sentencing purposes. • In the event of anal violence, a gastroenterologist • A general medical practitioner for a complete medical exam • Pregnancy tests, and in case of pregnancy, sonograms to determine the stage • To the extent available, an optional exam by a psychologist at the request of the victim or if the Unit determines it is necessary to build a criminal case.
What treatment did women receive?	<ul style="list-style-type: none"> • Treatment received varied according to: <ul style="list-style-type: none"> (a) the availability of services; (b) the nature of the women’s injuries and needs, but could include sutures, STD treatment, pregnancy related care, treatment of the aftermaths of an unsafe clandestine abortion for those women who had sought one, or psychological services • Advised to take the morning after pill • Advised to get an HIV test
Were women informed of and consented to the exams and treatment they were given?	<ul style="list-style-type: none"> • Respondents to the online survey stated that they were informed of (90%) and consented to (85%) the exams and treatment given at the public hospital. • However, in field research some women indicated that they were not informed about the tests they had to take. A good number of women stated that they did not know either the tests they took or

	<p>the results, as these are placed by the hospital in a sealed envelope addressed to the attention of the public prosecutor.</p>
<p>What types of information were women given about their rights and available services?</p>	<ul style="list-style-type: none"> • Over half of respondents to the online survey reported that they did not receive any information about the rights and services available to them. • Field research also indicated that information is not systematically provided to all women, and is dependent on if the hospital unit social worker is available, on their personality, and the victim's state and condition. • Women who did receive information reported being told of their right to file a complaint against the perpetrator, orientation to law enforcement authorities, or a referral to an NGO in case of women who need shelter and housing.

What types of questions do public health services ask?

What types of questions do public health services ask women victims of sexual assault?	<ul style="list-style-type: none">• Questions about the victim: personal demographic information, family situation, residence, educational level, if has a disability, symptoms and health status• Questions about the nature of the relationship between the victim and the aggressor• Questions about the aggressor: identity, if he has any precedents• The incident: place and time, if it was the first incident or repeated, if any weapons or physical violence were used• If she wants to file a criminal complaint
What types of questions do public health services ask other people, such as the aggressor, witnesses, etc.?	<ul style="list-style-type: none">• Public health services generally do not interview anyone else, except in the case of a minor victim when they will also interview the person accompanying her/guardian, asking question similar to those asked of the victim.
What types of evidence did they collect and how?	<ul style="list-style-type: none">• Evidence collection requires the filing of a criminal complaint and depends on the orientations and instructions given to the public health services by the Public Prosecutor via the law enforcement authorities. This may include the OB-GYN report, the physical and psychological condition of the woman based on interview and observations, the nature and age of injuries, determination if a foreign object was inserted into her body, visible injuries and bruises (photos are taken), and any DNA traces from the perpetrator. Some women interviewed indicated that none of the above evidence was gathered in their cases.

What kinds of documentation did women obtain and how?

- 90% of respondents to the online survey and 81% of interviewees reported obtaining some form of documentation from the public health authorities, primarily the medico-legal certificate, and/or a certificate confirming her pregnancy. While varying by region, for those women that did receive documentation, it was usually issued within 30 minutes to half a day, if the designated doctor was available.
- Medico-legal certificates attesting to sexual violence were only issued by the health services upon instructions from the Public Prosecution Office via law enforcement, not only upon the women's request. Medico-legal certificates issued without the Public Prosecution instructions only attest to (non-sexual) physical injuries.

What is the procedure for obtaining medico-legal documentation?

- The Public Prosecutor must issue orientations and instructions to the public health services, delivered via the law enforcement officers who accompany the woman to the hospital. This is dependent on the filing of a criminal complaint.
- Some women reported that they received the Prosecutor's instructions and delivered them directly themselves to the public health services.
- Some women reported delivering the medico-legal documentation from the public health services (in a sealed envelope) directly to the prosecutor themselves.
- A few women who went first to the hospital reported that the VAW unit social worker telephoned the prosecutor directly to obtain the necessary orientations and instructions, to be able to act quickly and avoid the woman having to do in person to the Prosecutor's office.
- If the woman goes through the VAW Unit at the hospital, the medico-legal documentation is free.³⁸
- Depending on the circumstances of the case, several health professionals may provide input to the file, including an OB-GYN, a mental health doctor, as well as the designated VAW unit doctor who issues and signs documentation as required.

What types of medico-legal documentation may be provided?

Depending on the victim's condition and the availability of services, this

³⁸ Ministry of Health Circular No. 162 of December 17, 2010 relating to free medical certificates for abused women and children.

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

Illustrative Quotes

The perpetrator began contacting the victim through phone calls, text messages, and poetic words. She became attached to him, as he was constantly promising to marry her. One day he suggested that she meet his parents and she liked the idea, and he took her in a car to his parents' house. She met his parents, but on their way back, the perpetrator took another road to a farmhouse belonging to one of his friends. He assaulted and raped her, and after a few hours her parents started phoning to see where she was. To prevent her from telling her parents what happened, the perpetrator forced her to lie to them and tell them that she was staying with a friend of hers. After two days of continuous assaults, she escaped and went directly to the local hospital, as she wanted to conduct tests to prove the assault on her and her loss of virginity. She was shocked by the reaction of the doctors, as after conducting the tests it was confirmed that she was still a virgin and that they could not give her a certificate proving the opposite. Three months after the assault, the victim discovered that she was pregnant and filed a complaint against the perpetrator. When it came time for delivery, she went back to the same hospital, where she wanted to give birth by caesarean section in order to preserve her virginity. The hospital refused her request and she gave birth naturally.

"Public health services lack sufficient human and materials resources, including appropriate tests, rape kits, emergency kits, and equipment. Reception and listening facilities are inadequate." (a public health services interviewee)

Examples of information provided to victims of sexual assault by the public health services include:

"The perpetrator is responsible for the incident. Do you want to make a complaint?"

"Do not be afraid to resort to justice."

"You can file a lawsuit against him".

"They provided tips to file a complaint about the matter."



Questions for Future Inquiry

- To what extent is the accompaniment of the victim by a family member or other to the public health services of a supportive or of a controlling nature?
- What is the legal nature of the Public Prosecutor instructions to the hospital in SVAW cases – authorizations, orders, orientations, or other?
- Can women legally never obtain a medico-legal certificate without instruction from the Public prosecutor? Or is this a matter of practice due to doctor's reluctance to issue such documentation?
- To what extent are DNA swabs systematically taken?
- How exactly are doctors determining "loss of virginity"?
- More in-depth research should focus on and detail the specific content of:
 - the questions women victims of sexual assault are asked by public health services personnel
 - the exact composition and elements of the medico-forensic examination
 - the evidence collected by public health services
 - the medico-legal documentation.

Sector Specific Response: Law Enforcement³⁹

Reminder: 24 % of interviewees and 47% of online respondents sought assistance from the law enforcement at some point. As 27% of interviewees went no further in the process, it is worth examining factors that might lead to victim attrition at this point.



Observations:

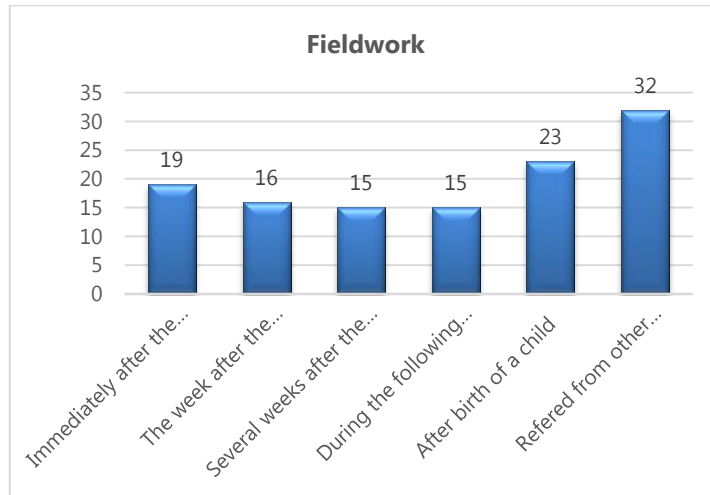
- Law enforcement investigations appear to be focused on determining the relationship (if any) between the victim and the perpetrator, rather than on the coercive nature of the incident(s) in question.
- It is not clear to what extent investigations actively and systematically attempt to corroborate the victim's statement by going to the crime scene, talking to witnesses, or gathering circumstantial evidence.
- Findings appear to suggest that when women report the violence directly to law enforcement, the file risks remaining there for awhile before being transferred to the Public Prosecutor. Some reports suggest that the transfer of the file to the public prosecutor's office is faster from the police than from the gendarmes, the latter reportedly taking 10 days to one month; however further research is required to confirm this and identify possible reasons.
- A good number of victims of marital rape reported that, instead of registering their complaints, law enforcement directed them to the family courts for divorce, citing the difficulty of establishing marital rape and winning the case.
- Many interviewees described the difficulties they had obtaining information from law enforcement on the outcome of their complaints.

When and how do women seek assistance from law enforcement?

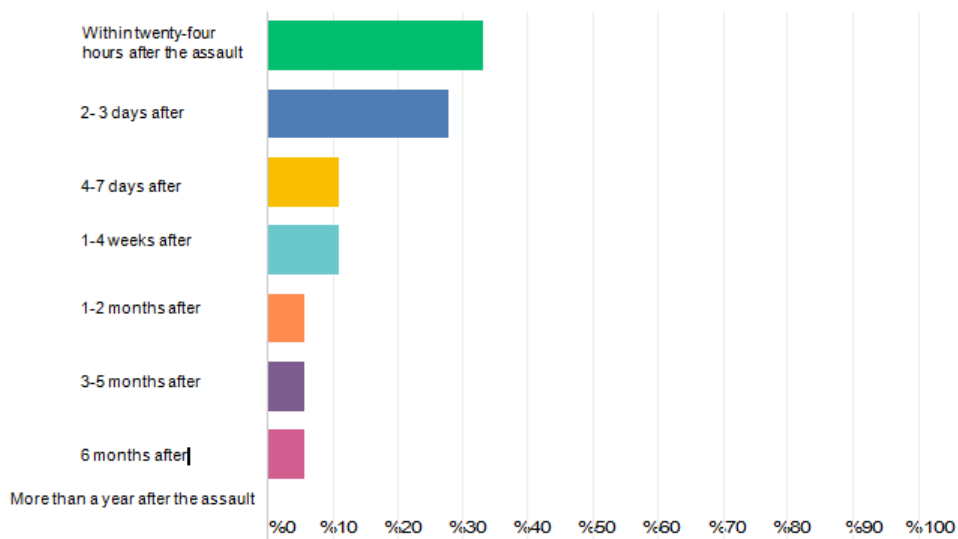
- When women seek assistance from the law enforcement agencies varies according to the circumstances. Sometimes women go directly to a police station or gendarmerie to report the sexual violence. Women's contact with law enforcement may be triggered when the hospital notifies authorities that a single mother has come to give birth. In other instances if women want to file a criminal complaint and present themselves directly to either the public health services or the Public Prosecutor, the latter will direct the law enforcement to accompany her to the public health services with instructions for the forensic examination. Law enforcement involvement may thus be triggered by external factors and persons, and not necessarily based on the woman's wishes.
- How long in total the first visit lasted likewise depended on the circumstances in each case; although no clear trends were detected, first visits lasted from 30 minutes to four hours.

³⁹ Law enforcement refers to the police and the gendarmes combined.

- The number of times women went to law enforcement also varied according to the circumstances, ranging from one to six times. Some women reported going to the law enforcement stations numerous times on their own initiative to follow up on and check the status of their complaint. Some reported going daily to the gendarmerie daily for between a week to a month, in the hopes of speeding up the process, or out of fear that no action would be taken due to personal relationships and favors between the perpetrator and the law enforcement authorities.



Online survey



How do women describe their experiences with law enforcement agencies?

Do women go alone or are they accompanied?	<ul style="list-style-type: none">• More than seven out of ten respondents to the online survey and more than 90% of the women interviewed reported going to law enforcement accompanied by someone, usually a family member and a member of a local women’s association. The few women who went alone explained that they did not want anyone to know that they had been sexually assaulted.
Was there a time when the woman felt insulted or pressured to withdraw her case?	<ul style="list-style-type: none">• 28% of respondents to the online survey and half of the women interviewed reported feeling pressured to withdraw their case at the law enforcement stage.• Women reported feeling stressed, insulted, pressured, intimidated, and blamed for the violence by the questions asked.• Some women reported unfriendliness and lack of empathy, as well as linguistic obstacles faced by Amazigh speakers.• Some women described their fear of being prosecuted for illicit sexual relations.• Unmarried women felt pressured to admit that they know the perpetrator.• Married women felt pressure to abandon the process to preserve family stability and to protect their children.• A few women reported being blackmailed for sexual services from law enforcement officers, or the perpetrator paying money to the law enforcement for the complaint to go away.• Sex workers reported particular obstacles, such as the threat of imprisonment and the complaint not being taken seriously on the pretext that she went with a client voluntarily.• Women who were taken by law enforcement to the health services felt extremely uncomfortable being taken in the same vehicles used to transport criminals.
Were women afraid of the perpetrator at this stage?	<ul style="list-style-type: none">• 80% of interviewees and 22% of online respondents reported being afraid of the aggressor at this phase.

	<ul style="list-style-type: none"> • A minority of women reported telling the law enforcement about their fear of the perpetrator; in one instance the police phoned the perpetrator about threats he made to the victim. Generally the woman was told that she was “under their protection and should not be afraid” and that they “will intervene if anything happens.” • The majority of women who were afraid of the perpetrator did not communicate this to the law enforcement, usually because of his threats to harm or kill her and/or members of her entourage.
<p>Did anyone inform the woman about the risk that she could be prosecuted for illicit sexual relations outside of marriage?</p>	<ul style="list-style-type: none"> • More than half of interviewees and 11% of online respondents reported being told by law enforcement that they could be prosecuted for sexual relations outside of marriage. • Women victims of sexual violence in a non-marital relationship, or women who become pregnant because of rape but have no witnesses or evidence, are particularly informed of the possibility of being prosecuted for sexual relations outside of marriage. • At times law enforcement officials informed women of this risk in order to protect her from being prosecuted and imprisoned herself. • In other instances, women were informed of this risk in order to protect the perpetrator and to pressure her to withdraw her complaint. • In one city, cases were reported where law enforcement deliberately did not inform the woman of this risk, in order to pressure her to admit a prior relationship with and subsequently entrap and apprehend the perpetrator, and then prosecute both of them.
<p>Did the woman have to pay anything at the law enforcement agencies?</p>	<ul style="list-style-type: none"> • No official expenses were reported. • Women who live far from law enforcement stations reported transportation costs that can be prohibitive for people with limited means.

What kinds of services and information did women receive?

Who are the law enforcement personnel that women received assistance from?	<ul style="list-style-type: none">• Many of the fieldwork participants were unable to say who specifically (position, role, or title) at the police station or gendarmerie they were received and interviewed by.• Women reported not being having the choice of female law enforcement personnel, but being received and interviewed by whoever was available and on duty at the time.• Field research indicates that at police stations with a VAW unit, women were received by the trained VAW unit designated staff –a police officer and a social worker. A good number reported these police stations having a special office to interview the women. In police stations without a VAW unit, there is no designated space or specially trained personnel; women reported feeling uncomfortable at being interviewed among the general population of arrested persons at these stations.• Similarly, women reported that at the gendarmerie there was no specific service, designated and trained personnel, or space reserved for women victims of violence.
What types of information were women given about their rights and available services?	<ul style="list-style-type: none">• 67% of online respondents and nearly half of the interviewees reported that they did not receive any documentation or information about the rights and services available to them, other than the file number and the date the file was sent to the Public Prosecutor.• A good number of women victims of marital rape interviewed reported being told by law enforcement agencies that a criminal case would not be successful, and that they should file a civil case for divorce and financial support instead.• Some reported being given the VAW unit mobile phone number.• One online respondent reported that law enforcement informed her that she had the right to read the written minutes based on her oral statement (procès-verbal) or they could read them out loud to her.• Field research suggests that underage victims are more likely than adult women to be informed that they can prosecute the perpetrator.

What types of questions did law enforcement ask?

Who was interviewed by law enforcement?	<ul style="list-style-type: none">• Who law enforcement interviews about the sexual assault depends on whether or not the Public Prosecution orders an investigation.• Findings indicate that interviews are primarily conducted with the victim and the perpetrator. Additional possible interviewees may include their relatives, neighbors and potential witnesses. Only two out of 18 online respondents to this question mentioned a third party being questioned.• Fieldwork suggests that other people are often interviewed not as witnesses but as to their observations about the nature of the relationship between the victim and the perpetrator.
What types of questions does law enforcement ask women victims of sexual assault?	<ul style="list-style-type: none">• Personal and demographic questions about the victim• Questions about the perpetrator's identity, address, current whereabouts• Place, time and nature of the incident• If she was in a relationship with the perpetrator• If there are witnesses• If she or the perpetrator have any physical marks of the incident on their body• If she has any evidence to support the case, such as recordings or photos <p>Some women interviewed reported being asked questions that they found insulting and accusatory:</p> <ul style="list-style-type: none">• Why didn't you report the incident "in a timely manner"?• Why did you have a relationship with him if you refuse sexual intimacy?• You are a sex worker, how can you talk about sexual assault?• You are a single mother, how can you be raped?• Did you agree to be in a relationship with him?

	<ul style="list-style-type: none"> • How long have you known him? • Why would you want to file a complaint against your husband? (in instances where the perpetrator was the husband)
<p>What types of questions does law enforcement ask other people, such as the aggressor, witnesses, etc.?</p>	<ul style="list-style-type: none"> • Some women indicated that they were the only ones interviewed by law enforcement. Reasons provided for this included the lack of witnesses, women refraining from providing names of people who might testify to a prior relationship with the perpetrator, an unknown perpetrator, or lack of belief by law enforcement of her claims. • In cases where the aggressor and/or others were interviewed, questions tended to focus on personal demographic information, “the facts of the assault” and the nature of the relationship between the victim and the perpetrator.
<p>What types of evidence did they collect and how?</p>	<ul style="list-style-type: none"> • Findings suggest that a good number of investigations are limited to the statements of the victim and the perpetrator, plus the medico-legal certificate(s) and report(s). • Evidence and proof tends to be heavily based on visible physical injuries, any DNA available, and tangible evidence such as photos, text or voice messages or recordings. • Many women reported the absence of any such tangible proof of the sexual violence. Only two out of 18 online respondents mentioned having additional evidence such as phone calls, photos, or messages. • Interviewees with women appear to suggest that any tangible proof such as photos, recordings or messages were provided at the initiative the women themselves, rather than through law enforcement systematically and aggressively searching for it. • Evidence and proof gathered does not appear to focus on determining the (non-) consensual nature of the incident itself.

Illustrative Quotes

One of the women was sexually assaulted by a person she knew personally and who raped her by force and aggressively sodomized her, leaving her with severe sexual injuries. She went to the public health services and got a medical report that certified her health condition with an incapacity period of 35 days. She then reported the violence to the police. After interviewing her and drafting the minutes of the incident, she was asked by the police to contact the perpetrator and lure him in order to arrest him. She called the perpetrator and met him. The police officers came and arrested both the victim and the perpetrator, and charged her with prostitution. The victim was sentenced to three months in prison.

A victim of sexual violence was raped by an unidentified person while shepherding, and as a result of this assault she became pregnant. After reporting the assault to the police, given the lack of evidence and no witnesses to the assault, she was informed about the possibility of being prosecuted for prostitution. As a result, she withdrew the complaint and left town.

One woman filed a complaint for being kidnapped and raped by the son of the Commune's president. However, the police did not listen to her despite the presence of witnesses, and that was due to the authority and influence of the aggressor's father.

A sex worker wanted to end a relationship with an abusive man who was repeatedly raping her. She declared the violence to the local law enforcement, who did not intervene until the man brutally attacked her to the point that she suffered severe internal injuries to her sexual and reproductive body parts.



Questions for Further Inquiry

- Under what circumstances can and will perpetrators of sexual violence be arrested?
- What differences, if any, exist between the police and the gendarme response to SVAW?
- What measures exist to keep women informed of the follow-up made on her complaint and progress on the investigation?
- Who is gathering proof for criminal court cases? To what extent are law enforcement actively seeking evidence and to what extent are women being held responsible for bringing it herself?

Sector Specific Response: Prosecutor's Office

Reminder: 23 % of interviewees and 32% of online respondents sought assistance from the Prosecution at some point. As 27% of interviewees went no further in the process, it is worth examining factors that might lead to victim attrition at this point.



Observations

- No women interviewed or in the online survey reported benefitting from the protective measures available in the Penal Code and Code of Penal Procedure, even in cases where they did communicate their fears of the perpetrator and his threats to the Prosecution.
- Both the field research and online survey suggest that investigations of cases of sexual violence focus on the nature of the relationship between the perpetrator and the victim rather than on the coercive nature of the assault itself.
- Some of the interviewees reported that no investigation was conducted on their complaint, and that after only interviewing the victim the case was closed with no further action by the Public Prosecution for insufficient evidence.
- A few cases were reported where the Public Prosecution moved forward with the case despite the victim's withdrawal or marriage to the perpetrator. These were cases where the victim was a minor; in contrast prosecutions were dropped in similar cases with adult victims.
- The prevailing trend in marital rape cases is to classify them as assault and battery rather than sexual violence.

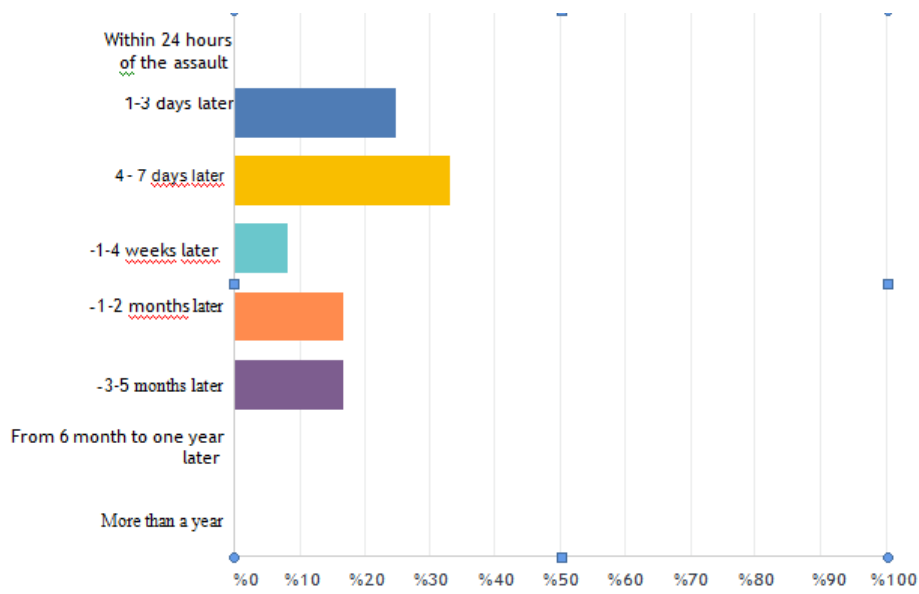
When and how do women seek assistance from the prosecutor's office?

When women seek assistance from the Public Prosecution varies according to the circumstances, and the triggers and drivers of the reporting. Some women reported preferring to report the sexual violence directly to the Public Prosecutor's office, who then issue instructions to law enforcement for an investigation. Local NGOs confirmed advising women that this is often a quicker process than reporting the violence to law enforcement first. Likewise, the Public Prosecutor's involvement is required to obtain a medico-legal certificate for sexual violence.

Involvement of the Prosecution may also be triggered by law enforcement independent of the women's wishes when a possible crime comes to their attention, such as a suicide attempt or a pregnancy to an unwed woman.

How long in total the first visit lasted likewise depended on the circumstances in each case; although no clear trends were detected, first visits lasted from 30 minutes to half a day. The number of times women went to the prosecutor's office also varied according to the circumstances, ranging from one to three times.

Online Survey



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

Do women go alone or are they accompanied?	<ul style="list-style-type: none">• 85% of women interviewed and 70% of online respondents reported going to the prosecutor's office accompanied by someone, usually a family member and / or an NGO member. In instances of marital rape, women reported going alone (having not told anyone about the violence) or being accompanied by her husband (to prevent her from speaking about the violence).
Was there a time when the woman felt insulted or pressured to withdraw her case?	<ul style="list-style-type: none">• Over half of women interviewees reported feeling insulted or pressured to withdraw their case at this phase. Most frequently these women reported repeated insults and pressure to acknowledge a prior relationship with the perpetrator: "There is a great emphasis in the investigation method on the victim's knowledge of the perpetrator and not on the violence itself."
Were women afraid of the perpetrator at this stage?	<ul style="list-style-type: none">• Over half of women interviewees reported being afraid of the perpetrator at this stage of the process.• Some of these women reported being threatened by the perpetrator with physical violence against her or her family, or publication of personal photos, if she did not withdraw her complaint.• Few women notified the prosecutor's office that they were afraid of the perpetrator. Those that did reported receiving verbal reassurance that authorities would intervene in case of a problem, but that no concrete actions or protective measures were taken.• Women reported insults and threats from the perpetrator when they were both called for interviews at the prosecutor's office.• A few women reported moving away from their homes due to the presence of the aggressor in the same house or neighborhood.
Did anyone inform the women about the risk that she could be prosecuted for illicit sexual relations outside of marriage?	<ul style="list-style-type: none">• 17% of online respondents and 33% of interviewees reported being told that they could be prosecuted for sexual relations outside of marriage.

- As with other public actors, in some instances women were informed of this possibility in an attempt to protect them from being prosecuted themselves in cases where evidence was lacking, and in other instances this was used as a tool to protect the perpetrator and pressure the woman to withdraw the complaint.
- A few women reported deliberately not being told of this possibility in order to entrap them into admitting a prior relationship with the perpetrator.
- Field research suggests that adult women and sex workers are more likely to be informed of this possibility than minor girls.
- Field research also suggests that a good number of prosecutors are reluctant to prosecute women under these provisions and try to avoid doing so if at all possible.

What kinds of services and information did women receive?

<p>Who are the personnel that women received assistance from?</p>	<ul style="list-style-type: none">• Every court of first instance and court of appeals has a VAW unit, headed by a public prosecutor and staffed by (a) social worker(s).• Social workers are charged with receiving women, informing them of procedures, taking their statements, and following up on their file. They may also orient and accompany the women to other public services (law enforcement, hospital).• There is also a registry office (Bureau d'ordre) for all cases – not just sexual violence – where complaints are registered and summonses issued.• Obstacles reported in the fieldwork to the efficient functioning of the VAW Units include:<ul style="list-style-type: none">- The lack of female social workers in all units means that women don't always have the choice of whom to speak with- The prosecutors in charge of these units are predominantly men.- A dearth of human, financial and material resources specifically dedicated to sexual violence.- Some units do not have their own reserved space, and women reported having to speak about their cases in front of other civil servants not assigned to VAW cases.- Failure to activate the roles of social workers in some units.- Lack of understanding of procedures by some staff at the units.- Lack of training for staff on gender crimes.- Lack of sufficient staff wanting to work on sexual violence cases.
<p>What types of information were women given about their rights and available services?</p>	<ul style="list-style-type: none">• 67% of online respondents said that they did not receive any information about the rights and services available to them.• Prosecutor's office staff reported explaining the laws and legal procedures, informing women of their right to apply for legal aid

and to file a civil lawsuit for damages, and directing women to hospitals and other services as needed, such as shelters.

- Findings from interviews with women suggest that comprehensive information provision is not systematic, and varies across regions and depends on the individual staff member.
- One online respondent was reassured of the illegality of the assault and another was provided information about the trial.
- At this stage in the process, women can obtain a copy of the entire complaint from law enforcement with the minutes (procès-verbal); several women indicated that their lawyer obtained this for them.
- Women who want shelter at an NGO must first obtain a copy of the “procès-verbal d’écoute” – the listening minutes – from the prosecutor’s office.

What types of questions did the prosecutor's office ask?

Who was interviewed by the prosecutor's office?	<ul style="list-style-type: none">• Fieldwork suggests that interviews are primarily conducted with the victim and the perpetrator. Additional possible interviewees may include the victim's guardian (if a minor), both parties' relatives, neighbors and potential witnesses.• As with law enforcement, it appears that interviews with the victim, the perpetrator and other people are heavily focused on the nature of the relationship between the victim and the perpetrator, rather than on the specific circumstances of the actual incident.
What types of questions does the prosecutor's office ask women victims of sexual violence?	<ul style="list-style-type: none">• Personal and demographic questions about the victim and the aggressor• Place, time and nature of the incident• If she was in a relationship with the perpetrator, the type and length of the relationship• If there had been preceding incidents of sexual violence• If there are witnesses• If she has any evidence to support the case, such as recordings, messages or photos.
What types of questions does the prosecutor's office ask other people, such as the aggressor, witnesses, etc.?	<ul style="list-style-type: none">• Some women indicated that they were the only ones interviewed by the prosecutor's office, and then the case was closed for insufficient evidence with no further inquiry.• In cases where the aggressor and/or others were interviewed, questions tended to focus on personal demographic information, "information about the incident," the nature and length of the relationship between the victim and the perpetrator, and if the perpetrator had precedents.
What types of evidence did the prosecutor's office collect and how?	<p>Field research suggests that evidence gathered and used in sexual violence cases consists primarily and very often exclusively of:</p> <ul style="list-style-type: none">• The medico-legal certificate(s) and file(s) from the hospital;• The written minutes (procès-verbal) from law enforcement;• Victim and perpetrator statements. <p>Sometimes women may be able to provide evidence such as recordings, messages or photos. The presence or not of physical injuries or marks on the perpetrator appears to be given significant importance to (a) determine the perpetrator's identity and (b) establish non-consent of the victim.</p>

Illustrative Quotes

“Most of the women felt humiliated as a result of ongoing pressure by repeating the same questions; and the method of conducting the investigation does not take into account the psychological situation of the victim; as they always ask questions that focus on the victim's knowledge of the aggressor, which made women feel insulted at times, psychologically pressured, excessively nervous and lacking focus.” (an NGO)

One woman was raped by her neighbor. After submitting the complaint to the gendarmerie, she did not receive any document or information about the outcome of the complaint. The gendarmerie told her verbally that her file was sent to the Public Prosecution. The prosecution told her that they received nothing and asked her for the file number. When she asked the gendarmerie for the file number, they refused and asked her to draw up a new statement. At the same time they told her that it was not possible, because nine months had passed since the assault and the aggressor had left the region.

One woman was raped by a person she was in an intimate relationship, and after her file reached the Public Prosecution, she was charged with illicit sexual relations even though the perpetrator had used manipulation and physical violence to assault her.



Questions for Further Inquiry

In cases where the husband-perpetrator accompanies the woman to the prosecutor's office:

- What circumstances are these under?
- What are the reasons for this?
- What is the impact on the women?
- How does this impact on the procedures?

To what extent are public prosecutors authorizing or not the use of recordings, videos and the like to build a case?

To what extent do prosecutors proceed with SVAW cases in the absence of testimony or withdrawal of the complaint by the victim?

Sector Specific Response: Courts

Reminder: 10 % of interviewees and 62% of online respondents sought assistance from the courts at some point. As 14% of interviewees indicated that the process ended here, it is worth examining (a) outcomes of court cases and (b) factors that might lead to victim attrition here.



Observations:

- This figure is higher than the number of women who sought assistance from the Public Prosecutor, as noted in the previous section. This is likely due to the fact that a good number of women went to courts for civil cases only, without filing a criminal complaint that would necessarily involve the prosecutor's office. Except when specifically noted otherwise, the below findings are for both civil and criminal cases combined.
- Having constructed the action research around criminal reporting to law enforcement and the prosecutor's office, the research team had not anticipated that some women would answer the questions in this section on courts with information on their civil cases. This was, however, an important finding in and of itself, the extent to which women are avoiding the criminal justice system in SVAW cases, instead only seeking civil remedies available under the Family Code for divorce, paternity determinations of children born as a result of rape, and/or financial support for their children.
- When criminal complaints are filed, women have the right to join a civil lawsuit for damages to that court case (rather than filing an entirely separate civil case). However, some women reported that they had not been aware of this possibility; those that did said that they were informed of this option by their own lawyer. Findings suggest that neither private lawyers nor the public actors are systematically informing women of their right to join a civil case for damages to the criminal prosecution.
- The vast majority of women victims of marital rape do not file criminal complaints, but rather file a civil case for divorce under the Family Code. Furthermore, the vast majority of divorce cases filed in these instances are for "chicago" - irreconcilable differences – rather than fault-based divorces for harm caused by the violence. Women are in theory entitled to the latter form of divorce, with compensation for the harm cause, but this would require a criminal conviction as proof.⁴⁰
- No women interviewed reported benefitting from the legal protective measures available in the Penal Code and Code of Penal Procedure during this phase.
- When perpetrators are convicted of sexual violence, sentences tend to vary greatly across jurisdictions and the individual judge; nonetheless sentences are generally quite lenient.
- In cases where women were convicted of illicit sexual relations, sentences ranged from two to six months imprisonment, at times a suspended sentence. It must be noted that in a few cases where the rape was reclassified as illicit sexual relations and the perpetrator was married, his wife often waived the prosecution and as a result he was not punished.

⁴⁰ The vast majority of judicial divorces in 2017 were *chicago* (98.8%), with fault-based divorces quite rare: divorces for harm or violation of a clause in the marriage contract comprised only 0.08% of all divorces (Haut-Commissariat au Plan, Annuaire Statistique du Maroc, 2018.)

- The research did not reveal any convictions for marital rape; in the instances where the perpetrator was the husband he was prosecuted for assault and battery rather than sexual violence.

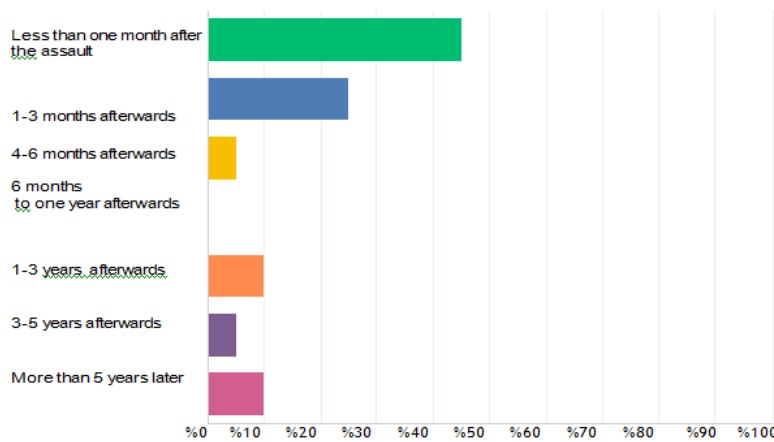
How long after the violence was there a court hearing?

When the court case was heard relative to the incident and the number of times women go to the court varies according to the circumstances and the nature of the case – civil, criminal, emergency hearing, etc. A good number of women reported seeking assistance from the courts only years after the incident. Some women reported going to the courts as many as seven times.

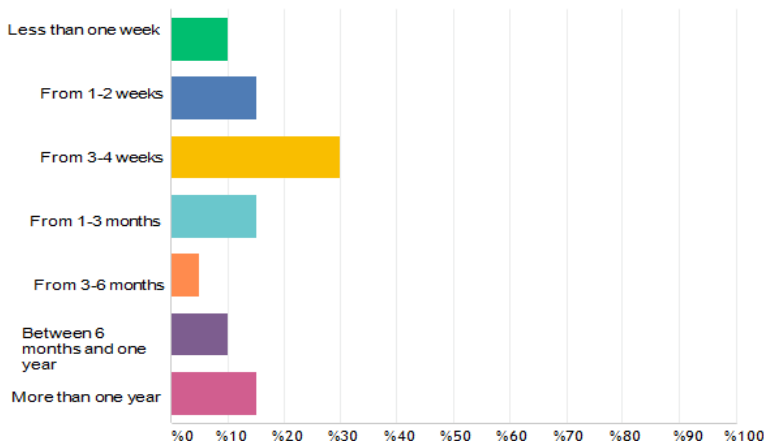
Reports and estimates of how long criminal court cases lasted varied by region and the circumstances. Court staff reported cases lasting from four months in the absence of pregnancy to one year if the victim is pregnant, pending the birth and subsequent DNA testing of the baby. Some women reported cases that lasted between one to three years. Factors affecting the length of the cases may include:

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

How long after the incident – online survey



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



How do women describe their experiences in the courts?

Do women go alone or are they accompanied?	<ul style="list-style-type: none">• Nearly all of the women interviewed and 60% of the online respondents went to the courts accompanied by someone, usually a family member, court social worker, NGO member, and / or her own lawyer.• The few that went alone did so out of fear of their family's reactions if they knew of the incident.
Was there a time when the woman felt offended or pressured to withdraw her case?	<ul style="list-style-type: none">• Half of the women interviewed and 13% of online respondents reported feeling offended or pressured to withdraw their case at the stage of the court proceedings.• Women cited reasons including the public nature of the court hearing, having to talk about the details of the violence in front of other people, the lack of privacy, the husband's pressure to retract her statements, charges of illicit sexual relations against her, intimidation from having to wait in the court hallways along with the perpetrator and his family, and accusatory questions about her relationship with the perpetrator.
Were women afraid of the perpetrator at this stage?	<ul style="list-style-type: none">• Half of the women interviewed and 13% of online respondents reported being afraid of the perpetrator at the stage of the court proceedings.• None of the women interviewed reported benefitting from protective measures during the trial phase.• In areas without shelters, women continue to live in the same home as the abusive husband, or nearby to the perpetrator and his family, exposing women sometimes daily to intimidation, pressure and/or reconciliation attempts.
Did anyone inform the women about the risk that she could be prosecuted for illicit sexual relations outside of marriage?	<ul style="list-style-type: none">• 25% of interviewees and 5% of online respondents reported being informed of this possibility at this stage.• A few women reported not being informed of this possibility, or not understanding a subpoena they received, until a verdict was pronounced against them.

	<ul style="list-style-type: none"> • Several women declared that they had not been informed of this risk by their own lawyer. • NGOs reported systematically informing women about this possibility.
<p>Did the women have to pay anything at the courts?</p>	<ul style="list-style-type: none"> • Women may apply for legal aid by submitting a copy of the complaint, a statement of non-payment of taxes and a copy of the “Ramed” card. The latter requirement can be quite problematic for women.⁴¹ • Fees for women who do not benefit from legal aid, especially if filing a civil claim for damages, can include attorney’s fees, court filing costs, and additional medical expertise requested by her (rather than ordered by the court). • Women also reported additional related expenses, such as fees to the public scribe to write up a complaint, transportation costs to the court, and housing expenses if the distance to the courts requires overnight stays. • Women who have received favorable judgments in civil cases then must pay the fees and costs of the enforcement agent to execute the court order. • Some women reported not being aware of the associated costs and fees because these were managed and paid for by a relative (often a father or brother).

⁴¹ The Ramed card is a medical assistance card intended for vulnerable groups who do not benefit from any compulsory health insurance plan, as provided for in article 2 of decree n ° 177-08-2 <https://www.sante.gov.ma/sites/Ar/regulations/DocLib5/2.08.177.pdf>. However, such cards are attributed to a household and are generally in the name of the husband. Single women living alone need to prove that their father is deceased, while divorced women and widows need to bring proof of divorce or the husband’s death in order to get a Ramed card.

What kinds of services and information did women receive?

<p>Who are the personnel that women received assistance from?</p>	<ul style="list-style-type: none">• Many of the women interviewed did not know exactly who they spoke with, considering that everyone in the court is a “judge.”• Field research indicates that there are not specially-designated sections, judges, or court rooms for sexual violence cases.• A few courts reported hearing sexual violence cases separately on a specific day and time.• Some courts allow NGO members to accompany women into the courts to provide support during the interviews and hearings.• VAW unit social workers are generally present in the courts, accompanying and informing women of the procedures and developments in their case.
<p>What types of information were women given about their rights and available services?</p>	<ul style="list-style-type: none">• 70% of online respondents said that they did not receive any information about the rights and services available to them.• Many women interviewed reported not receiving any information; this is likely due to the fact that lawyers often communicate with their fathers or brothers, rather than with women directly.• Women who did receive information reported being informed of their right to legal aid, the right to appeal a judgment, the dates of court hearings, and notification of the verdict. They also reported being informed that they can obtain copies of the various documents and court records via their lawyer.• Even women who expressed fear of the aggressor during this stage were not informed of their right to request and obtain protective measures under the Penal Code and Code of Penal Procedure.• The publically accessible court services database http://www.mahakim.ma/ allows anyone to track the status of a case; NGOs reported that this allows them to help women follow-up on their files.

What types of questions did the courts ask?

<p>Who was questioned by the court?</p>	<ul style="list-style-type: none"> • In addition to the victim and the perpetrator, in theory the courts can hear witnesses called by either side, as well as and including family members of both parties. As the fieldwork did not reveal any particular trends or details, this has been included in the Questions for Further Inquiry section.
<p>What types of questions were women victims of sexual violence asked during the court case?</p>	<ul style="list-style-type: none"> • Personal and demographic questions about the victim and the aggressor • Place, time and nature of the incident • If she was in a relationship with the perpetrator, the type and length of the relationship • In a couple of marital rape cases, women were asked if they wanted to return to the marital home and preserve their family. • Some women reported forgetting the questions they were asked at trial. • Most women described the embarrassing nature of the questions they were asked, in public hearings, and being required to state all of the details of the incident. They said that this made them confused, unable to provide all of the necessary information, afraid, and unfocused, at times providing contradictory answers to the questions.
<p>What types of questions were other people, such as the aggressor, witnesses, etc. asked during the court case?</p>	<ul style="list-style-type: none"> • A good number of women reported not knowing the answers to these questions, having not attended all of the hearings. • Typically questions focused on the incident, if the perpetrator had any precedents for sexual violence, and the nature of the relationship between him and the victim.
<p>What types of evidence was presented?</p>	<ul style="list-style-type: none"> • Procès-verbal from the law enforcement • Procès-verbal from the Public Prosecutor • Medico-legal certificate and report • Any photos, videos, recordings, messages • Verbal statements of the victim, perpetrator, any witnesses • Any tangible physical evidence such as bloody clothing <p>The field research appears to indicate that evidence is frequently limited to the two parties' statements plus the Medico-legal certificate and report. NGOs reported that lawyers often rely solely on any evidence that women can provide, rather than actively investigating or searching for additional proof.</p>

What kinds of documentation did women obtain from the courts?

57% of online respondents and 32% of interviewees reported not receiving any documents from the court upon completion of the case, as they did not have a lawyer and/or were unaware of how to go about requesting the documentation. Some interviewees felt intimidated and discouraged by the crowded nature of the office responsible for providing copies of decisions and other court records, where priority is given to lawyers and their clerks. Many women described how the procedures for obtaining documents are complex and unclear, whether in person or via the online platform. Several women reported not hearing the actual pronouncement of the decision due to the overcrowding and noise in the courtroom.

Those that did receive documentation reported that their lawyer requested it from the court and/or an NGO assisted them to obtain the judgments and other related records of the trial, usually within one to two weeks after the verdict.

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

What was the outcome of the case?

Both interviews and the online survey revealed some confusion about the terms “conviction,” with women often referring to both a criminal conviction for sexual violence and a civil judgment against the perpetrator in divorce, financial support and paternity cases.

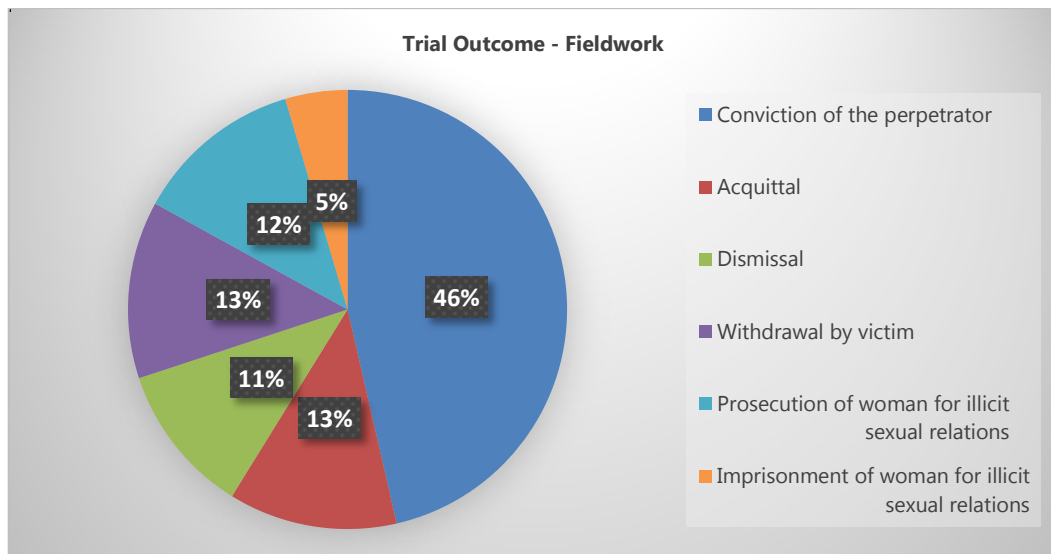
Findings demonstrate significant discrepancies in court decisions in sexual violence cases, with judicial discretion playing a large role in sentencing.

Factors contributing to a conviction for sexual violence included:

- Reporting the sexual violence immediately afterwards;
- The victim was a minor;
- The victim was accompanied and counseled by an NGO throughout the process;
- The victim provided sufficient evidence to convict the perpetrator;
- The victim was able to benefit from the services of a lawyer, in many instances through an NGO or family support.

Additional outcomes reported in the fieldwork included:

- Instances where both the victim and perpetrator were convicted of illicit sexual relations outside of marriage;
- Instances where the perpetrator was convicted of assault and battery, but not sexual violence;
- Instances where the wife of the perpetrator waived her right to prosecute the husband for adultery, but the victim was prosecuted for sexual relations outside of marriage;
- Instances where women dropped the criminal case in exchange for recognition of paternity of the child born as a result of the violence.



Online survey:

Since many online respondents reported civil – not criminal – cases when completing the survey, this section became complicated to analyze and elicit findings specific to outcomes in criminal trials for SVAW.

Out of a total of 22 responses to this question, 14 involved criminal cases and eight were civil matters:

Criminal	Civil
<ul style="list-style-type: none"> • One criminal case was dismissed • In nine criminal cases the perpetrator was convicted • In two criminal cases the victim withdrew the complaint • In two criminal cases both the victim and perpetrator were convicted of illicit sexual relations. 	<ul style="list-style-type: none"> • One case was for divorce • In two cases paternity was established, in one not established • In four cases the perpetrator was ordered to pay financial support.

Sentencing information was available for eight out of the nine criminal convictions reported:

- One month imprisonment and 500 DH fine
- Two months imprisonment, suspended
- Six months imprisonment
- One year imprisonment (2) and 15,000 DH fine (1)
- Two years imprisonment
- Two years imprisonment and 20,000 compensatory damages
- Five years imprisonment, 2000 DH fine, and 60,000 in compensatory damages.

In at least two instances, the victim was also convicted along with the perpetrator for sexual relations outside of marriage – in one instance two months imprisonment for her and six months for the perpetrator, and in another four months imprisonment for the victim and one month for the perpetrator.

Illustrative Quotes

One victim of sexual violence filed a case eight years after the assault, just to establish paternity of her child.

One married woman was subjected to repeated sexual violence by her husband; after she filed a criminal complaint against him, the case was dismissed for lack of witnesses. “How can I bring witnesses from the bedroom?” she asked.

“Both the rapist and I were sentenced to four months in prison and a 500 DH fine for sexual relations outside of marriage.”

One perpetrator kidnapped a 17-year-old minor girl, forced her to take hallucinogenic drugs, tattooed her arm with cigarettes, photographed her naked, and attempted to rape her. He was sentenced to a six months imprisonment, suspended sentence because she admitted that she had a previous relationship with him.



Questions for Further Inquiry

- Who is called to testify in court cases?
 - With what frequency?
 - Who asks them to testify?
 - What purpose is their testimony intended to serve?
 - What value and weight is given to their testimony?
- What types of specific questions are victims asked? are perpetrators asked? are other people such as witnesses asked?
- What are the legal arguments advanced in pleadings by the prosecution?
- What are the legal arguments advanced in pleadings by the defense?
 - *The above three questions would require observers sitting in courts and taking notes during the hearings.*
- What types of evidence is produced in sexual violence cases?
 - With what frequency?
 - What purpose is the evidence intended to serve?
 - What weight and value is the evidence given?
 - To what extent are judges allowing recordings, videos and the like to be used as evidence? On what conditions?
- What are the legal bases and reasoning used by judges when ruling on criminal sexual violence cases?
 - For dismissals? For convictions? For acquittals? For sentencing?
 - *This would require obtaining and analyzing actual copies of court decisions.*

What kind of coordination between public actors did women report?

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

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

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

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

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

- 85% said that the health services did not facilitate their access to another public service;
- More than half said that law enforcement did not;
- 92% said that the prosecutor’s office did not;
- 87% said that the court did not.

Field research revealed some general trends as well as examples of good practices.

Health sector	Law enforcement	Public Prosecution
<ul style="list-style-type: none"> • In some instances, the hospital social worker telephoned the Public Prosecutor directly to obtain the instructions required for the medico-legal examinations, to avoid the woman having to go seek them in person and avoid delays. • Health services contact law enforcement when single mothers give birth in order to prevent child abandonment. • When adult women do not want to file a criminal complaint, in the absence of serious injuries the health services generally do not contact law enforcement. 	<ul style="list-style-type: none"> • Women reported being intimidated by, and not appreciating, the procedure by which law enforcement accompany (take) them to the health services to obtain the medico-legal certificate. • One online respondent reported that law enforcement directed her to a women’s association for shelter, while another reported that law enforcement helped her find a private psychologist. 	<ul style="list-style-type: none"> • NGOs reported that public prosecution coordinated with local women’s NGO’s for the latter to help women draft and file their complaints, either in writing or online.

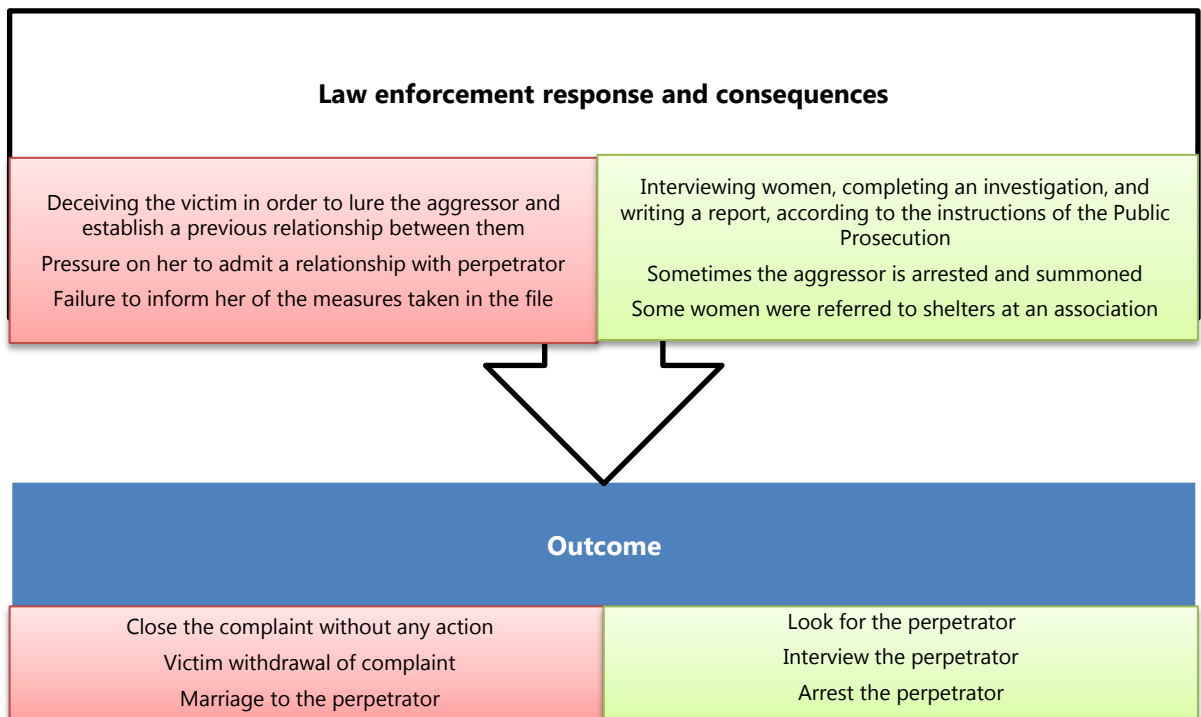
How satisfied were the women with the public authorities' responses?

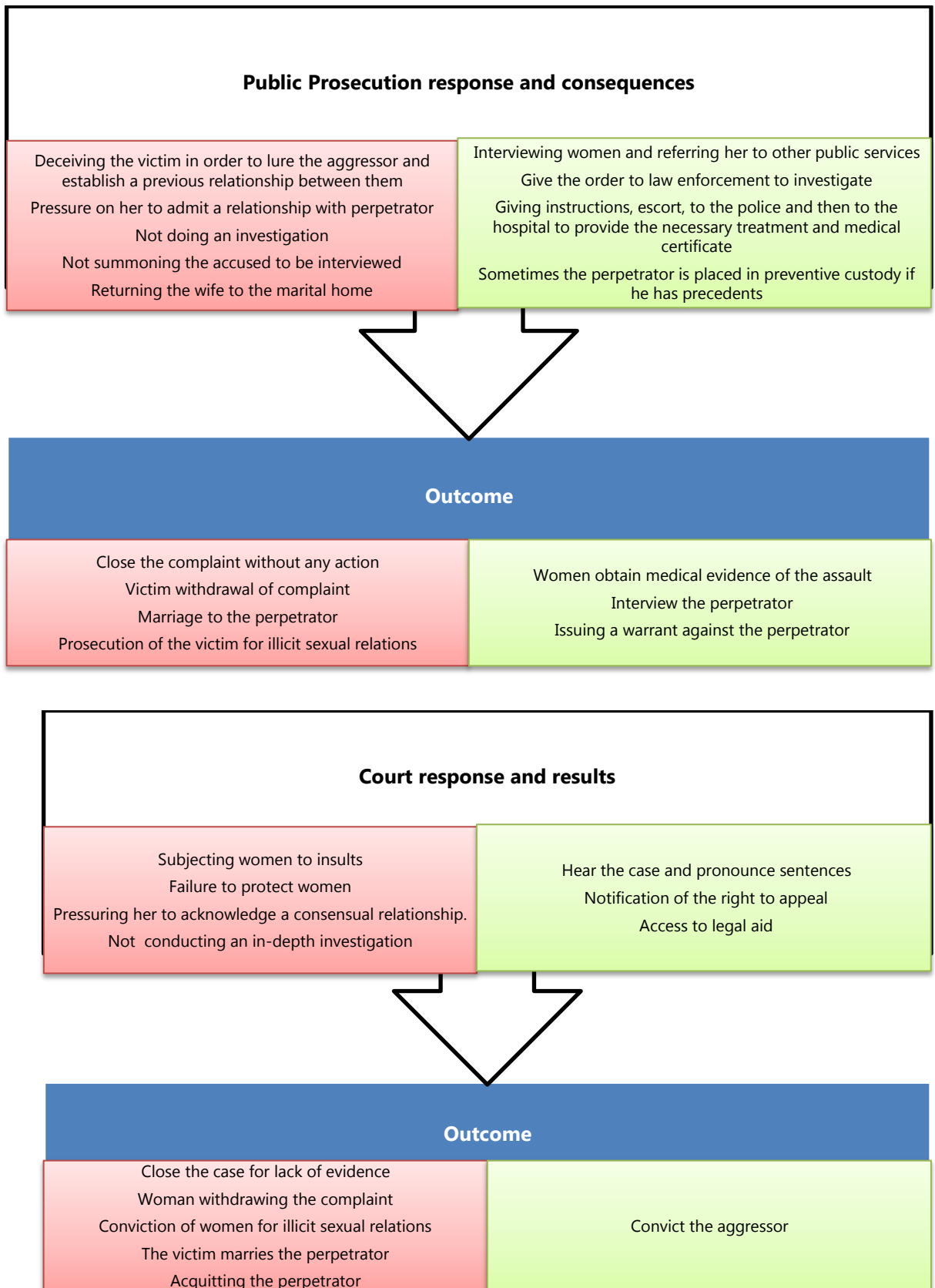


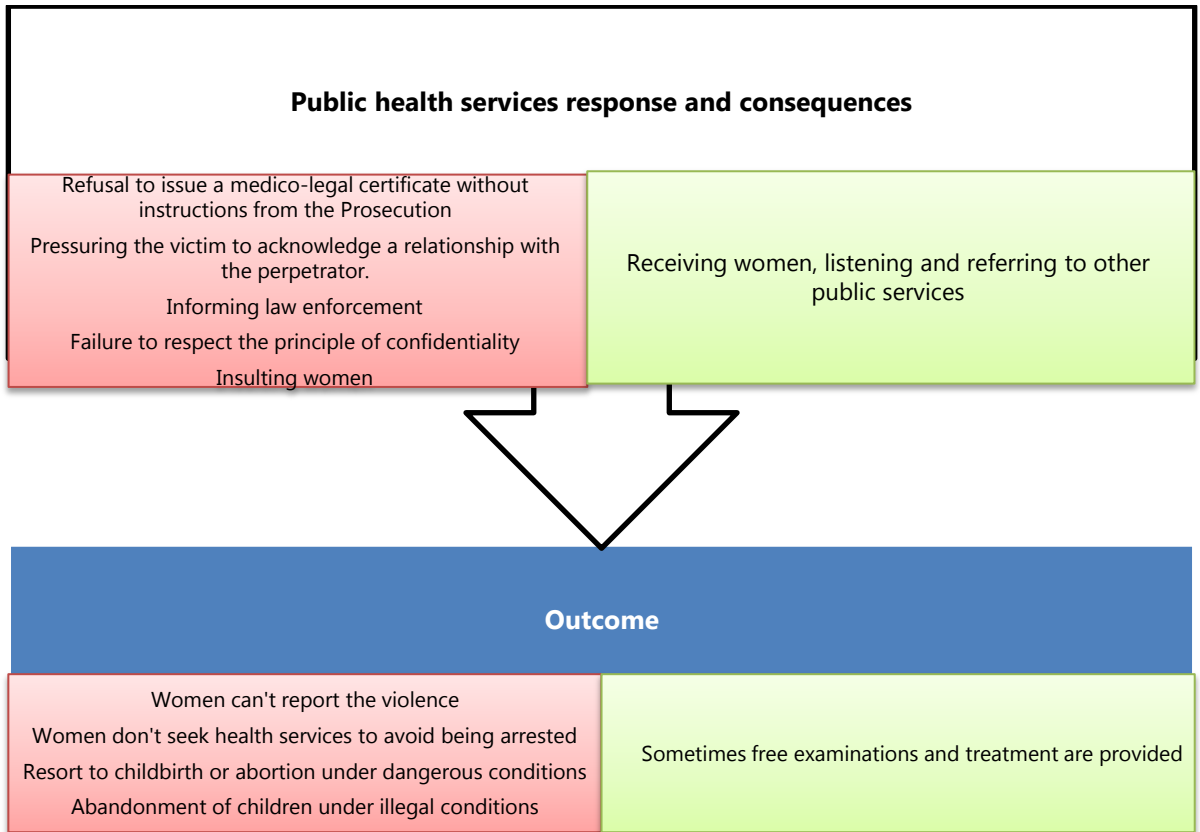
Observations

- Satisfaction among women with the public sector response varied, and largely depended on the outcome of the case.
- Responses to both the interviews and the online survey suggest that women's baseline expectations were often quite low to begin with, reporting satisfaction with what was essentially the strict minimum, such as "good treatment" or "the law was applied."

How did the public actor response affect the outcome of the case?

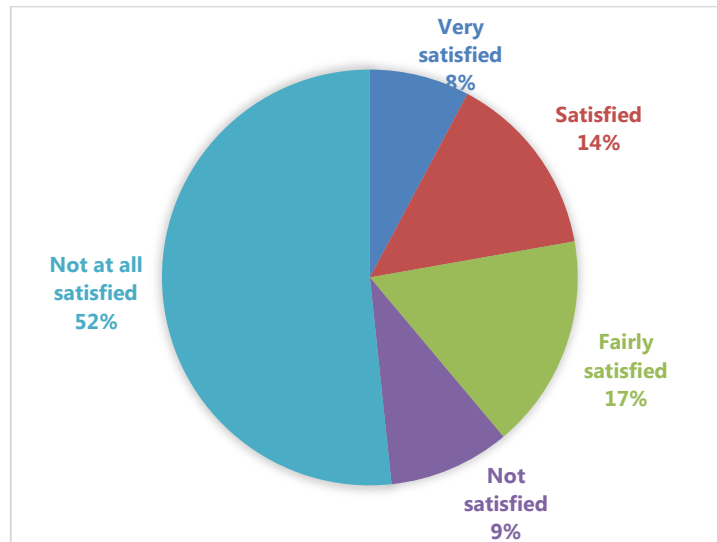




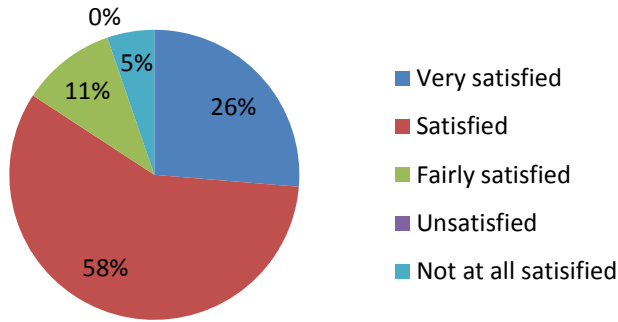


How satisfied were women with the public authority response?

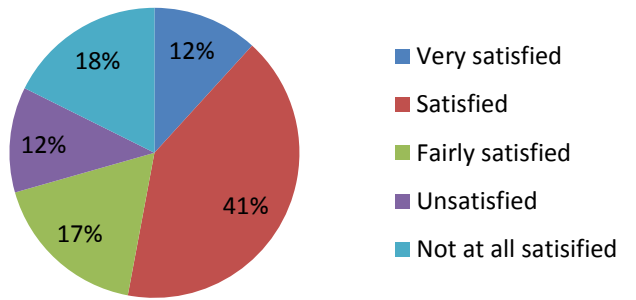
Overall satisfaction - fieldwork



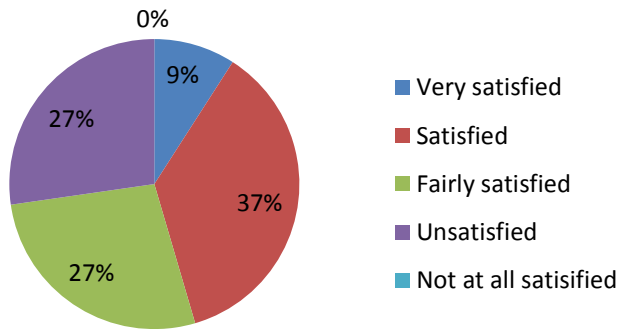
Women's satisfaction with public health response - online survey



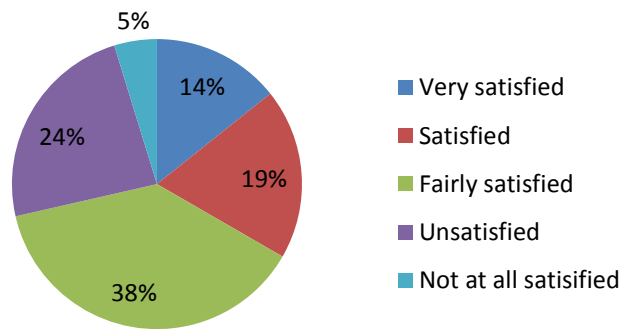
Women's satisfaction with law enforcement response - online survey



Women's satisfaction with prosecution response - online survey

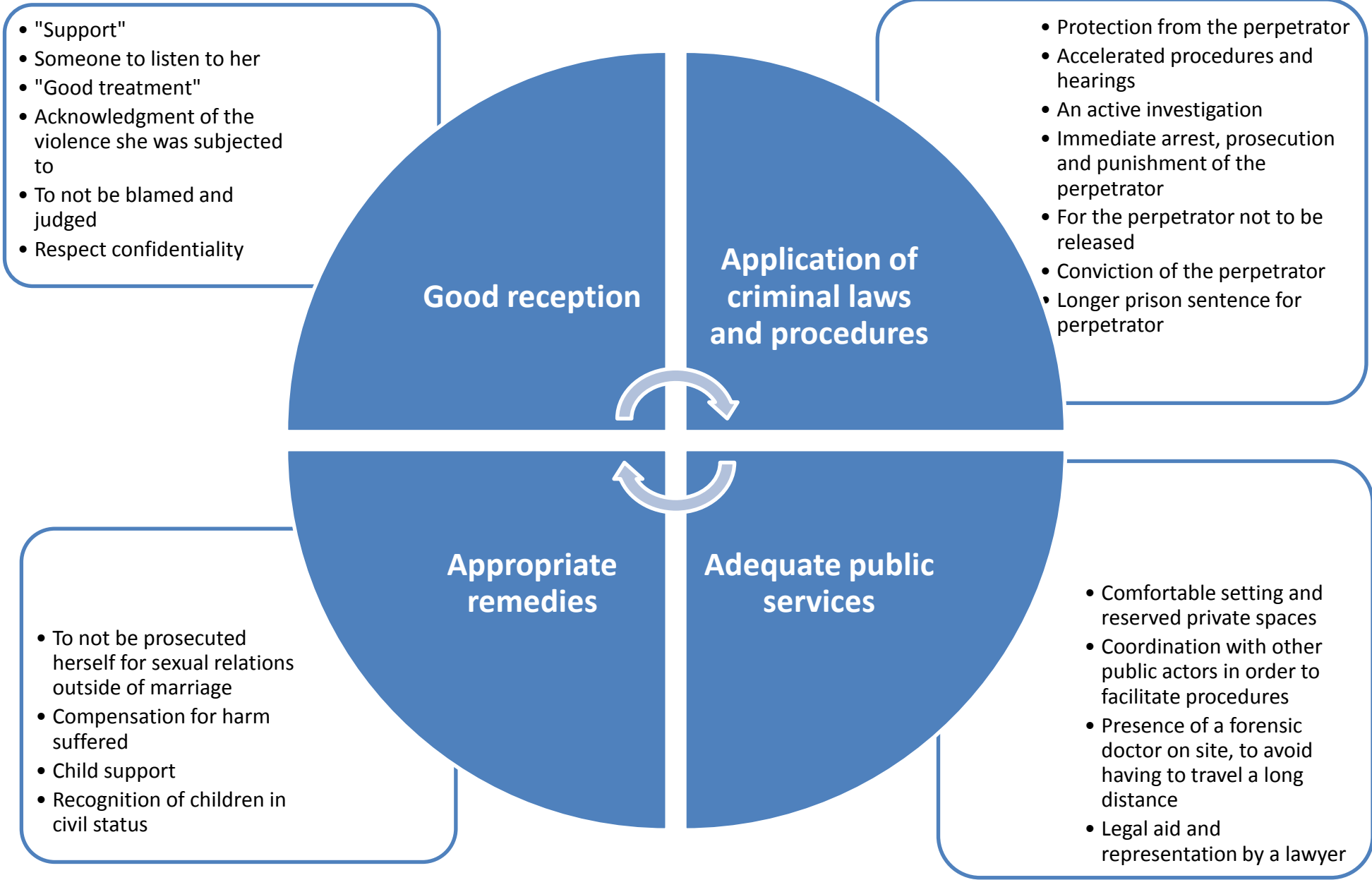


Women's satisfaction with court response - online survey



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

When asked what they (had) wanted from the different public actors in response to the sexual violence they had suffered, interviewees and online respondents alike cited a host of different and overlapping factors that would have allowed them to “have my rights.”



IV. CONCLUDING OBSERVATIONS

1. Current legal provisions on sexual violence are vague, have significant loopholes, and lack a comprehensive definition of “consent.”

Outdated and limited definitions of rape as “against the woman’s will” and of indecent assault as requiring the use of “violence” do not reflect social realities or take into account the wide range of coercive behaviors and circumstances used by perpetrators to subject women to sexual contact without her consent.

These provisions requiring accompanying acts of physical violence essentially preclude any prosecution for sexual violence in the absence of physical injuries. Women are placed in the impossible situation of either being subjected to physical violence when she refuses or resists the unwanted sexual contact, or continued sexual violence and perpetrator impunity if she chooses physical safety.

Women reported a diversity of coercive circumstances and behaviors frequently used by perpetrators of sexual violence, which did not involve physical violence. These include verbal pressure and coercion, fraud and false promises, betrayal of trust, and abuse of authority. A most common scenario involves perpetrators intentionally premeditating the sexual violence by “preparing” the woman over time through flattery, kind words, deceit, manipulation, and/or bribes of marriage. Oftentimes women are specifically chosen for their vulnerability due to economic situation, youth, disability, or relationship to the perpetrator.

Additionally, the criminalization of sexual relations outside of marriage essentially renders all women vulnerable to ongoing sexual violence. Once the initial act of sexual violence has been committed, perpetrators use the threat of denunciation and prosecution as a control mechanism to intimidate and isolate women, and continue to subject them to subsequent non-consensual sexual acts. In this sense, laws criminalizing sexual relations outside of marriage are actually enabling, empowering, permitting and encouraging – rather than preventing - men to commit sexual violence against women.

2. Current laws, procedures and practices on sexual violence reflect gender stereotypes. Instead of focusing on the perpetrator and his behavior, the public actor response is limited to and concentrated on establishing the nature of the relationship between him and his victim.

The question asked by public actors in sexual violence cases is not: Was there was free and voluntary consent to that specific act in question, but rather: Are the two parties married or not married to each other?

In the first instance, when the sexual violence is committed by the husband, it is not punished because current laws do not criminalize marital rape. The action research revealed no instances where a husband was convicted of sexual violence against his wife.⁴²

In the second case, when the persons are not married to each other, the sexual violence risks to be reclassified as illegal sexual relations outside of marriage. The fact that the woman accompanied the perpetrator somewhere or had a previous intimate relationship with him is considered evidence of consent, without any aggressive investigation or examination of the facts and circumstances of the specific incident. The action research revealed numerous cases of women who were prosecuted and even imprisoned for sexual relations outside of marriage after filing a rape complaint. In this action research, 17% of court cases were prosecutions and/or imprisonment for such illicit sexual relations.⁴³

In reality, the majority of perpetrators of sexual violence are people who have or had an intimate relationship with the victim. As a result of the current legal and procedural framework, the vast majority of sexual violence crimes – both in legal and “illegal” relationships - go unpunished.

3. Women are not receiving adequate protection from violence.

Despite the existence of protective measures in the Penal Code and the Code of Penal Procedure, the action research did not reveal any instances in which any of these available, legal measures had actually been taken to protect women victims of sexual violence, even those who reported the perpetrator’s threats to public actors.⁴⁴

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

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

4. The current State response to sexual violence against women perpetuates offender impunity.

Current criminal laws do not take into account or address the realities of sexual violence crimes, including the fact that: the majority of perpetrators come from women’s personal entourage; sexual violence most often occurs in private homes; in a most instances there are no visible physical injuries; and there is quite often a time lag between the incident and when the sexual violence is reported. Additionally, the relatively few numbers of times women seek assistance

⁴² In 2019, only one husband was prosecuted for marital rape in Morocco. *Annual report on the implementation of the penal policy and the improvement of the performance of the Public Prosecutor, 2019.*

⁴³ In 2019, 59% of prosecutions were for so-called “morality crimes” were for illicit sexual relations outside of marriage adultery, and prostitution. *Annual report on the implementation of the penal policy and the improvement of the performance of the Public Prosecutor, 2019.*

⁴⁴ In 2019, 12 of the 41 murders of women were committed by the husband. *Annual report on the implementation of the penal policy and the improvement of the performance of the Public Prosecutor, 2019.*

from the public authorities is in stark contrast to the frequent, repeated, long-term nature of the sexual violence women are subjected to.⁴⁵

Likewise, current procedures do not provide adequate measures or incentives for public actors to aggressively investigate, prosecute and punish sexual violence crimes.

As a result of inadequate criminal laws and procedures, and the wide range of obstacles detailed throughout this report, women who have been subjected to sexual violence frequently seek civil remedies only. These may include divorce (if they are married to the perpetrator), paternity judgments (if the rape by a non-spouse resulted in pregnancy), and/or financial support for any children (in both cases). As such, perpetrators of sexual violence are frequently able to avoid the criminal justice system altogether.

Honor: Myth or Fact?

Despite the prevalence of the concept of "honor," and the justification of many harmful practices under the guise of "defending honor," the action research illustrates how the biggest defenders of women's "honor" – the members of her personal entourage - are the ones most guilty of sexual violence. What's more, their privileged status allows them to impose silence on women. Women are punished for purportedly not preserving their "honor," instead of punishing the perpetrator for violating it. The action research also illustrates the link between the concept of "honor" and women's virginity; families of sexual violence victims turn to health services often just to ascertain whether she is still a virgin or not, which determines whether or not they decide to report the violence.

5. Women are punished for the sexual violence to which they have been subjected.

In contrast to the prevalent impunity for perpetrators of sexual violence, women on the other hand are frequently punished and penalized in multitude of ways, in their homes, in public spaces, and by the criminal justice system. They are incentivized to stay silent. They may have their behavior controlled – how they dress, who they speak with, what they do, or where they go.

Sexual violence is a human rights violation in and of itself. Additionally, the public actor response – or lack thereof - to such violence prevents women from being able to exercise their other human rights:

- Victims who have to leave school have had their right to education violated.
- Those who have been forced to leave their jobs have had their economic right to earn a livelihood violated.
- Women who have undergone psychological trauma, forced pregnancies, abortions or miscarriages have had their right to health violated.
- Victims who by choice or by force remain isolated from outside society have had their rights to participate in public life and to freedom of movement violated.
- Those who have been prosecuted or threatened with prosecution for sexual relations outside of marriage have had their rights to privacy, to freedom of assembly and association, and of opinion and expression violated.

⁴⁵ In 2019 there were only nine prosecutions for rape committed by a father, son, brother, husband, or employer.

6. An adequate State response to sexual violence against women requires effectively addressing the numerous barriers women face to reporting sexual violence and incentives to subsequently withdraw their complaints.

Women face numerous obstacles and have multiple incentives to not report sexual violence or participate in the entire criminal justice process until the very end.

“Women’s lack of knowledge” of laws and procedures is a typical facile explanation repeated frequently to explain women’s lack of engagement in the criminal justice system. However, as illustrated in this report, the public institutions involved – health services, law enforcement and courts alike - appear to have confusing and inconsistent policies, procedures and practices related to sexual violence. If the processes are not yet clear to public actors responsible for implementation, to NGOs providing assistance to women, or even to the authors or readers of this report, it is a bit much to expect women victims of sexual violence to be able to grasp them.

Instead of merely exhorting women to “speak out” and “don’t be silent” about sexual violence – another typical approach in Morocco by State actors and NGOs alike - public efforts need to focus on addressing the diverse legal and economic obstacles detailed in this report, as well as the host of very real and concrete threats made against women by the perpetrator, by her family, and by State actors alike.



**SANS OUI
C'EST NON!**

Le consentement est la présence du «oui»
et non l'absence du «non».

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