

PROMOTING STATE RESPONSIBILITY FOR SEXUAL VIOLENCE AGAINST WOMEN IN MOROCCO

Action Research Report Executive Summary

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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.