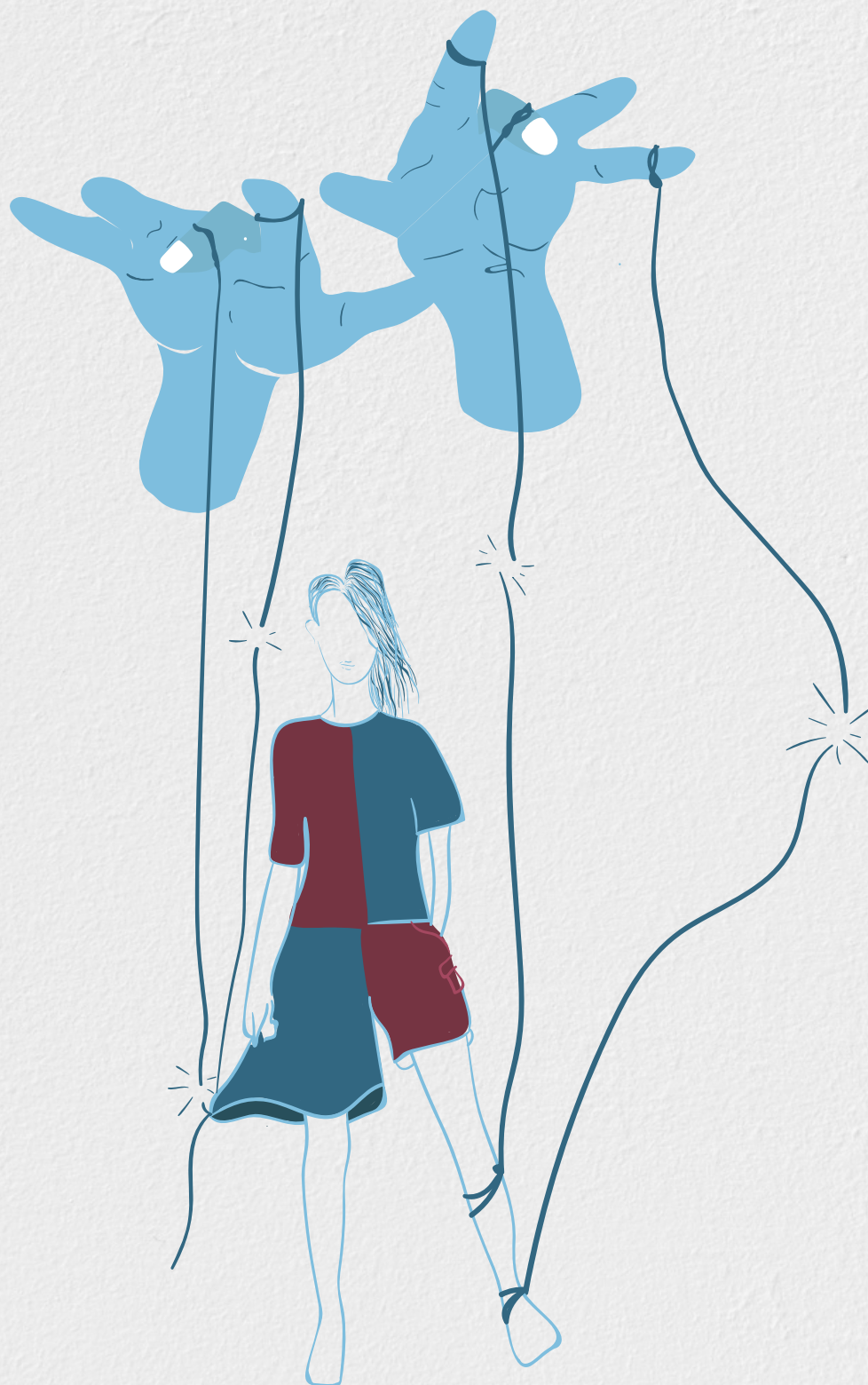


GENDER BASED PUBLICATION VIOLENCE IN MOROCCO



CUSP Network Plus (N+) is funded under the Arts and Humanities Research Council (AHRC) call “*Preventing Conflict, Building Sustainable and Inclusive Peace*”. CUSP understands conflict as dynamic, manifesting within forms of structural and systemic violence such as poverty, exclusion, as well as physical violence. The Sustainable Development Goals (SDG) driving CUSP are: SDG 16 and SDG 5.

It draws together partners from Low- and Middle-Income Countries (from Ghana, Mexico, Morocco, Palestine and Zimbabwe) and partners from the UK.

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Research by :

Rajaa Essaghyry
Mouad Meziaty

Under the direction of :

Dounia Benslimane (Racines aisbl)
Adel Essaadani (Racines aisbl)
Dr. Mariangela Palladino (Keele University, UK)

Translation :

Faysal Lahrouchi

Design & illustration :

Rajae Hammadi

Thanks to :

Amine Baha
Abdessamad Dialmy
Latifa El Bouhsini
Aïda Kheireddine
Asma Lamrabet
Soumaya Naamane Guessous
Mounia Semlali

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INTRODUCTION

This study is part of the research network “*Culture for Sustainable and Inclusive Peace (CUSP)¹ Network Plus*” led by the University of Glasgow which brings together researchers and civil society organizations from six countries, namely: Ghana, Morocco, Mexico, Palestine, United Kingdom and Zimbabwe. CUSP is based on two sustainable development goals, precisely goal 5² and goal 16³. Its objectives are:

- To reinforce artistic and cultural institutions and organizations of low and middle income countries so that they may become a reference point in the identification and transformation of social conflicts, including gender based violence, coercion and injustice.
- To guarantee equal participation of women and girls, all the more for leadership roles in artistic and cultural works that aim to consolidate peace.

In Morocco - where Racines aisbl is project partner for CUSP, the work focuses mainly on women as leaders for social change, education and transmission of knowledge. The focus for the Morocco work package will be placed on artistic practices of women in Morocco and the role arts, culture and intangible heritage play in conflict transformation.

In order to carry out our project, a preliminary study has taken place in order to shed light on gender-based violence in Morocco (GBV). This study articulates around three fundamental axes: the first is a literature review in which we analyse the different existing forms of GBV in Morocco, the national and international legal frames that regulate it, as well as an illustration through emblematic examples of GBV that have taken place in Morocco. The second axis consists of qualitative research, through the means of semi-structured interviews, in order to collect data from intellectuals, representatives of national civil society organizations, international NGOs and activists on their work-related experience, the difficulties they face as well as their recommendations to fight GBV in Morocco. The third axis aims to outline a cartography

which illustrates the various actors working on the question of GBV in Morocco according to their legal status (*public institutions, universities, international NGOs, associations, collectives...*), their frame of intervention in dealing with GBV (*advocacy, law enactment, prevention, sensitization, accompaniment...*) as well as the types of violence they deal with (*economic, social, psychological, institutional...*).

The main objectives of this study are:

- To illustrate the various forms of GBV that exist in Morocco as well as ways in which they are dealt with by the key actors in the fight against GBV.
- To enrich the current documentation on GBV in Morocco.
- To orient future advocacy actions towards the less evoked forms of violence and intervention axes that have for long been ignored.
- To create a network that allows exchange and cooperation between the different actors that operate on GBV in Morocco.

Gender based violence (GBV) is one of the categories of violation of human rights that is most widespread in the world. It is not specific neither to a society, nor to a culture nor a specific political or economic system. It is essentially dominant in patriarchal societies and power structures that are dominated by men who perpetrate violence against women, children and LGBTQIA+ people. This problem manifests at multiple levels: societal, economic, education, development, public health, etc.

Influenced by social and cultural environments of a given region as well as the national and international political context, GBV results from the interaction between a variety of factors such as patriarchy, capitalism, racism or colonialism. For the purpose of this study, we align with specific definitions and categorizations in order to better understand who does what and how do the various actors address this phenomenon. ●

¹ Culture for sustainable and inclusive peace

² Goal 5: Achieve gender equality and empower all women and girls - Reviewed on the 28/09/2020

³ Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Gender based violence in Morocco

DEFINITION OF GENDER BASED VIOLENCE

The Convention committee on the Elimination of Discrimination against Women⁴ defines gender-based violence as “a violence that’s perpetrated on a person on the basis of their sex or gender. It includes acts that inflict harm or physical, mental or sexual suffering, the threats to such acts, coercion and other limitations of freedom”. The committee adds: “it is a violence that is inflicted on a woman because she is a woman or that affects her in a disproportionate manner. It is understood that gender-based violence is a form of discrimination that seriously suppresses women’s capacity to fully enjoy their rights and freedom on the basis of equality to men”.

The expression “violence against women” according to the United Nations’ Declaration on the Elimination of Violence against Women (1993) refers to “all acts of violence perpetrated on females that cause or could cause harm or physical, sexual or psychological suffering to women, including the threats of such acts, constraint or arbitrary suppression of freedom, be it in the public or private life. Subsequently, violence against women extends, without being limited, to the following forms of violence:

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

01.

- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”⁵

For its part, the Moroccan law n° 103-13 related to combatting violence against women defines in its first articles violence against women as “Any physical or moral act or lack thereof founded on gender discrimination, leading to physical, sexual or economic harm to women” and points to the different types of violence:

• **Physical violence** : Any act or lack thereof that harms or is likely to harm the physical integrity of a woman, regardless of whom the perpetrator may be, the utilized means to perpetrate it or the place in which it took place.

• **Sexual violence** : Any word, act or exploitation likely to bring harm to the physical integrity of a woman for sexual or commercial purposes, regardless of the means utilized for that end.

• **Psychological violence** : Any verbal

⁴ General Recommendations n° 19, eleventh session, UN, 1992 - Reviewed on the 04/06/2020

⁵ Declaration on the elimination of violence against women, Resolution n° 48/103 of the General Assembly, 1993 - Reviewed on 04/06/2020

aggression, constraint, threat, negligence or lack thereof that is harmful to a woman’s dignity, freedom and tranquility, either to intimidate her or terrorize her.

• **Economic violence** : Any act or lack thereof of an economic or financial character that harms or is likely to infringe a woman’s social or economic rights.⁶

From these definitions, we understand that on one hand, violence can take various forms (physical, sexual, psychological...) and on another, it is determined by the sphere of life (private, public).



CATEGORIES OF GENDER-BASED VIOLENCE

In this section, we will focus on violence against women and LGBTQIA+ people in order to address the paucity of studies produced in the area of LGBTQIA+ topics in Morocco.

PHYSICAL VIOLENCE

Examples: slapping, assault and injury, murder, poisoning, strangulation, forcible confinement, incitement to the use of drugs and/or alcohol...

Physical violence is a form of abuse that implies the use of violent acts against another person, causing them injuries or other forms of physical suffering. It is the most visible form of violence. According to the World Health Organization, nearly 70% of women who have been victims of a homicide, have been murdered by their male partner.⁷

Violence against women and girls is one of the most common violations of human rights. According to the Report on Sexist Violence conducted by the Federal League for Women’s Rights (FLWR)⁸, near 12,233 cases of violence against women have been recorded in 2018 within the listening centers of the FLWR, compared to 10,959 cases in 2017. Physical violence represents 15.17% of the total violence with 1,856 acts of declared violence. Among these, we find 1,269 cases of battering and injury, including 167 cases in which an arm has been used, 43 attempts of murder, 8 permanent infirmities and 1 murder.

In 2009, 62.8% of Moroccan women⁹ have suffered from a form of violence according to the National Survey on the Prevalence of Violence against Women. A second national survey conducted by the High Commission for Planning (HCP), between January and March 2019, has evaluated the prevalence of violence against women in Morocco, and demonstrated that 54.4% of Moroccan women have suffered from violence. Among 13.4 million women aged between 15 and 74 years, more than 7.6 million have suffered from at least one act of violence, all forms included, during the twelve months preceding the research. They represent 57% of the female population. On another hand, the prevalence of violence against women is of 58% in the urban area (5.1 million women) and 55% in the rural area (2.5 million women).¹⁰

In spite of a decrease over ten years of 8.4% of the rate of prevalence of violence against women, and in spite of the reforms of the Penal Code and the 2011 constitution that bans in its article 22: “Physical or moral harm against anyone, in any circumstance or by anyone, private or public”, as well as “inhuman and degrading treatments that harm human dignity” and affirms

⁶ Bulletin Officiel n° 6688 du 21 chaoual 1439 (5 juillet 2018), p 1384 - Reviewed on the 06/06/2020

⁷ Report on violence and health, World Health Organisation, Geneva, 2002, p.118

⁸ Report received by email from the FLDL on the 07/05/2020

⁹ National survey on the prevalence of violence against women, High Commission for Planning (HCP), 2009 - Reviewed on the 06/06/2020

¹⁰ News release of the High Commission for planning on the occasion of the national and international campaign for the mobilization to eliminate violence against women - Reviewed on the 06/06/2020

in the same article that “the practice of torture, in any form or by anyone, is a crime punishable by law”¹¹, half of the women in Morocco still experience violence.

PSYCHOLOGICAL VIOLENCE

Examples: mistreatment, voluntary absence of the husband, threats, adultery, accusations of adultery, deprivation of social interactions, pressure for polygamy, deprivation of the wife of her children, pressure for abortion...

Defined as any act that damages the psychological integrity of a woman, psychological violence manifests itself through dominant behaviors such as verbal violence, isolation from family and friends, humiliation and threats. It is the most subtle and difficult kind to detect, be it by the surrounding, or sometimes by the victim itself.

• Harassment

In the new law 103-13 related to combatting violence against women, the article 503-1-1 punishes sexual harassment “from one up to six months of prison and a fine from 2,000 up to 10,000 dirhams or just one of these penalties, anyone who persists on harassing another person as follows:

1. In public spaces or anywhere else, by means of behaviors, words, acts of a sexual nature or for sexual ends;
2. By written texts, phone calls or electronic exchanges, recordings or images of a sexual nature or to sexual ends”. The article stipulates as well that “the charges are double if the perpetrator is a working colleague or a person in charge of maintaining order and security in public spaces or anywhere else”¹².

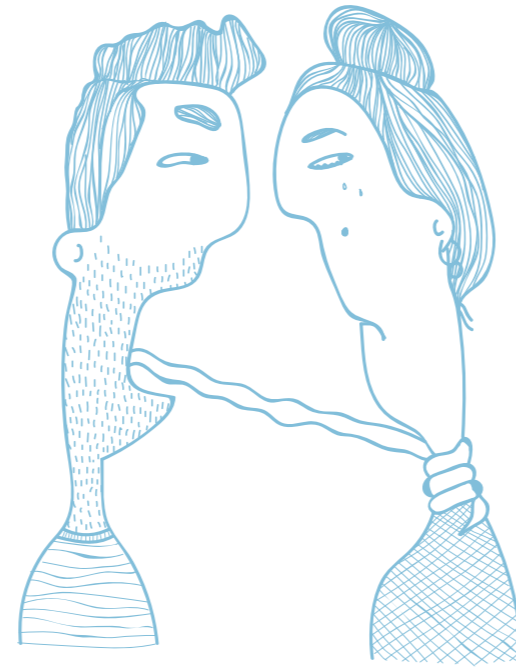
According to a recent study published by the UN Maghreb Women In Morocco, 63% of women declare that they have been victims of harassment and 53% of men admit to have already sexually harassed a woman or a girl. For more than 60% of men, harassment is “legitimate” if they perceive their “prey’s” look as “provocative” and - according to the same study - 78% of women attribute the responsibility of such acts to women themselves. More than 62% of men and 57% of women think that “in order to be a man you have to be tough”¹³. In the workplace, sexual harassment can take the form of abuse of power and influence on a woman employee, which is a prejudice to her dignity as a human being¹⁴.

• Psychological violence in learning and training places

Acts of violence committed in learning and training settings are in 52% of times of a psychological nature, 37% sexual harassment and 11% physical violence. In these learning and training establishments, 22% of students have declared to have suffered from an act of psychological violence. The perpetrators of this violence are 46% of times colleagues of the victim, 28% professors/instructors and 21% outsiders to the establishment.¹⁵

• In professional spaces

In the professional sector, 15% of active women have been victims of violence in all its forms. This proportion is further aggravated among divorcees (22%), employees (21%), urbanites (18%) and young women aged between 15 and 34 years (19%). 41% of these acts are perpetrated by hierarchical supervisors and 29% of them by colleagues. These acts of violence manifest in 49% of times through violent psychological behaviors and in 34% of times through economic discrimination.¹⁶



According to a study by the UN Maghreb :

63%

of women declare that they have been victims of harassment

53%

of men admit to have already sexually harassed a woman

¹¹ Constitution of the Kingdom of Morocco, Dahir n° 1-11-91 du 27 chaabane 1432 (29 July 2011)

¹² Article 503-1-1, Dahir n° 1-18-19 of the 5 jomada II 1439 (22 February 2018) on the enactment of the law n° 103-13 relevant to combatting violence against women

¹³ #masaktach mobilizes against violence against women and launched #lla_dsser_seffri, TelQuel Magazine, 2018 - reviewed on the 24/08/2020

¹⁴ Gender and development: socio-demographic and cultural aspects of sexual differentiation, HCP, 2011 - reviewed on the 12/08/2020

¹⁵ Second national survey on the prevalence of violence against women, HCP, 2019 - reviewed on the 12/08/2020

¹⁶ Second national survey on the prevalence of violence against women, HCP, 2019 - reviewed on the 12/08/2020

• In public spaces

13% of women are assaulted in public spaces, this represents 1.7 million women. The prevalence is 16% in urban areas and 7% in rural areas. This prevalence is preponderant among young women aged between 15 and 24 years old (22%), single women (27%), women with a high educational level (23%) and female workers (23%). Cases of violence in public spaces are 49% of sexual harassment, 32% psychological violence and 19% physical violence.

• Cyber-violence

“Cyber-violence” has emerged with the development of information and communication technologies and the expansion of social networks. With a prevalence of 14%, nearly 1.5 million women are victims of electronic violence through emails, phone calls, texts, etc. The risk of being a victim to such a type of violence is more common for urbanites (16%), young women aged between 15 and 19 years (29%), those with a high level of education (25%), single women (30%) and students (34%). This form of violence is in 77% of cases perpetrated by an unknown person. The rest of cases are perpetrated, with an equal prevalence of 4%, by someone with a link to the victim such as a partner, a family member, a work colleague, a study colleague or a friend¹⁷.

SEXUAL VIOLENCE

The definition of sexual violence in the United Nations' Glossary on Sexual Exploitation and Abuse is “An act of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, and forced virginity testing.”¹⁸

• Forms and contexts of sexual violence

In its World Report on Violence and Health¹⁹, the WHO points to various acts of sexual violence that can happen in different situations and contexts, such as:

- Rape within marriage or dating relationships
- Rape by strangers
- Systematic rape during armed conflict
- Unwanted sexual advances or sexual harassment, including demanding sex in return for favours
- Forced marriage or cohabitation
- Denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases
- Forced abortion
- Violent acts against the sexual integrity of women, including female genital mutilation and obligatory inspections for virginity
- Forced prostitution and trafficking of people for the purpose of sexual exploitation.

• Marital violence

According to the UN²⁰, marital violence is the most common type of violence suffered by women all around the world. In Morocco, according to a survey by the HCP²¹, “Violence in



14%
of women are victims of electronic violence

¹⁷ Second national survey on the prevalence of violence against women, HCP, 2019 - reviewed on the 12/08/2020

¹⁸ Glossary on sexual exploitation and infringements, UN, 2017, p8 - reviewed on the 26/08/2020

¹⁹ World Report on Violence and Health, World Health Organisation, under the supervision of Etienn G. Krug Linda L. Dahlberg, James A. Mercy, Anthony Zwi et Rafael Lozano-Ascencio, 2002 - reviewed on the 23/07/2020

²⁰ In-Depth Study on All Forms of Violence against Women, UN, 2006, p42 - reviewed on the 26/06/2020

²¹ Release of the High Commission for Planning on the occasion of the National and International Campaign for Mobilizing to Eliminate Violence against Women, 2019 - Reviewed on the 28/06/2020

the marital context is a private affair that concerns the household. It is not yet a dominant preoccupation in society". For 27% of women and 31% of men, the husband or sexual partner has the right to punish his spouse for a mistake. This proportion is equally big among rural men and women (36%) and among men and women with no academic background (35%). It is 32% among women aged 60 years or more and 31% among men in the same age group.

• Rape

Penetration –even if superficial- of any part of a non-consenting person's body with a sexual organ, or of a vagina or anus of a non-consenting person with an object or a part of the body.²²

• Marital rape

It has long been perceived as normal in the context of marriage. In December 2019, the Tangier Court of Appeal recognized for the first time marital rape, all while granting the husband a suspended sentence, which represented a semi-victory for women's rights.

• Sexual exploitation

The act of taking or attempting to take advantage of a state of vulnerability or an imbalanced power or relationship of trust for sexual ends, including (but not only) when it is in order to gain a financial, social or political advantage.²³

• Human trafficking

The phrase "human trafficking" refers to "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs"²⁴.

In 2020, during the International Day of Dignity to the Victims of Human Trafficking, celebrated on the 30th of July of every year, the minister of Justice, Mohamed Ben Abdelkader, declared that 719 persons have been victims of human trafficking; among these 283 were victims of sexual exploitation, 35 of servitude and 58 exploited in panhandling²⁵. It is useful to recall that on 25th August 2016, Morocco has enacted the law 27-14²⁶ relevant to combatting human trafficking: this law defined for the first time human trafficking and defined clearly the "victim" to such a crime. However, the major challenge to the implementation of this law remains the identification of victims and the reporting of crimes.

ECONOMIC VIOLENCE

Examples: seizure of the wife's property and money, deprivation of the wife's right to work, deprivation of the wife's right to continue her studies, wage discrimination...

Any act of domination or control which entails depriving a person of money, preventing them from providing for their needs or controlling and watching over their economic activities in order to stop them from reaching financial autonomy. This can be perpetrated by a partner; a parent or in the context of work.²⁷

Since 2006, the World Economic Forum, published yearly in the Global Gender Gap Index Report, measures the gaps between men and women based on the activity rate,

The husband or sexual partner has the right to punish his spouse for a mistake, according to:



economic participation, revenues, education, health and political participation of women. In the 2020 report²⁸, Morocco ranked 143rd out of 153 countries, whereas in 2015 it was ranked 135th among 145 countries, and the 107th in 2006.

• Right to decent work

On a national scale, the activity rate for men is nearly 3 times bigger than women's. Even more worrisome, women's activity is in continuous decrease (28.1% in 2000 and 25.1% in 2013)²⁹.

The rate of employment for women on a national level has also been decreasing over the last decade (from 25% in 2000 to 22.6% in 2014). Unemployment rate for women in urban areas reaches 21.9% compared to 12.8% for men. Long-term unemployment that concerns mainly the youth and women, just like unemployment for high education graduates (26.8% compared to 14.8% for men, 2013) reveals a structural inadequacy between training, qualifications and the job market, as well as an insufficiency in job creation. On another hand, almost one active woman out of two had a non-paying job in 2012 (70% in rural areas).

• Wage discrimination

Article 346 of the Labour Code bans any discrimination relevant to the wages between both sexes for any work of equal value. An enquiry run in 2010 by the Ministry of Employment and Social Affairs in all sectors revealed an average gap in wages of nearly 40% between men and women. In 2014, in the formal sector, the monthly average wages of women represented 85% of men's (4,275 dirhams for 5,035)³⁰, which equals 400€ for 500€.

In its action-research report³¹ published in 2020, the association Mobilising for Rights Associates (MRA) indicated that one impact of the Covid-19 pandemic is a change in the economic, professional or housing situation of women in Morocco. 76.47% of the respondents declare having difficult economic conditions due to loss of revenue for one or many family members or because of work vulnerability and threats of dismissal. According to the same report, public aid provided by the Moroccan government - which identify people who have lost their job during the pandemic and who are registered in the Social Security Fund - does not reach a large section of women who work in the informal sector. When the provision of public aid is provided to people who are registered in the Medical Assistance System (Ramed) - in this instance the card for the majority of cases is associated with the name of the father of the family - women who work in the informal sector, who are divorced or going through a divorce are excluded.

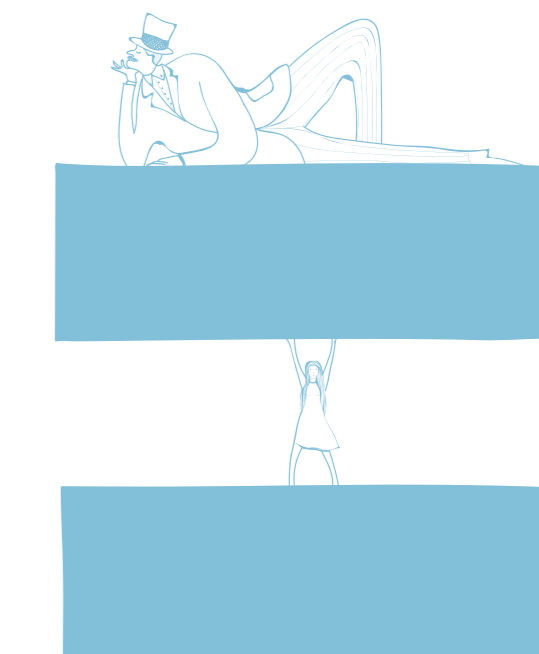
LEGAL VIOLENCE

Legal violence, in the strictest sense, refers to any discrimination that prejudices women's human dignity and represents a violation of their fundamental rights. This discrimination usually emanates from lack, insufficiency or circumvention of the texts of law, or from the existence of discriminatory laws against women.

Since the 80s in Morocco, civil society organizations have mobilized in order to fight for gender equality and abolition of all forms of gender based violence. Different initiatives (researches, pleas, manifestations, etc.) have allowed to lay the foundations of a laborious project, that of reforming the laws and amplifying the public debate around the question of gender based violence in Morocco.

The *Moudawana*³² (The Moroccan Family Code) has long been considered as "a legal and civil discrimination against women"³³. After a long and arduous fight to review its provisions,

Decrease of the rate of employment of women:



²⁸ Global Gender Gap Report 2020 - reviewed on 24/07/2020

²⁹ Opinion of the Economic, Social and Environmental Council, Promotion of gender equality in economic, social, cultural and political life. Discrimination against women in economic life: reality and recommendations, 2014 - reviewed on the 28/07/2020

³⁰ Opinion of the Economic, Social and Environmental Council, Social dimensions of gender equality :Adices & recommendations, 2016 - reviewed on the 25/07/2020

³¹ Report on the impact of Covid-19 on violence against women in Morocco, MRA (Mobilizing for Rights Associates), 2020 - reviewed on the 03/08/2020

³² The Moudawana, promulgated on the 10th of October 2004 - reviewed on the 19/05/2020

³³ The Central Role of the Family Law in the Moroccan Feminist Movement, Sadiqi Fatima, British Journal of Middle Eastern Studies, 2008, p.329 - reviewed on the 20/05/2020

some first results were yielded in 2004 in its reform. Nonetheless, do we consider this to be sufficient? That is the question often raised when we analyse these changes.

After 16 years of its application, a real reform of the Moudawana is mandatory. One of its main flaws is in its provisions that are not yet entirely detached from the traditions and sacred texts. Multiple grey areas and legal voids allow judges to rule favourably for men depending on the case and allow exceptions. For instance, in the case of underage marriage, the legal void relevant to the text of law allows families to marry their daughters before the legal age.

Statistics show that the exceptions allowed by the judges become a rule with time; this is evident from the large numbers of underage marriages. In 2018, out of the 33,000 requests to marry a minor that have been submitted to justice, 26,000 have been accepted, which is an 81% rate³⁴. According to the journal *Le Matin*³⁵, the percentage of underage marriage stipulated in 2018 represents roughly 9.5% of total marriages in Morocco. As a reminder, in 1993, Morocco has ratified the International Convention of the Child's Rights³⁶ adopted by the General Assembly of the United Nations on the 20th of June 1989, and which sets the limit of childhood to 18 years.

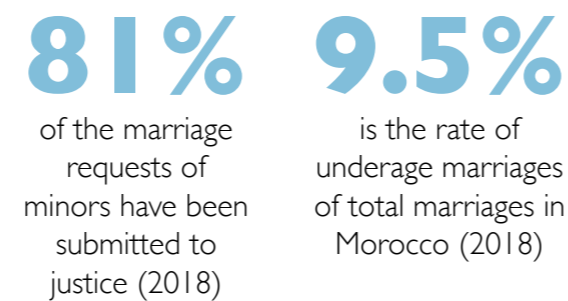
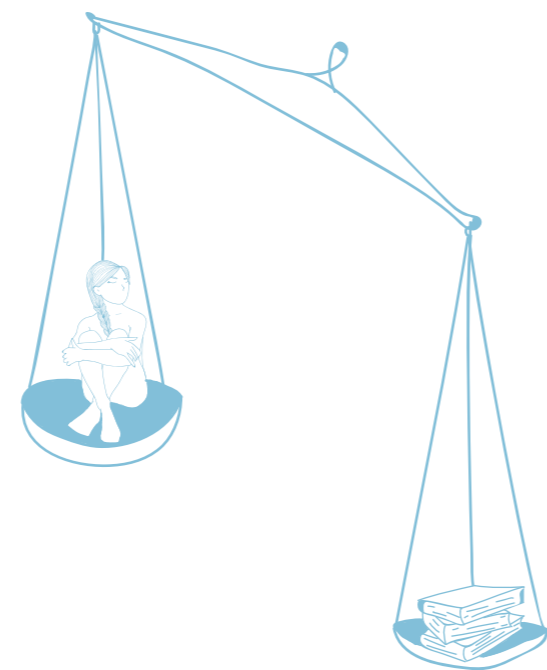
In an interview given by Asma Lamrabet³⁷, the activist underlines the difficulties that the judges face regarding underage marriages. She indicates that certain families whose demands are refused, bypass the law and marry their minor daughters by means of *Fatiha*³⁸ (customary marriage). This circumvention confronts the judges with the *fait accompli* and forces them, in principle, to legalize the customary marriage.

Regarding the law that regulates polygamy, associations that fight for women's rights consider it to be a grave prejudice to women's dignity, given that the most vulnerable ones find themselves prisoners of a polygamous marriage in order to avoid divorce (art. 45)³⁹. Moreover, the law offers a means to the husband to bypass it by having recourse to the Family Court to acknowledge a marriage (art. 16). In 2017, statistics from the Moroccan Ministry of Justice demonstrate that 764 out of 280,024 polygamous marriages have been authorized, a 0.3% rate.⁴⁰

For co-guardianship, a mother cannot access legal guardianship of her children unless certain conditions are fulfilled, such as absence of the father, his death or his legal incapacity. During a divorce, even when justice grants custody to the mother, the father remains the unique guardian of the children. In the same way, a mother cannot undertake any administrative procedure without the authorization of the legal guardian. The simple act of travelling abroad with the children or changing their school gets complicated⁴¹. These facts contradict the dispositions of article 16 (1)(d) and (f) of the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW)⁴² which ensures equality to both parents in terms of rights and responsibilities towards their children. Furthermore, in 2011, Morocco withdrew its reserves on this article.

• Inheritance inequality

The legislation relevant to the right of inheritance continues to be discriminatory even after the reform of the Family Code (2004). A wife, for instance, only inherits an eighth of her husband's estate. We can also mention the example of sons who are entitled to twice the same as the daughters. Indeed, this law is based on the Koranic rules that were



³⁴ Lamiaa Belhaj Soulami, 2018, "In Morocco, despite the law, minors are still getting married, especially young girls", *le360* - reviewed on the 24/05/2020

³⁵ "The number of underage marriages reached more than 25,500 cases in 2018", 2019, *Le Matin* - Reviewed on the 27/05/2020

³⁶ International Convention of the Child's Rights - Reviewed on the 25/05/2020

³⁷ Interview with Asma Lamrabet, medical biologist, essayist and feminist from Morocco, on the 28/07/2020

³⁸ Al-Fatiha is the opening sura of muslim's holy book, the Coran. Composed of seven verses, it highlights Allah's all-mightiness and mercy. It is used to declare marriages granted and blessed by Allah

³⁹ Article 45 of the Moudawana "When the husband persists on requesting the authorization to take another wife and the first wife doesn't grant him his blessing, without asking for a divorce, the court systematically applies the discord procedure (Chiqaq)..."

⁴⁰ Moroccan women in number, Demographic and socio-professional characteristics' evolution, HCP, 2018, p20 - Reviewed on the 07/06/2020

⁴¹ The situation of women in Morocco 20 years after Beijing, Overview and recommendation, Euromed women foundation, 2015 - Reviewed on the 06/06/2020

⁴² The Convention on the Elimination of Discrimination against Women, 1979 - Reviewed on the 06/06/2020

probably adapted for a precise social and economic context, when men used to be unique family leaders, but that is no longer the case today. Moroccan society has changed; women, today, also contribute to - if not take full responsibility of - their households. Single women, divorcees or widows, with or without children, are as well included. This is to be found as well in the numbers of the High Commission for Planning that show that nearly one Moroccan family out of five is being supported by a woman⁴³.

The National Council for Human Rights (CNDH) recommended in 2015 to the Moroccan authorities a serious reform of the Family Code dispositions of inheritance so that women can access the same rights as men, out of the principle of equality. "Inheritance rules take part in aggravating girls and women's vulnerability in the face of poverty"⁴⁴.

In 2018, more than a hundred intellectuals have signed a petition on the 21st of March in order to put an end to women's discrimination in terms of inheritance.⁴⁵

This inequality in inheritance is no longer in tune with the principles of the Moroccan constitution, most importantly article 19⁴⁶ which insists on the notion of equality between men and women, nor is it in accordance with international conventions ratified by Morocco, most importantly the United Nations' Convention on the Elimination of Discrimination against Women.⁴⁷

As soon as we speak about equality in inheritance, the partisans of this cause are immediately accused of blasphemy. In the name of religion, most debates around discrimination against women come to an end.

According to the HCP⁴⁸, statistics show that 87% of Moroccans (men and women) are voluntarily against gender equality in terms of inheritance. What does this percentage conceal? Is it pure free will? How can we explain that women stand against their own interest? Do they believe in a divine justice or are they afraid of the injustice of human judgement?

Sociologist Abdessamad Dialmy⁴⁹ confirms in his book "Les hommes défendent l'égalité en héritage" (Men defend inheritance equality)⁵⁰ that while we wait for a real reform of laws, Moroccan legislation offers to everyone the means to bypass the inheritance rules that are unjust to women, by bequeathing one's patrimony to one's heirs according to one's own convictions, either in the form of a donation or a sale.

• Abortion ban

Abortion, a real issue in society, but still considered a taboo topic, leads every year to tens of thousands of women to break the law at the risk of their lives and perform this act in all secrecy. Left to their own devices, these women have no other choice than to use non-medical methods that put their health in danger, or else pay large sums of money to have illegal voluntary pregnancy interruptions. According to the Moroccan Association for Fighting against Clandestine Abortion, Morocco counts between 600 and 800 secret abortions every day⁵¹, without counting the inhuman and degrading treatments suffered by women who wish to abort when they turn to some health professionals.

In 2019, the Moroccan government, through the Justice and Legislation Commission of the Moroccan Parliament, has rectified the article 453 of the Penal Code in order to legalize abortion partially. The said article stipulates that "abortion is not punishable by law if it's a necessary measure in order to save the health of the mother and when it's openly practised by a

⁴³ Editors of *TelQuel*, 21 march 2018 "100 moroccan figures sign a petition against the discrimination against women in heritage" - Reviewed on the 10/06/2020

⁴⁴ Report on the State of Equality and Parity in Morocco, National Commission for Human Rights, 2015 - Reviewed on the 10/06/2020

⁴⁵ Editors of *Ouest France* (21 March 2018) "In Morocco, a petition against the injustice done to women in matters of inheritance" - Reviewed on the 10/06/2020

⁴⁶ Moroccan Constitution, *Dahir n° 1-11-99 of the 27 Chaabane 1432* (29 July 2011)

⁴⁷ *Ibid.* - Reviewed on the 06/06/2020

⁴⁸ National Survey on the Perception of Households of some of the Main Goals of Sustainable Development, 2017 - Reviewed on the 04/06/2020

⁴⁹ Abdessamad Dialmy, Moroccan sociologist. He is a doctor, university professor and international consultant in sexual health

⁵⁰ Abdessamad Dialmy, "Les hommes défendent l'égalité en héritage" (Men defend inheritance equality), conceived and directed by Hakima Lebbar, *Fan-Dok*, 2017

⁵¹ Caroline Protat (29 June 2019) "In Morocco, Clandestine abortion in debate", *Libération* - reviewed on the 03/06/2020

doctor or a surgeon with the authorization of the spouse". Henceforth, pregnancy interruption is illegal and punishable by the law with imprisonment, unless the pregnancy is a result of rape, incest or in the case of foetus malformations or mental illness of the mother.

This reform has been judged insufficient by the defenders of the legalization of voluntary pregnancy termination. Dr. Chafik, the president of the Moroccan Association for Fighting against Clandestine Abortion confirms: "They say they will take into account mental health, but mental health here (Morocco) designates a crazy person, not a person who's threatened by depression, suicide, psychic problems or socio-economic problems"⁵². He recommends that "instead of writing an exhaustive list of situations where we can authorize an abortion, it's sufficient to rectify and simply apply the article 453 of the Penal Code that says that abortion is not punished when the life or health of the woman are in danger"⁵³, all whilst taking into consideration the definition of the WHO⁵⁴: "Health is a complete state of physical, mental and social well-being and doesn't merely consist of a lack of sickness or disability". Though we may think that the doctor has a saying on the matter, s/he does not in fact consider the question of abortion but from a medical point of view.

The Alternative Movement for Individual Liberties (MALI)⁵⁵, one of the first pro-choice movements in Morocco, demands the abolition of all the repressive and femicide laws and reminds that the right to abortion is an integral part of the human rights to which women should have access⁵⁶. Hence, the movement reiterates its position on the freedom of choice for women to dispose of their bodies, their sexuality and/or their maternity as fundamental rights. It opposes the case-by-case assessment and sets to remind that women who wish to abort will do so anyways, with notable risks for their health. "Denying this right to certain women means to deny a public health problem"⁵⁷.

MALI criticizes the text of law that stipulates that abortion can only occur in the case of rape or incest. This legal position ignores the fact that the majority of women never declare rape. The movement also points out to the reality of the Moroccan context where certain women can be accused of "prostitution" for having sexual relations outside of marriage and where marital rape is still not considered a crime.

In 2019, after the case of the Moroccan journalist Hajar Raissouni⁵⁸, hundreds of Moroccan women have signed the manifesto "Outlaws"⁵⁹ to denounce the repressive laws on abortion; each signatory to the manifesto declared to have broken the laws of their country on traditions and abortion. This initiative sought to support Hajar Raissouni who has been pursued for illegal abortion and debauchery⁶⁰.

• Stigmatisation of single mothers

Single mothers are stigmatized in Moroccan society, this comes from the fact that they have supposedly broken the laws and traditions of society. Thus, Moroccan society utterly rejects their children and denies their fundamental rights. According to the journal *Le Monde*⁶¹, 50,000 births outside of marriage are recorded every year in Morocco.

"Family, founded on the legal bond of marriage, is the basic cell of society", as article 32 of the Moroccan constitution reads. Moroccan legislation only acknowledges families based on legitimate conjugal bonds, thus generating immediate social and legal exclusion for single mothers and their children.

Right to sexuality, freedom to dispose of one's body, right to maternity or simply gender equality are all parts of the infinite cycle of legal and social injustices experienced by single mothers. This all hides behind the provisions of article 490 of the Penal Code that bans sex outside of marriage: "Are punishable by imprisonment of one month to one year all persons of

different genders who engage in sexual relations without being joined in a marriage bond". This legal position is certainly contradictory with the right to sexual and reproductive health, highlighted in the Cairo Conference⁶².

Abdellah Ounnir⁶³ describes the battle of single mothers in Morocco as Kafkaesque, in the sense that it is forbidden for these women to abort according to the provisions of the Penal Code. A paradox where everything comes together so that they can give birth to a child that would not be recognized under the law in any case, and who will remain eternally rejected and cast aside by society and its institutions.

In its article 23, the Civil-status law excludes single mothers from obtaining a family record book⁶⁴. This latter cannot be provided unless to the "Moroccan husband who's registered in the Civil-status". As to "the wife, the divorcee or the legal guardian", they only receive an "authenticated copy" of the book. The single mother's child is declared by his mother, she chooses him a first name that comprises the epithet "Abd"⁶⁵ and a last name that is the child's only⁶⁶.

• The shortcomings of the law n° 103-13 relevant to combatting violence against women in Morocco

In September 2018, a new law incriminating violence against women has come into effect. This law adopted a more elaborate definition of violence against women: "Any material or moral act, or lack thereof, founded on gender discrimination leading women to be bodily, psychologically, sexually or economically prejudiced." The associations fighting for women's rights have considered this law to be "a modest advancement (...) that doesn't correspond to international norms"⁶⁷ in the sense that it does not address marital rape as a crime and leaves a big gap in relation to taking charge of the victims of domestic violence. Stephanie Willman Bordat, an international human rights attorney, assesses that law 103-13 is vague, and that it does not implement any specific measures to concretely protect women who are victims of violence. It is as well "extremely short and doesn't address any problem linked to gender violence that Moroccan women and NGO advocates for during the last ten years"⁶⁸.

"Often, women who are victims of violence only wish to stop the violence, without police intervention". This has been pointed out by Mobilising for Rights Associates (MRA)⁶⁹. However, the new law 103-13 does not guarantee protection for women unless they lodge a complaint, which increases the probability for them to suffer further violence. MRA recommends that a legal jurisdiction should be appended to the family judge which includes issuing civil orders, on request, without obligation to lodge a criminal complaint. The organization also recommends that the perpetrators of violence be pursued even if the victim withdraws their complaint, knowing that law 103-12 cancels the pursuit, the case and the enforcement if the victim renounces their rights by withdrawing the complaint. In this case, the victim faces a lot of threats, pressure and intimidations in order to give up the case.

According to Human Rights Watch (HRW), there is no precise definition appended in the Penal Code to domestic violence. Some more serious provisions are provided for in the case where the victim is a spouse of a family member. Marital rape is not penalized.

Still according to HRW, in relation to marital violence cases, no responsibility is given to certain authorities such as the police, the prosecutors or the investigation judges. When a case of domestic violence occurs, the police should be able to intervene by entering the specified place, make a record of complaints and make the complainant aware of their rights. Risk evaluations should be conducted in parallel with interrogations of witnesses and

According to *le Monde*:

50.000

births outside of marriage
are recorded every year in
Morocco

⁵² Khadija Khetrou, 2020, "Dr. Chraïbi/Article 453 :The members of the Parliament have not taken into account the mental and social health of women", *Hespress* - reviewed on the 10/06/2020

⁵³ *Ibidem*, reviewed on the 10/06/2020

⁵⁴ The World Health Organisation's constitution, 1948 - Reviewed on the 11/06/2020

⁵⁵ Le Mouvement Alternatif pour les Libertés Individuelles (The Alternative Movement for Individual Freedoms - MALI), founded in Morocco in 2009, is a universalist, feminist, secular movement for the defense of sexual and reproductive rights (LGBT+/Right to Abortion)

⁵⁶ Ibtissame Lachgar (28 June 2019) "Why did the MALI movement not participate to the « pro-choice » sit-in in Rabat?", MALI's website (Alternative movement for individual freedoms), 2019 - Reviewed on the 11/09/2020

⁵⁷ *Ibidem* - Reviewed on the 10/06/2020

⁵⁸ Abdelali El Hourri (4 September 2019) "The Case of Hajar Raissouni : facts and reactions", *Médias 24* - Reviewed on the 16/06/2020

⁵⁹ The "Out-Laws" manifesto, initiated by Leïla Slima and Sonia Terrab in reaction to the lawsuit against the journalist Hajar Raissouni, *Collectif 490*, 2019 - Reviewed on the 17/07/2020

⁶⁰ Editors of *France24* (23 September 2019) "Hundreds of Moroccan women sign a petition to denounce the "liberticidal" laws on abortion" - Reviewed on the 16/06/2020

⁶¹ Ghaliya Kadiri (16 March 2018) "Being a single mother in Morocco, an endless ordeal", *Le Monde* - Reviewed on the 21/05/2020

⁶² Report of the international conference on population and development, UN, Cairo, 1994 - Reviewed on the 07/06/2020

⁶³ University professor and coordinator of the specialized Masters Gender and Women's Rights from Both Sides of the Mediterranean Sea, at the Faculty of Legal, Economic and Social Sciences – Tangier

⁶⁴ Étude juridique 100% mamans, mères célibataires, 2018, p.14 - Reviewed on the 17/06/2020

⁶⁵ A prefix that signifies subjugation to God. Abd is used in the composition of many Arabic names.

⁶⁶ Loi État civil, 2002 - Reviewed on the 16/06/2020

⁶⁷ Tafra's team (23 July 2018), "Violence against women: advancements only on paper?" - Reviewed on the 20/06/2020

⁶⁸ Safaa Kasraoui (9 March 2020) "Moroccan Courts Handle 17,000 Cases of Violence Against Women Annually", *Morocco world news* - Reviewed on the 30/06/2020

⁶⁹ Law-draft 103-13 : violence against women, Mobilising for Rights Associates, 2018 - Reviewed on the 21/06/2020

related parties. An official report should follow, and the complainant should be referred to medical care. The survivors of violence should be automatically supported physically and psychologically and without having to deal with the processes to access the various services. In 2016, HRW wrote a letter⁷⁰ to the Ministry of Solidarity, Women, Family and Social Development in Morocco, containing a series of recommendations regarding law 103-13.

In a meeting⁷¹ with the magazine *Telquel*, Khadija Rouggany, attorney in the court of Casablanca, estimates that “the way the law 103-13 is structured doesn’t reflect any vision of eradicating violence against women”. The attorney insists on the necessity of having an autonomous law that is independent from the Penal Code. She recommends to this effect taking into consideration the recommendations of feminist CSOs and implementing a global law comprising multiple dimensions, namely: prevention, protection, penalization and care for women who are victim of domestic violence.

• Other forms of legal violence

During the year 2018, a report on violence against women, drawn under the supervision of FLDF⁷², counted 829 cases of legal violence out of a total of 12,233 cases of violence, a rate of 6.78%.

Among the most frequently recorded cases of legal violence, we find: eviction from the marital home (200 cases) with a 24.12% rate as well 12.06% (100 cases) of violence linked to establishing biological filiation (requests that are often rejected even though genetic expertise is not applied). Concerning the cases of non-execution of sentences, we count 96 acts of violence, which amounts to 11.58% as well as cases of legal violence resulting from decisions of justice for low sums of money that are meant for the accommodation of the child in custody. Worth mentioning is also the absence of judgement that considers the marital home to be the accommodation of the child in custody. Underage marriage on another hand is considered to be a flagrant violation of girls’ rights (in spite of Morocco’s ratification of the Convention on the Rights of the Child), and 20 cases of polygamy have been recorded, which equals to 2.41% of the total of recorded acts of legal violence, etc.

SOCIAL VIOLENCE

Examples: crimes and violence related to honor, obligations related to dress code, belonging to the man (father/brother/husband), arranged marriages, involvement in the choice of husband, virginity tests, forced pregnancy, denial of women’s autonomy, denial of access to education, social subordination of women, harassment of women living alone, involvement in the choice of studies and careers.

Existing literature defines social violence as violence that may be considered as a social construct and that is totally accepted in society. It is mainly motivated by the wish to adhere to the rules of the community, its tradition or its religion.

Morocco is a social context where violence against women passes through the sieve of the codes of tradition. Even if it touches a large number of women, and its impact on their integrity is well visible, women are disregarded. This is illustrated by many examples, such as forced marriages, customary and underage marriages, virginity tests, stigmatisation of divorcees or of single mothers, etc.

• Customary marriages

In spite of the efforts deployed by the Moroccan government and Moroccan CSOs, mainly through sensitization campaigns, the practice of customary marriage through the sole reading of the *Fatiha* continues to be widespread and is still ongoing in all of the twelve Moroccan regions. Following a study⁷³ conducted by the association *Droits et Justice* in 2020, the percentage of customary marriages constitutes 13% in rural areas and 6.56% in urban areas. The study was conducted on a sample of 627 cases, among which 408 were in rural areas.

What we should remember is that customary marriage has no legal value⁷⁴. The absence of legal protection weakens women and makes them vulnerable. Many victims of said marriages find themselves abandoned by their husbands and left to their own devices, without any legal protection.

• Forced marriages

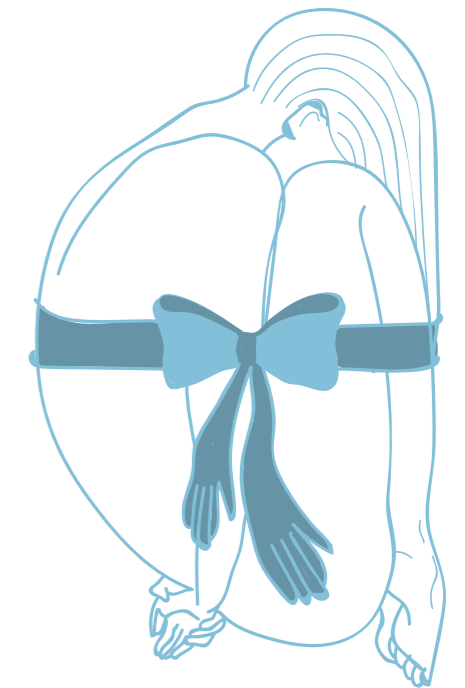
In his book *Dos de femme, Dos de mulet – Les oubliées du Maroc profond (Woman’s Back, Mule’s Back – The Forgotten Women of Deep Morocco)* (2015), Hicham Houdaïfa surveyed in rural areas, more precisely in the villages of the Atlas and other small Moroccan cities. He testifies through his book the violence that women face: “In 2015, in the different regions of this country, a girl who is not married at eighteen years is still considered to be a spoiled woman, without a future... In the villages of the Middle and High Atlas as in the small cities of deep Morocco, fathers, mothers, local authorities and judges continue to marry girls who are thirteen, fourteen years old, either customarily or by contract. Children are given away to the families of their husbands. There, they are exploited, martyred and raped”⁷⁵.

Forced marriages are proof that a girl or a woman belong to the family, that she is her father’s property. Led by economic circumstances, a married girl/woman is one mouth less to feed.

One of the firm convictions in conservative families is that their honour depends on their daughter’s. They find reassurance in virginity tests, even though they are in fact a prejudice to a woman’s freedom. This encroachment is illustrated through many examples. The recurrent ones are: extreme parental control, prohibiting any social interaction for their daughter(s), the dress code, the pressure to leave school before puberty, etc. Therefore, marriage appears in the eyes of certain families to be a sure alternative, overriding the will of the person concerned.

The World Health Organization confirms that the main cause of death for women aged between 15 and 19 years is linked to the complications that occur during pregnancy and childbirth⁷⁶. The partisans of underage marriage ignore this fact and reduce marriage to a normal human act. They neglect the grave consequences it has on women and girls. Moreover, the notion of puberty is much falsified in popular culture; a pubescent girl is a woman, this does not mean that she is physically or mentally ready and capable of coming through the evolution and repercussions of a pregnancy. And even from a human rights’ point of view, these young girls are denied their adolescence, which is a very important phase of their personal and physical development. On top of this, the forced sexual relations and premature maternity impact the girl considerably, be it on a psychological, economic or social level.

In 2020, the rate of customary marriages is :



According to a report by FLDF in 2018 :

6.78%

of the recorded violence are legal ones

⁷⁰ Reforms of the law on domestic violence, letter of Human Rights Watch to the Ministry of Solidarity, women, family and social development, 2016 - Reviewed on the 28/06/2020

⁷¹ Leïla Chik (1 October 2020) “Khadija Rouggany: There needs to be an autonomous law to eradicate violence against women”, *Telquel Magazine* - Reviewed on the 01/11/2020

⁷² Report received by mail on the 07/06/2020 from the FLDF

⁷³ Editors of *2m.ma*, “Customary underage marriages represent one out of ten marriages”, Study conducted by Rights and justice association, 2020 - Reviewed on the 25/06/2020

⁷⁴ Forced marriage in Morocco, the division of information, documentation and research of OFPRA, 2017, p5 - Reviewed on the 30/06/2020

⁷⁵ Hicham Houdaïfa, “*Dos de femme, dos de mulet, les oubliées du Maroc profond (Woman’s Back, Mule’s Back – The Forgotten Women of Deep Morocco)*”, *En toutes lettres Editions*, 2015

⁷⁶ Preventing early pregnancy and poor reproductive outcomes among adolescents in developing countries, World Health Organisation, 2011 - Reviewed on the 24/06/2020

Education is certainly one of the best tools to combat inequalities. However, the girls who have fallen victims of underage marriage are generally urged to leave school. They generally find themselves denied their adolescence and with no basic grounds neither on maternity nor marital life. They find themselves imprisoned in a position of inferiority. On such a basis, the chance that these mothers could be capable of giving a proper education to their offspring lessens considerably.

Many cases linked to forced marriages have made it to newspapers' headlines. We find the case of a young girl who run off on the night of her wedding in 2016⁷⁷ and whose father filed a complaint because she "dishonoured the family". In the same year, a young woman aged 19 years committed suicide a few weeks after her wedding, as she did not know her husband-to-be and loved another man.⁷⁸

Testimonies taken by the magazine Femmes du Maroc - in the context of a news story called *Meeting with the "girl wives" of the south of Morocco* - reflect an archaic ideology which considers a woman like an object. In the story we read: "In fact, a girl is like a yogurt over 20 years of age, she is expired and good to be thrown away. It's better to take them when they're young in order to raise them and do what you will with them". "Past 15 years old, nobody would want her anymore... You can't be asking us either to let our daughters rot", or else we also find arguments of a religious nature "Why should we ban customary marriage? The prophet married Aïcha who was only nine years old, so it's totally Halal", "We should stop guilt tripping men. Islam clearly says that the place of women is inside their houses, they are born to serve their husbands and give children. It is their role. Their place is neither at school nor in the street"⁷⁹.

• Women and sexuality in Morocco: the eternal taboo

Women's sexuality in Morocco is a very alarming topic. Moroccan sociologist and feminist, Soumaya Naamane Guessous explains in her book, *Au-delà de toute pudeur: la sexualité féminine au Maroc (Beyond all prudishness: feminine sexuality in Morocco)* that "the environment of a Moroccan boy, including his mother, pushes him starting from adolescence, if not from childhood, to practise his sexuality in any way possible in the name of virility. Whereas a woman is forced to stay virgin until marriage". In Morocco, women are caught in society's archaic rules, virginity is sacralised and family honour is measured with the virginity of a woman. Many women do not own their sexuality before marriage out of fear of being judged or "repudiated", they are obliged to endure hymenoplasty before their wedding night or have to insert capsules of artificial blood in their vagina, in order to create an illusion of virginity for their spouse. Those who own their sexuality before marriage are called "prostitutes". In fact, certain families or husbands take their daughters or future wives to a gynaecologist in order to establish virginity and obtain a certificate, a document that is not at all mandatory to get married, but that is still used as an alibi to save the family's honour.

• The retrograde vision reserved to Moroccan women in the popular culture

Sometimes, guilt-tripping comments are made to women who are victims of sexual harassment or even rape sometimes; comments such as "they are harassed because they are dressed in a provocative way", or "those who escort men or who are raped only have themselves to blame. Walking down the streets, sometimes, bareheaded and with arms out naked, what do they look for if not being raped? They ask for it. How do you want a man to resist that? He can't contain himself, it's normal!"⁸¹. Analysing Moroccan popular culture, it is possible to observe a retrograde vision of women, a downgrading vision that remains, sadly, still very

"In fact, a girl is like a yogurt: over 20 years of age, she is expired and good to be thrown away. It's better to take them when they're young in order to raise them and do what you will with them"

⁷⁷ Editors of Médias 24 (23 August 2016) "Forced marriages have a thick skin in Morocco" - Reviewed on the 22/06/2020

⁷⁸ Editors of Bladi.net (29 April 2016) "Morocco : Forced to marry a man she does not love, she commits suicide" - Reviewed on the 23/06/2020

⁷⁹ "Dounia Z. Mseffer, 2017, "Meeting with the "girl wives" of the south of Morocco", Femmes du Maroc Magazine - Reviewed on the 20/06/2020

⁸⁰ Soumaya Naamane Guessous, sociologist, moroccan feminist activist and author of the book "Au-delà de Toute Pudeur" (Beyond all prudishness), EDDIF Editions, Morocco, 1996.

⁸¹ "Dounia Z. Mseffer, 2017, "Meeting with the "girl wives" of the south of Morocco", Femmes du Maroc Magazine - Reviewed on the 20/06/2020

⁸² Rania Laabid (5 March 2019) "8 March : seven sexist expressions to be banned from our vocabulary", Plurielle.ma - Reviewed on the 25/06/2020

⁸³ Collective book, conceived and supervised by Hakima Lebbar, "Les hommes défendent l'égalité en héritage" (Men defend inheritance equality), Fan-Dok, Morocco, 2017, p 22

⁸⁴ A collection that comprises the totality of the Prophet Mohammed and his companions' acts and words

⁸⁵ Sahih al-Bukhari, Volume 1, Book 6, n° 301 (Sahih Bukhari 1:6:301)

present nowadays. This vision is embodied through the use of sexist expressions towards women, such as "mra Tachak" (a woman, mind you), "Delâa dawja" (a woman is a broken limb). In addition to these, there are so many others⁸², among which some are quotes⁸³ from Hadiths⁸⁴ who have become pretty frequent in daily use "naquisatou aqlin wa dinn" (lacking reason/wisdom and religious knowledge⁸⁵) or "ma aflaha qawmun wallaw amraham imra'a" (shall never prosper a people who have trusted their business to a woman⁸⁶). An emblematic example to illustrate this reality is the statement of the former Government Chief Abdelilah Benkirane in 2014, when he compared women to chandeliers. He criticised the evolution of the Moroccan society by shedding light on the sacred role of women indoors, "There is a problem regarding the role of women in the modern family. When women have left their homes, these latter ones darkened. You who are here, you have been raised in houses where there were chandeliers. These chandeliers were your mothers"⁸⁷. This statement has raised controversy, including on social networks via the hashtag "anamachitria" (I am not a chandelier).

INSTITUTIONAL VIOLENCE

Examples: denial of access to a public service, abuse of authority, paradoxical injunctions, lack of treatment & basic care, abandonment, limitation of freedom, deprivation of family or friendly visits, neglect, humiliation, intimidation...

Dealing with institutional violence requires first a definition of the word "institution" in order to avoid any semantic confusion. In this study, we refer to an institution as a structure or an establishment such as a hospital, a public administration, a police station, a company, a school, a retirement house or a prison. This delimitation comes from the wish to highlight the violence suffered by women inside institutions by the institutions.

The definition that is closest to the context of our study is the one proposed by Polish psychiatrist Stanislas Tomkiewicz: "any action committed inside an institution or by an institution or lack of attention that brings a person to cause someone a physical or psychological suffering that is useless and/or blocks their ulterior development"⁸⁸.

We will delimit our study's focus to all types of institutional violence that women experience from inside institutions and that generally represent an abuse of power or a shortcoming in the general functioning of the institution.

A significant number of women in Morocco, all socio-professional statuses included, suffer from institutional violence that negatively impact makes their lives, remarkably:

- Institutions whose premises are not adapted to girls/women (e.g. absence of toilets inside schools). A documentary produced by the association Racines in 2017 called "Ma belle école" (My sweet school)⁸⁹ pointed out this existing problem inside many Moroccan schools.
- The demeaning treatment and humiliation of women by the police during reporting of rape incidents.
- The inhuman and degrading behaviour of some health professionals towards single mothers.
- The complexity and rigidity of procedures of some conservative administration agents that delay the registration of single mothers' children in the civil status⁹⁰.

In its 2018 report on violence against women⁹¹, the Federal League for Women's Rights (FLDDF) pointed out the violence that women suffer from inside the commissions that are supposed to take charge of women who are victims of violence, namely:

⁸⁶ This hadith is known for having been transmitted by one of the prophet's companions "Aba Bakra" and is reported in the "Sahih al Boukhari". A critical analysis of this Hadith has been made by the writer and activist Asma Lamrabet - Reviewed on the 13/09/2020

⁸⁷ Editors of Metrotime (25 June 2014) "Morocco : The prime minister prefers women to be housewives and compares them to a chandelier" - Reviewed on the 25/06/2020

⁸⁸ Pascal Vivet and Stanislaw Tomkiewicz, "Aimer mal, châtier bien : enquêtes sur les violences dans des institutions pour enfants et adolescents" (Love Badly, Punish Well : Investigation on the violence inside institutions for children and adolescents), Seuil editions, 1991

⁸⁹ "My beautiful school", documentary film directed by Zakaria Rochdi and Rajae Hammadi, and produced by the Racines association, 2018 - French / English - Reviewed on the 12/06/2020

⁹⁰ Legal Study, 100% mamans, 100% moms association, 2018, p.18 - Reviewed on the 17/06/2020

⁹¹ Report received by mail on the 07/06/2020 from the FLDF

• Inside courts

- Most social workers inside courts do not speak Amazigh, which prevents communication with Amazigh speaking complainants.
- Weak communication with the other components of the local commissions (police, gendarmerie, hospitals, bailiffs...).
- A problem in the implementation of protection and prevention measures by the public ministry in the law 103-13.
- A weak pursuit engaged by the public ministry against the perpetrators of violence based on the law 103-13.
- A problem in establishing proof in the cases of marital violence, which falls within the responsibility of the victim, when this responsibility should normally lie with the public ministry.
- A delay in the enactment of regulatory provisions that should manage the work of the commissions that take charge of women and children who are victims of violence.
- The non-application of protection measures when the decision has been made to returned women to her marital home from which they had been repudiated (article 53 of the Family Code).
- An insufficient training of the public ministry staff, police, and hospitals on the topic of human rights, social domain and international conventions related to the fight against violence.
- The scarceness of accommodation centres which prevents the action to take charge of women who are victims of violence.

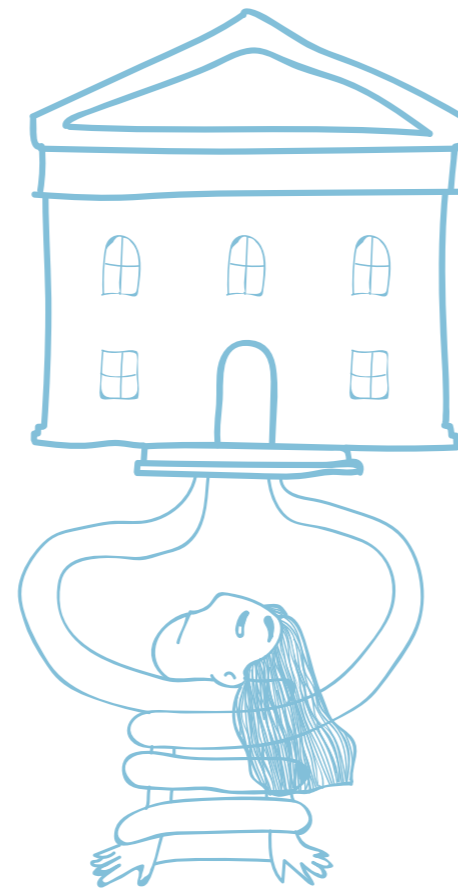
• Inside hospitals

- The work done by the commissions remains very weak inside hospitals due to the insufficiency of infrastructures and human resources.
- The efforts deployed by the ministry of health regarding the training of staff are insufficient.
- There is an incoherence between the duration of the status of 'incapacity' recorded in the medical certificate and the victims' state of health.
- Absence of psychological support for women victims of violence and their children.

• Inside the legal police department (police and royal gendarmerie)

- Absence of social assistance and social workers inside the royal gendarmerie to listen to the complainants.
- Predominance of macho mentality for the majority of staff. In that sense, women who are victims of violence suffer another kind of violence in the way questions are being asked and in the way the violence they have been victim to is perceived.
- Absence of dedicated rooms to welcome women who are victims of violence and to ascertain the violence they have suffered from.
- Absence of communication and coordination between the police and the other components of the local commissions.

According to this same report, these malfunctioning systems can be explained by the inexperience of the human rights managers, as well as their lack of training and application of approaches that are likely to prepare them and help them execute their tasks (gender-approach, feminist approach and territorial approach). We observe as well that there is a problem that persists in the management positions, as they are periodically replaced.



In 2018, HRW interrogated women who are victims of marital violence⁹² and who confirmed that even if the prosecutors have ordered the arrest, the police forces refuse to arrest suspects in the cases of domestic abuses. In other cases, police agents have even refused to ascertain depositions and open cases. In certain cases, the police ask victims to go back to their abusers.

• Women inside work institutions

The Moroccan Organization of Human Rights (OMDH) announced in 2018 the results of a survey conducted with 99 women⁹³ working in companies. The results showed that 40% of these women have been victims of physical violence inside their place of work, nearly 60% were victims of sexual harassment from their superiors, male colleagues and sometimes, even clients. The survey also points out however the fact that none of them has filed a complaint against their abusers. Women who are in a situation of economic vulnerability choose silence as an alternative and find themselves facing the impossibility of proving the harassment itself.

In the Moroccan legislation, sexual harassment represents a criminal offence set down in the article 503-1 of the Penal Code⁹⁴ that indicates "Anyone who abuses the power vested in them to harass someone else by use of orders, threats or any other means, in order to obtain sexual favours, is found guilty of sexual harassment and is punished by one to two years of prison and a fine of five thousand to fifty thousand dirhams". The Labour Code⁹⁵ considers sexual harassment to be a serious misconduct of the employer towards their employee, "Sexual harassment is considered a serious misconduct of the employer, head of company or establishment against the employee... It is considered to be an unfair dismissal if the employee quits his work in reason of the enumerated misconducts in the present article when it is established that the employer has committed one of them".

The Global Bank group has shared the results of the report *Women, Business and the Law 2019* in which Morocco ranked 115th out of 187 countries⁹⁶ on the matter of inequalities inside the workplace and access to management positions for women. In addition, according to the Global Gender Index 2017 of the World Economic Forum, Morocco is one of the most inegalitarian countries of the MENA region, with a score of 0.598/1. It ranks 136th out of 144 countries worldwide⁹⁷.

How can we then explain this score when the Moroccan constitution puts forwards the principles of equality and parity and the Labour Code confirms that "...Any form of discrimination is banned when it is founded on race, colour, gender, infirmity (...) against employees and of which the result is to break or alter the principle of equal opportunities or equal treatment in matters of employment or performance of duties, especially in what concerns (...) wages, advancements, social advantages, disciplinary measures and dismissal"? Or better yet, when are all systems implemented by the government to guarantee women their equal and egalitarian access to leader administrative, political and economic roles as well as all the efforts deployed by the Moroccan civil society since the 1980s?

According to a survey conducted by OMDH :



⁹² Human Rights Watch press release (26 February 2018) Morocco: a new law on violence against women - reviewed on the 30/06/2020
⁹³ Editors of SitelInfo (7 Marh 2018) "Morocco : the alarming numbers of sexual harassment cases at work" - Reviewed on the 29/06/2020
⁹⁴ Penal Code, 2019 - Reviewed on the 18/07/2020
⁹⁵ Labour Code, article 40, 2003 - Reviewed on the 19/06/2020
⁹⁶ Neila Tazi (12 April 2019) "Gender equality : why is the situation in Morocco so worrisome", L'économiste. - Reviewed on the 22/06/2020
⁹⁷ "Feminine Governance : Morocco, the bad student", journal LesEco, 2018 - Reviewed on the 25/06/2020

We perceive that the Moroccan reality is far removed from the conventions the country has signed to combat discrimination against women. In spite of the provisions of the Labour Code and the Penal Code, discrimination persists inside the work place. We can gather from this perception that discrimination is not just the result of non-concertation between authorities, but also a consequence of cultural and popular history that is well anchored in the collective imaginary.

Violence against lesbian, gay, bisexual, trans, queer, intersex and asexual people (LGBTQIA+)

Examples: anti-LGBTQIA+ laws, non-recognition of the rights of LGBTQIA+ people, arbitrary detention related to sexual identity/orientation, beatings by police or homophobic groups, verbal insults and attacks, deprivation of employment, deprivation of housing, deprivation of access to health services, eviction from the family home, deprivation of economic resources by the family, cyber harassment, rape and torture in detention, threats targeting LGBTQIA+ rights activists, harassment leading to suicides, outing campaigns, lack of care for victims of violence, forced marriage to conceal sexual orientation, “forced conversion”.

Any act of violence based on gender identity and/or sexual orientation “Abuses against people because of their sexual orientation or their gender identity are often motivated by the wish to punish those considered to be against gender norms”⁹⁸.

In the entire world, LGBTQIA+ people’s rights are scorned. They are still victims of discrimination and acts of physical and psychic violence. Certain countries authorise homosexual relations, whilst others ban them with convictions that can go as far as a death sentence.

The Universal Declaration of Human Rights (UDHR) confirms in its first article that “all human beings are born free and equal in dignity and rights”, without any regards to their sexual orientation. Likewise, the International Covenant on Civil and Political Rights (ICCPR) guarantees, in articles 6 and 9, the right to life to any human being regardless of their gender or sexual orientation, as well as their right to freedom and security.

In 2011, the Human Rights Council (HCR) expressed its worry about acts of violence and discrimination founded on sexual orientation and gender identity and has adopted for the first time the resolution (17-19) in order to avert it⁹⁹. Through this resolution, the HCR requested of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to conduct a research in all the regions of the world on laws and violence against people on the basis of their sexual orientation, as well as the way that international law can be applied in order to put an end to sexual orientation and gender identity based violence.

2006 has been an eventful year for the LGBTQIA+ community given that the Yogyakarta principles have been presented for the first time. It is a set of principles on the application of international human rights law relating to sexual orientation and gender identity¹⁰⁰. The main idea is to propose a legal international frame to which states have to conform. In general, we can summarize these principles as follows:

- Principles 1 to 3 highlight the universality of human rights and their application to everyone, without discrimination, as well as the right for everyone to recognition before the law.
- Principles 4 to 11 evoke the fundamental rights to life, protection from violence and torture, private life, access to justice and protection from any arbitrary detention.

- Principles 19 to 21 point to the importance of freedom of expression and expressing one’s identity and sexuality, without any state interference founded on sexual orientation or gender identity, including the right to participate peacefully to public gatherings or any other kind and elsewhere to join other people in a community.
- Principle 22 and 23 highlight the right for people to seek asylum in the case of any founded persecution based on sexual orientation or gender identity.
- Principles 24 to 26 evoke the right for people to take part in family life, public affairs or cultural life of their community, without any discrimination founded on sexual orientation and gender identity.
- Principle 27 acknowledges the right to defend and promote human rights, without any discrimination founded on sexual orientation or gender identity, and the state obligation to guarantee protection to the defenders of human rights that work in these fields.
- Principle 28 and 29 affirm the importance of acknowledging the responsibility of people who violate human rights and guarantee adequate reparations for those who have suffered from the violation of these rights.

In Morocco, the LGBTQIA+ community still suffers from many forms of discrimination. A community stigmatized by society and criminalized by the law. In fact, Moroccan legislation punishes homosexual relations, according to article 489 of the Penal Code which confirms: “Is punished by imprisonment from 6 months to 3 years and a fine of 200 to 1,000 dirhams, unless the infraction is graver, anyone who commits an indecent or unnatural act with another individual of the same sex”¹⁰¹ and makes it impossible for organizations that work on problematics linked to sexual orientation or gender identity to register.

The times when LGBTQIA+ people have been victims of violent discrimination are countless. Many cases have struck controversy and aroused the concerns of Moroccan CSOs and international organizations that work to expose acts of violence. The most emblematic example is the violent video of the aggression of two young men inside their apartment in Beni Mellal¹⁰². This latter shows two naked men beaten by a group of people. Following this video, the Court of First Instance sentenced the victims to four-months of prison for homosexuality, whilst the abusers got two months of prison with a suspended sentence.

Other cases of violence against LGBTQIA+ people have made the headlines showing the plight of this community: the pretended gay wedding in Ksar El Kebir (north of Morocco)¹⁰³, the Marrakech transvestite case¹⁰⁴, the kiss of the two underage girls in Marrakech¹⁰⁵ or just recently, the “outing” campaign in April 2020¹⁰⁶ of LGBTQIA+ people on social media by a Moroccan transsexual “influencer” who lives in Istanbul. She encouraged her community in an Instagram Live to denounce homosexuals in their entourage using specific dating applications. Thus, many fake accounts were created on those applications to collect photos and information on homosexuals to then share them on social networks. This campaign has profoundly harmed the private life and security of the community. This sad situation has led to financial blackmailing, expulsions and even suicide of the victims¹⁰⁷.

This reality continues to push Moroccan CSOs and international organizations to expose violence based on sexual orientation and call for the abolition of anti-LGBTQIA+ laws, as an indispensable step towards the acknowledgements of the rights of these sexual minorities.

The association Akaliyat¹⁰⁸ (minorities) conducted a study¹⁰⁹ in 2019 on the impact of discriminatory and violent acts on LGBTQIA+ persons in Morocco. The results emerging

¹⁰¹ Article 489 of the Moroccan Penal Code, 2019 - Reviewed on the 14 may 2020
¹⁰² Rania Laabid (28 March 2016) “Agression of the presumed homosexual couple : the victims facing justice”, Le 360 - Reviewed on the 15/06/2020
¹⁰³ Rachid Hallaouy, “Controversy in Ksar El Kebir around an alleged gay marriage”, Yabiladi, 2007 - Reviewed on the 23/05/2020
¹⁰⁴ Le Desk’s editorial team (10 January 2019) “A transvestite from Marrakech, mistreated by the police, seeks asylum abroad” - Reviewed on the 23/05/2020
¹⁰⁵ Margot Chevance (09 December 2016) “In Morocco, two minors tried for homosexuality cleared”, Liberation - Reviewed on the 23/05/2020
¹⁰⁶ Morocco: Online Attacks Target Suspected Gay Men, Human Rights Watch, 2020 - Reviewed on the 25/05/2020
¹⁰⁷ Morocco : a homosexual commits suicide after his photos were published, Bladi.net, 2020 - Reviewed on the 15/06/2020
¹⁰⁸ Association for the defense of LGBTQIA+ people in Morocco
¹⁰⁹ Study on the needs of populations with diverse sexualities and genders in Morocco, Association Akaliyat, 2019 - Reviewed on the 16/06/2020

from this study alert to the urgency of adopting laws that recognize the rights of LGBTQIA+ people, decriminalize homosexuality and protect minorities from any form of violence. Out of the 250 people interviewed, 58% declare having never fully enjoyed their rights. More than 63% of those who have already undergone an arrest/detention declare having been mistreated (insults, humiliation, intimidation, emotional blackmail, exaction, physical violence...). 70% confirmed having already suffered from physical and moral violence in the public space. 14% only declare having filed a complaint after experiencing violence. The reasons that explain this low rate are often the fear of being detained, the lack of trust in the police, the fear of scandal, etc.

The 2018 annual report on the implementation of the penal policy and the improvement of the public ministry's performance shows that 170 people have been charged for homosexuality that year¹¹⁰.

In Morocco, organizations that defend the rights of LGBTQIA+ people prefer to work in secrecy. They are registered without reference to their work remit on the rights of LGBTQIA+¹¹¹. The restrictions on the freedom of association block the work of these organizations. According to an analysis made by the International Association of Lesbian, Gay, Bisexual, Trans and Intersex persons (ILGA)¹¹², the laws that govern non-governmental organizations in Morocco make it practically impossible to legally register organizations that work on the topics of sexual orientation and gender identity. Likewise, article 3 of the dahir 1-58-376¹¹³ on 1958 stipulates that: "Any association founded on a cause or in view of an illicit object, contradictory with the laws and morality or that sets as an end the harm of the Islamic religion, the integrity of the national territory, the monarchic regime or call for discrimination is null".

As observed by ILGA, an important number of NGOs register with non-explicit descriptions, as groups who defend human rights and promote sexual health. We mention the example of the NGO Akaliyat which attempted to register in 2016, but the authorities rejected its request and pushed the applicants out of the registration office¹¹⁴.

According to the annual report on the implementation of the penal policy and the improvement of the public ministry's performance (2018):

170

people have been charged for homosexuality

¹¹⁰ Annual report on the implementation of the penal policy and the improvement of the public ministry's performance, 2018, p.261 - Reviewed on the 17/06/2020

¹¹¹ Audacity in Adversity, LGBT Activism in the Middle East and North Africa, Human Rights Watch, 2018 - Reviewed on the 20/06/2020

¹¹² State-sponsored homophobia, global legislation overview update, ILGA, 2019 - Reviewed on the 30/06/2020

¹¹³ Dahir n° 1-58-376 of the 3 Joumada I 1378 (15 November 1958) regulating the right for associations - Reviewed on the 30/06/2020

¹¹⁴ State-sponsored homophobia, global legislation overview update, ILGA, 2019, p.70 - Reviewed on the 30/06/2020

The legal framework of gender based violence

02.

INTERNATIONAL CONVENTIONS

Associations and feminist movements are the ones to thank for having attracted and retained international attention on violence against women. By the end of the 1960s, the world has witnessed a significant rise of feminist movements - the second feminist wave. Its objective was to consolidate the initial achievements: right to vote, right to abort, right to use contraception, and attract attention on domestic violence and rape. The year 1975 has been declared the international women's year by the UN¹¹⁵, and it was accompanied by a program comprising:

- The first global conference on women in Mexico - 19th June to 2nd July 1975
- The United Nations' women's decade from 1976 to 1985
- The creation of the United Nations' women's development fund
- The writing of the Convention on the Elimination of Discrimination Against Women (CEDAW), adopted on 18th December 1979 by the General Assembly of the United Nations
- The creation of the United Nations' International Institute of Research and Training for the Advancement of Women in 1979
- The second global conference on women in Copenhagen in 1980
- The third global conference on women in Nairobi in 1985

International instruments of combatting violence against women

Since its independence in 1956, Morocco has ratified and adhered to international conventions on human rights, including the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of Discrimination against Women and its joined protocol; the Beijing Action Platform with its 12 axes; the Millennium Development Goals (MDG), Sustainable Development Goals, etc.

¹¹⁵ Resolution 3010 adopted on the basis of the reports of the third commission of the 18 December 1972

international conventions ratified by Morocco

International Covenant on Civil and Political Rights (1966)

Signed by Morocco on 19th January 1977 and ratified on 3rd May 1979



Engages, in article 3, the members state to ensure men and women enjoy equally all their civil and political rights.

International Covenant on Economic, Social, and Cultural Rights (1966) - Signed by Morocco on 19th January 1977 and ratified on 3rd May 1979



Provides in its article 7 for equal wages to men and women for the same work.

The Convention on the Elimination of Discrimination against Women (1979)

Adhésion le 21 juin 1993



Morocco emitted Declarations on article 2 and paragraph 4 of the article 15 and Reserves on article 9, 16 and 29.

Vienna Declaration and Plan of Action (1993)

Adopted by consensus by the persons representing the 171 states during the global conference on human rights in Vienna on 25th June 1993



The global conference on Human rights specifically highlights the importance of working towards the elimination of violence to which women are exposed in the public and private life, of all forms of sexual harassment, exploitation and trafficking to which they fall victims, as well as the prejudices they're subject to within the justice departments, and come to terms with the contradictions that can exist between women's rights and the damaging effects of certain traditional or customary practices, the cultural prejudices and religious extremism. It requests of the general Assembly to adopt the project of the Declaration on violence against women and invites the states to combat, in conformity with the provided dispositions, the said violence. The violations of fundamental women's rights in situations of armed conflict break the founding principles of human rights and the internationally recognized humanitarian law. All violations of this kind, including murder, systematic rape, sexual slavery and forced pregnancy should be met with particularly efficacious measures.¹¹⁶

The outcome of the Beijing Declaration and Action Platform is 12 critical objectives among which one is dedicated to violence against women, with three strategic objectives to attain:

- Take joint measures in order to prevent and eliminate violence against women
- Study the causes and consequences of violence against women and the efficacy of the prevention measures
- Eliminate women trafficking and help the women who fall victims to violence linked to prostitution and trafficking.¹¹⁷

The Declaration on the Elimination of Discrimination Against Women (1993)

Adopted on 20th December 1993 by the UN's General Assembly in the resolution 48/104¹¹⁸



The Beijing Declaration and Action Platform (1995)

Adopted unanimously on 15th September 1995 by the 189 state members of the United Nations.



It comes as a reinforcement of the Convention on Elimination of Discrimination against Women. Articles 1 and 2 present the most commonly used definitions of violence against women.

It is worth mentioning that Morocco has withdrawn its reserves, on 8th April 2011, on the Convention on Elimination of Discrimination against Women, in what concerns paragraph 2 of article 9 (transmitting the nationality to children) and article 16 (equality in marriage and divorce). 4 years later, on 7th July 2015, Morocco adopted the draft law 125-12 regarding the approval of the Facultative Protocol to the Convention on Elimination of Discrimination against Women. This protocol allows member states to acknowledge the committee's competence for the elimination of discrimination against women, and their determination on the subject of the communications presented by particulars or groups of particulars who pretend to be victims of a violation of one of the rights enunciated on the Convention CEDAW.

¹¹⁶ Vienna Declaration and programme of action, 1993 - Reviewed on the 23/08/2020

¹¹⁷ The Beijing Declaration and Action Platform, Fourth World Conference on Women, 1995

¹¹⁸ Declaration on the elimination of all forms of violence against women, UN General assembly, 1994 - Reviewed on the 13/09/2020

There are some conventions to which Morocco chose not to adhere, such as the Council of Europe Convention on the Prevention and Combat of Violence against Women and Domestic Violence (Istanbul Convention) that is open for adherence to all the states that are not members of the Council of Europe.

THE MOROCCAN CONSTITUTION

The “Arab spring” and the strong rise of democratic claims paved the way for a constitutional revision. As a reminder, the constitution of 29th July 2011 was the first constitution to have been promulgated under the reign of the king Mohammed VI.

The 2011 Moroccan constitution had a lot of impact on the women’s cause. It is characterized by the introduction of the word “Woman” as a separate entity in many contexts. As is the case for the feminine noun for “citizen” (citoyenne) that has never been used in the previous texts¹¹⁹. Adapting to terminological gender norms was in itself a considerable step forward.

The major advancements of the 2011 constitution concerning women’s cause and their rights manifested already through its preamble *“The Kingdom of Morocco commits to ban and combat all discrimination whenever it is encountered, on the basis of gender, or colour, social or regional origin, language, handicap or whatever personal circumstance that may be”*.

The constitution of 1996 insisted on the fact that *“all Moroccans are equal before the law”* and that *“men and women enjoy their political rights equally”*. The one of 2011 introduced a more complete tree-structure of the concept of equality. Article 19 affirms that *“Men and women enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title and in the other provisions of the Constitution, as well as in the international conventions and pacts duly ratified by Morocco and this, with respect for the provisions of the Constitution, of the immutable values of the Kingdom and of its laws. The State works for the achievement of parity between men and women. An Authority for parity and fight against all forms of discrimination is created to this effect.”*

Article 164, for its part, affirms that *“The authority charged with parity and the fight against all forms of discrimination, created by virtue of Article 19 of this Constitution, sees notably to the respect of the rights and freedoms specified in said Article, under reserve of the attributions vested onto the National Human Rights Council.”*

On another hand, article 169 relevant to the creation of the Children and Family Advisory Council (CCFE), created by virtue of article 32 of the present constitution and whose principal mission would be *“ensure a follow-up on the situation of family and children, to provide its insight on the national plans relating to these issues, to facilitate public debate on family policies and to monitor the implementation of national programs initiated by various competent departments, structures and organs”*.

We ought to admit that the text of the 2011 constitution represents a step forward on the issue of women’s rights. “A woman” is finally considered a human entity and independent person in society. However, numerous questions still remain unanswered, notably: What about the day-to-day life? Work? Courts? Inside houses or in the public space?

“The Kingdom of Morocco commits to ban and combat all discrimination whenever it is encountered, on the basis of gender, or colour, social or regional origin, language, handicap or whatever personal circumstance that may be”.

¹¹⁹ Mbarka SABBAR, *The contributions of the 2011 Constitution in terms of women’s right, 2014* - Reviewed on the 01/07/2020

LAWS RELATED TO GENDER BASED VIOLENCE IN MOROCCO

The **Family Code**¹²⁰ (2004) reform has been perceived as an early phase to setting gender equality, in the sense that it gave women new rights in the family context. Its main advancements are:

- Ban of absolute obedience to the husband in favour of concertation, mutual respect and shared responsibility (art. 4).
- Setting the legal age of marriage to 18 years old or more, banning thus underage marriage (art. 13).
- Removal of the matrimonial “wali” (guardian) for adult women (art. 24 and 25).
- Limiting polygamy by imposing conditions to the husband (art. 40 and 41).
- Possibility of integrating a clause in the marriage certificate regarding sharing the acquired goods during the period of marriage (art. 49).
- The old Family Code stipulated that the husband had all the legitimacy to repudiate his woman without referring to justice, which was a flagrant injustice to the woman. The 2004 reform put an end to this form of violence, and it stipulated in article 78 that: *“Divorce is the dissolution of the marital agreement exercised by both the husband and the wife, each according to the conditions under which they fall, under the control of justice and conforming to the provisions of the present Code.”*

The **Labour Code**¹²¹ (2003) reform introduced the ban of all gender based salary discrimination. In fact, article 9 of the Moroccan Labour Code indicates: *“Any form of discrimination is banned when it is founded on race, colour, gender, infirmity (...) against employees and of which the result is to break or alter the principle of equal opportunities or equal treatment in matters of employment or performance of duties, especially in what concerns (...) wages, advancements, social advantages, disciplinary measures and dismissal”*.

The reform of the **Nationality Code**¹²² (2007) allowed Moroccan women who are married to foreigners to transmit their nationality to their children from said marriage.

The adoption of the National Strategy for Equity and Gender Equality (SNEES) in 2006 confirmed the position of the Moroccan government on the question of gender equality and the fact that the gender approach is being taken into account in the different policies and development programs. This political will is translated into the elaboration of different action plans, notably the Governmental Plan for Equality *ICRAM 1*¹²³ (2012-2016), and *ICRAM 2* (2017-2021).

The Governmental Plan for Equality (ICRAM 1) (2012-2016)

Adopted in 2013 by the Government Council, the Governmental Plan for Equality¹²⁴ (ICRAM) aims to promote Moroccan women’s condition, conforming to the provisions of the 2011 constitution and Morocco’s engagement to achieve the Millennium Development Goals¹²⁵. This plan forms a practical frame to the different initiatives, programs and governmental policies in the promotion of gender equality as well as egalitarian and equal access to administrative, political and economic decision-making processes.

¹²⁰ Family code, 2004 - Reviewed on the 12/06/2020

¹²¹ Labour Code, 2003 - Reviewed on the 15/06/2020

¹²² Moroccan Nationality Code, 2007 - Reviewed on the 15/07/2020

¹²³ Concerted Initiative for the Reinforcement of Moroccan Women’s Achievements

¹²⁴ Governmental plan for equality « ICRAM » (2012-2016), Morocco - Reviewed on the 02/08/2020

¹²⁵ Millennium Development Goals (MDG), 2000 - Reviewed on the 31/08/2020

This plan is composed of 8 areas broken down into 24 objectives and translated into 156 implementation actions. These actions are taken forward by the different departments involved in the implementation during the period 2012-2016. The plan specifies qualitative and quantitative evaluation indicators as well as a timeline for delivery. The eight areas are:

- Institutionalizing and diffusing equity and equality principles and setting the basis of parity.
- Combatting all forms of discrimination against women.
- Upgrading the educational and training systems based on equity and equality.
- Reinforcing equal and egalitarian access to health services.
- Developing basic infrastructures to improve women and girls' life conditions.
- Social and economic empowerment of women.
- Equal and egalitarian access to administrative, political and economic decision-making positions.
- Realizing equality of opportunities to both genders on the job market.

The indicators of this plan include the following:

The creation of the Authority for Parity and the Fight against all Forms of Discrimination (APALD).

The creation of a National Observatory for the improvement of women's image in the media,

The drafting of a law to eliminate violence against women (103-13), the amendment of the Penal Code, the creation of the National Observatory on Violence against Women, the drafting of a law on domestic labour, etc.

The government report states that out of the 156 planned measures, 134 have reached a completion rate exceeding 80%, 117 of which have been implemented at 100%, and that any measure that has not yet been finalized will be deferred to the ICRAM 2 plan¹²⁶.

The Government Plan for Equality (ICRAM 2) (2017-2021)

Approved by the Government Council in 2017, the Government Plan for Equality is a follow-up to ICRAM 1. Covering the period of 2017-2021, this Plan aims to "Achieve gender equality and empower all girls and women, following a human rights-based approach"¹²⁷. The plan is based on the provisions of the 2011 constitution, as well as on the international commitments of the Moroccan government, particularly those of the 2030 Agenda for Sustainable Development¹²⁸ and the CEDAW¹²⁹.

This plan is articulated in seven parts, four of which are thematic and three transversal. They are divided into 23 objectives and 83 measures, as follows:

Four thematic areas:

- Enhancing women's employability and economic empowerment
- Women's rights in relation to family
- Women's participation in decision-making
- Protecting women and reinforcing their rights

Three transversal areas:

- Disseminating the culture of equality and fighting against gender-based discrimination and stereotypes
- Integrating gender in all governmental policies and agendas
- A territorial implementation of the objectives of the ICRAM 2 Government Plan

These seven areas are complemented by a system of governance, monitoring and evaluation of the implementation of the ICRAM 2 plan.

ICRAM 2 applies five fundamental approaches to promote gender equality: a participatory and human rights-based process, a results-based management, a human rights-based approach, gender mainstreaming, as well as transversal integration and territorial implementation.

The **organic law n°130-13**¹³⁰ (2015) relating to the finance bill. This law is an essential lever for the concretization of the principle of gender equality. Articles 39 and 48 urge ministerial departments to consider the gender dimension in their various programs and budgets.

Over the last decade, Morocco has embarked in a quest to improve women's conditions through the development of national strategies for the promotion of women's rights. It has reformed some laws, passed new ones and created prevention bodies and organizations to protect women against all forms of violence and discrimination.

• **Law n°19.12**¹³¹ (2016) establishes work and employment conditions of domestic workers.

This law now requires standard employment contracts for domestic workers. It sets a minimum wage and regulates working hours, rest days, and paid leaves. It also forbids people from engaging, for a fee, as intermediaries in the recruitment of domestic workers. It also imposes financial penalties, and even imprisonment, for employers who violate the provisions of the aforementioned law. As stated by Rothna Begum - Middle East and North Africa researcher in the Women's Rights division of HRW - "The new law is an important first step, but authorities must put an end to the isolation and mistreatment of domestic workers by monitoring and changing the attitudes of the employers and providing effective access to justice". This law is included in the Labor Code reform (2003) which stipulates, in Article 4, the publication of a law specific to the regulation of the domestic labour market: "the employment and work conditions of domestic workers who are bound to the head of household by an employment relationship are set by a special law".

• **Law n°78.14**¹³³ (2016) relating to the CCFE (Children and Family Advisory Council) was created by virtue of Article 32 of the Constitution. This council's mission is to "ensure a follow-up on the situation of family and children, to provide its insight on the national plans relating to these issues, to facilitate public debate on family policies and to monitor the implementation of national programs initiated by various competent departments, structures and organs." (Art. 169 of the Constitution)

• **Law n°27.14** (2016) on human trafficking, which almost exclusively concerns women and children who are exploited through prostitution, panhandling and forced labour; among others¹³⁴. This law includes mechanisms to penalize the perpetrators of human trafficking and measures to protect the victims of human trafficking, by setting up shelters and providing the necessary legal and psychological support. "The main measures to prevent human trafficking and protect the rights of women and girls include: specifying the offenses, the penalties and criminal sanctions applicable to perpetrators; prioritizing victim identification; providing the victims with public protection services, psychosocial care, free medical and legal assistance; and creating a national committee to fight and prevent human trafficking"¹³⁵

• **Law n°79.14**¹³⁶ (2017) on the Authority for Parity and the Fight against all Forms of Discrimination (APALD) was enacted in 2017. It is a national body created under Article 19 of the Constitution. This authority aims to follow up on the various forms of discrimination against women, and to evaluate governmental actions and the various entities and institutions in the private and public sectors. It also produces annual reports to assess the progress of ongoing issues related to parity and equality in accordance with the constitution, and presents recommendations in line with international conventions.

¹²⁶ Elsa Walter (17 August 2017) "Gender Equality: the ICRAM plan deemed "ideological and partisan" by feminists", TelQuel Magazine - Reviewed on the 11/08/2020

¹²⁷ Government Plan for Equality, 2017 - Reviewed on the 05/09/2020

¹²⁸ The 2030 Agenda for Sustainable Development, 2015 - reviewed on 25/07/2020

¹²⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 - Reviewed on the 15/07/2020

¹³⁰ The organic law n°130-13 relating to the finance law, 2015 - Reviewed on the 10/08/2020

¹³¹ Law setting work and employment conditions of domestic workers, 2016 - Reviewed on the 17/07/2020

¹³² Morocco: New Domestic Workers Law Takes Effect, Human Rights Watch, 2018 - Reviewed on the 15/07/2020

¹³³ Law n°78.14 relating to the Children and Family Advisory Council, 2016 - Reviewed on the 17/07/2020

¹³⁴ Hassan Bentaleb (22 July 2019) "Human Trafficking Taunts Law 27-14", Libération - Reviewed on the 10/07/2020

¹³⁵ Interview with Amina Oufroukhi of the Ministry of Interior on the law against human trafficking, UN Women Morocco, 2020 - Reviewed on the 11/07/2020

¹³⁶ Law No. 79-14 of December 21, 2017 relating to the Authority for Parity and the Fight against All Forms of Discrimination - Reviewed on the 17/07/2020

Since the adoption of the National Charter for the Improvement of Women's image in the Media in 2005, the Moroccan government has established a series of legal mechanisms to promote principles of equality and eliminate all forms of discrimination. For instance:

- The adoption of **Law n°83.13**¹³⁷ (2015), to supplement Law n°77.03 relating to audio-visual communication. Articles 2, 8, 9 are complemented to forbid "any advertisement that is prejudicial to women, or containing stereotyped messages/images signifying their inferiority or inciting discrimination against them" (Art.2). It also prompts audio-visual communication operators to "promote the culture of gender equality, fight against gender-based discrimination, and ensure compliance with the principle of parity regarding participation in all political, economic, social or cultural programs" (Art.8). It also prohibits any incitement to violence, discrimination, harassment, or exploitation of women and violation of their dignity (Art.9).
- The adoption of **Law n°88.13**¹³⁸ (2016) relating to press and publishing, which states in Article 64: "In compliance with freedom of creation, it is prohibited to issue any advertisement, in print or electronic media, that harms or denigrates persons on the basis of their religion, gender or race, that harms and denigrates women, or carries messages likely to disseminate inferiority stereotypes and sexist discrimination against women".
- The adoption of **Law n°11.15**¹³⁹ (2016) re-organizing the High Authority for Audiovisual Communication (HACA). It emphasizes that the Authority must ensure the implementation of a diverse audio-visual landscape that is respectful of human dignity, fights against all forms of violence and discrimination and contributes to promoting the culture of parity and equal opportunity and to fighting against all forms of discriminations and stereotyped portrayals undermining women's dignity.

Moreover, the Moroccan government has adopted institutional measures to monitor and evaluate women's image. For instance, the Ministry of Family, Solidarity, Equality and Social Development created the National Observatory for Women's Image in the Media¹⁴⁰ in 2015, which is a mechanism composed of governmental sectors, civil society and research centres. Its main purpose is monitoring and following up on the image of women as portrayed in various media, as well as contributing to the elaboration of research and studies on the image of women in media.

Law n°29.11¹⁴¹ (2011) on political parties states, in Article 26, that "each political party shall aim to broaden and normalize the participation of women and youth in the political development of the country", and that "for this purpose, each political party shall work to achieve a 1/3 rate of female participation in its governing entities, at national and regional levels, in order to gradually achieve the principle of parity".

Meanwhile, the **Penal Code** (2014) has undergone successive reforms in relation to the issue of violence against women. In 2014, the Moroccan government revoked Paragraph 2 of Article 475 of the penal code¹⁴² that allowed rapists to avoid imprisonment by marrying their victim. "Anyone who, without violence, threats or fraud, abducts or corrupts a minor, or attempts to abduct or corrupt a minor under the age of 18, shall be punished by imprisonment for one to five years and a fine of 200 to 500 dirhams."

Law n°34.15¹⁴³ (2015) which amends and complements the organic law n°59.11 relating to the election of council members of local authorities, adopted a new methodology in 2015 to grant women a quota of 27% of the total number of council seats, along with the creation of a support fund¹⁴⁴ to encourage the representation of women. Article 76 of the

forementioned law thus states that "at least 1/3 of the seats in each electoral district shall be reserved for women, in addition to their right to stand as candidates for the seats allocated to the first part of the list of candidates referred to in Article 85 of this organic law".

Law n°103.13¹⁴⁵ (2018) which criminalizes violence against women, adopted a more elaborate definition of violence against women: "Any act, material or moral, or abstention based on discrimination on the basis of gender that results in physical, psychological, sexual or economic harm to a woman". This law provides for the management of violence against women in its entirety: from the punishment of the perpetrators to the protection of abused women, including prevention and raising citizen awareness on the various provisions of this law.

Women's rights to collective lands (2019): The Ministry of Interior issued a series of bulletins between the years of 2007 and 2012, prompting the Walis of the regions to include women in the lists of beneficiaries when distributing compensations upon the transfer of collective lands, on the same basis as men. In 2019, the Government Council approved three law-drafts regulating the administrative control over the Soulaliyat¹⁴⁶ communities and the management of their assets¹⁴⁷, including Law-draft n°62.17, which states that "members of the Soulaliyat communities, male and female, are entitled to the assets of the community to which they belong". It also stipulates, in Article 9, that "women have the same right as men to access the representative bodies of the communities".

Law-draft n°72.19 (2020)¹⁴⁸, which amended and complemented, in 2020, the organic law n°02.12 on Senior Appointments, according to the provisions of Articles 49 and 92 of the Constitution. Law n°02.13 defines the principles and criteria of the appointment to senior positions, namely the compliance with the principle of parity, in accordance with the provisions of Article 19 of the Moroccan Constitution.

Morocco has recently granted to women the possibility to work as "Addul"(2020). Adduls (traditional notaries public) hold the duty of writing authenticated certificates in areas relating to personal status and real estate affairs. Women's access to this profession is a major breakthrough, as it contradicts the common belief that a woman's testimony is worth half of a man's. This development is part of the provisions of the 2011 Constitution, particularly those relating to the promotion of women's rights and the fight against discrimination. In June 2020, the first class of female Adduls completed their training and can henceforth officially practice their profession.¹⁴⁹

¹⁴⁵ Law 103-13, published in the Official Bulletin, 13 on March 12, 2018 and came into effect on September 13, 2018

¹⁴⁶ The name Soulaliyate is derived from the word Soualala, which in Arabic means ethnic lineage. It refers to the "tribal" women of Morocco, who launched a nationwide community movement for equal access to land in 2007 - Reviewed on 12/09/2020

¹⁴⁷ "Collective Lands: The Soulaliyates' Long Struggle for the Recovery of their Rights", Aujour'hui le Maroc, 2019 - Reviewed on the 16/07/2020

¹⁴⁸ Organic bill N°72.19 - Reviewed on the 18/07/2020

¹⁴⁹ Anaïs Lefébure (07 July 2020) "The ambitions of the first Moroccan Female Adul", TelQuel Magazine - Reviewed on the 30/07/2020

¹³⁷ Law 13.83 supplementing Law 03.77 on Audiovisual Communication, 2015 - Reviewed on the 11/07/2020

¹³⁸ Law 88.13 relating to the press and the publishing industry, 2016 - Reviewed on the 11/07/2020

¹³⁹ Law n° 11.15 re-organizing the Higher Authority of Audiovisual Communication Dahir n° 1-16-123 21 of kaada 1437 (25 august) - Reviewed on the 11/07/2020

¹⁴⁰ National Observatory of Women's Representation in the Media - Reviewed on the 12/07/2020

¹⁴¹ Law n°29 on political parties - Reviewed on the 11/07/2020

¹⁴² Definitive repeal of paragraph 2 of article 475 of the Penal Code, 2014 - Reviewed on the 20/06/2020

¹⁴³ Organic law 34-15 - Reviewed on the 12/07/2020

¹⁴⁴ Accountability Caneva, Racines Association, 2015 - Reviewed on the 12/07/2020

Civil society organisations in Morocco

3.

THE FEMINIST MOVEMENT IN MOROCCO

This feminist movement originated mainly from the political left wing and emerged starting from the 1980s¹⁵⁰. Largely inspired by the provisions of the CEDAW, the movement called for gender equality and alerted decision-makers and the public opinion to the injustice and violence suffered by women. In contrast with social and political conservatism, the movement was part of a struggle for democracy¹⁵¹.

The first feminist association to emerge¹⁵² was the Democratic Association of the Women of Morocco (ADFM, 1986), followed by the Union of Women's Action (UAF, 1992), the Democratic League for Women's Rights (LDDF, 1993) and Jossour Forum of Moroccan Women (1995). The debates around the Plan of Action for the Integration of Women in Development (PANIFD, 1999/2000)¹⁵³ encouraged other feminist organisations, thus contributing to the "diversity of the movement, to its specialisation in several areas of intervention, to a better and broader geographical coverage and, finally, to its empowerment."¹⁵⁴

Gradually, the approach of feminist organisations has changed, from the mere expression of outrage to the adoption of a more sustainable and efficient approach through the power of advocacy (Rabea Naciri)¹⁵⁵. New forms of intervention and mobilization have thus been adopted¹⁵⁶, notably:

- The development, in 1997 and 2003, of reports in parallel with the government reports on the implementation of the CEDAW (1997 and 2003). These alternative reports brought together several feminist and human rights organisations in order to provide common analysis

and recommendations. The reports were supported by several actions to have them adopted by public opinion and by the CEDAW Committee during its review of the Moroccan government's report.

- The re-appropriation of public space through demonstrations such as the one

¹⁵⁰ Naciri Rabea, "The Women's Movement in Morocco", 2006 - Reviewed on the 12/09/2020

¹⁵¹ Houria Alami M'Chichi, "Contemporary Moroccan Feminisms. Plurality and New Challenges", *Nouvelles questions féministes*, 2014 - Reviewed on the 12/09/2020

¹⁵² Naciri Rabea, "The Women's Movement in Morocco", 2006 - Reviewed on the 12/09/2020

¹⁵³ Cheikh Mériam, "A brief overview of the plan for integrating women in development", 2007 - Reviewed on the 12/09/2020

¹⁵⁴ Naciri Rabea, "The Women's Movement in Morocco", 2006 - Reviewed on the 12/09/2020

¹⁵⁵ Rabea Naciri is a Moroccan feminist activist and founding member of the Democratic Association of Moroccan Women. She is also an expert on gender issues and women's rights.

¹⁵⁶ Naciri Rabea, "The Women's Movement in Morocco", 2006 - Reviewed on the 12/09/2020

that took place in March 2000 in Rabat¹⁵⁷ and gathered tens of thousands of women and men denouncing the government's abandonment of the PANIFD.

- The organization of major communication campaigns, notably the "Spring of Equality"¹⁵⁸ by involving the media, distributing documents and flyers in train stations and at the entrances of administrations and schools, etc.

- Major rallies for the amendment of the Code of Personal Status, the creation and proliferation of counselling, information and legal assistance centres for women subjected to violence.

Thanks to the mobilisation of Moroccan feminist Civil Society Organizations, several reforms have been carried out, for example: the Family Code (2004), the Labour Code (2003), the Penal Code and Criminal procedure Code (2003 and 2002), the Family Record book (2002), etc. The contribution of Moroccan feminist organisations has been pivotal in the acknowledgment of Moroccan women's rights during the development of Moroccan political agendas.

The emergence of new information and communication technologies and social networks has fostered the rise of a new generation of feminist activists. In 2009, MALI was created as a Facebook group, gathering young activists who defend freedom of conscience and advocate for a secular state. Among the priorities of the movement: Women's rights, sexual and reproductive rights, sexual freedom, LGBTI rights, and abortion rights for all.

Various social media campaigns ensued, such as calling for a "Kiss-in" in Rabat in 2013, in support of two teenagers who were arrested in Nador (a city in the north of Morocco) for having kissed, or the hashtag *#porter_une_jupe_n'est_pas_un_crime* ("Wearing a skirt is not a crime") in 2015, in support of the young women of Inzegane¹⁵⁹ accused of "being offensive to public decency" because of their outfits.

The *Masaktach* collective emerged in 2018. It is a group of women and men who shed light on rape culture and the daily violence suffered by thousands of women in Morocco. The hashtag "Masaktach", meaning "I will not be silenced" encourages women to testify anonymously. The collective aims to lobby Moroccan authorities to abolish Article 490 of the Penal Code which penalizes sexual relations outside of marriage.

The 490 collective, founded by writer Leila Slimani and director Sonia Terrab, is fighting for the removal of article 490 from the Penal Code which criminalizes sexual relations outside of marriage.

In 2019, 490 women and men decided to write a manifesto following the arrest of journalist Hajar Raissouni, who was charged and convicted in Morocco for illegal abortion. Their slogan: "We are all outlaws, until the law changes". They conducted digital campaigns with the hashtag *#Love is not a crime*, and launched an online petition calling for the removal of offenses pertaining to individual liberties from the Penal Code, notably article 490 penalizing extramarital sexual relations between two consenting adults. The petition gathered more than 10,000 signatures, which encouraged the collective to submit the petition to the parliament, addressed to the chair of the House of Representatives. The journalist has since been pardoned by the King of Morocco.

The Tahadi Association for Equality and Citizenship (ATEC) has launched the project "Stop Digital violence" to raise awareness around gender-based digital violence, and to support its victims. They provided psychological support to victims of violence via social media, particularly during the lockdown due to the Covid-19 pandemic.

Nowadays, Morocco has several collectives and civil society organizations, which carry out actions on social media, mainly among young people, to advocate for sexual freedom, sexual education, and share experiences of endured violence, whether through podcasts, videos, illustrations, etc.

¹⁵⁷ José GARÇON (13 March 2000) "The Islamists parade in Casablanca, the "modernists" in Rabat", *Libération*. - Reviewed on the 12/06/2020

¹⁵⁸ The "Spring of Equality" is a coalition created in 2001 by nine feminist organizations to follow up on the work of the Moudawana reform commission. The coalition was later extended to nearly 26 associations working in the field of democratic development and located all across the country (Rabea Naciri).

¹⁵⁹ City in Southern Morocco

THE LGBTQIA+ MOVEMENT IN MOROCCO

2004 is considered a pivotal year in the history of the LGBTQIA+ rights movement in Morocco, following the arrest of approximately 40 LGBTQIA+ people in Tetouan¹⁶⁰ (a northern city in Morocco) under Article 489 of the Penal Code. "Everything was fine before 2004", said LGBTQIA+ activist Samir Bergachi, "we existed and nobody paid attention to us, or talked about us. In fact, we were satisfied with the situation. The government paid no attention to us and the fundamentalists ignored us."¹⁶¹

This arrest led a group of Moroccan homosexuals to launch an online campaign exposing the violence suffered by the LGBTQIA+ community in Morocco. As a result, numerous letters were sent to the press and to western embassies in Morocco. In order to coordinate these actions online, a collective emerged, under the name of *KifKif* ("Equals"), to gather the voices of sexual minorities in Morocco. Starting from 2006, *KifKif* volunteers attempted to create an association in Morocco, but every one of their requests was declined by Moroccan authorities. Consequently, the group decided to be registered abroad, while still taking action in Morocco.

In 2010, the association *Kifkif* launched an LGBTQIA+ magazine entitled *Mithly*¹⁶². It was one of the first LGBT magazines in the Arab world. Written in Arabic, *Mithly* is considered a platform of free expression for LGBTQIA+ people, a community that has long been marginalized by traditional media.

The rise of violence against LGBTQIA+¹⁶³ people in Morocco prompted other activists to form collectives in order to fight anti-LGBT violence and advocate for the recognition of this community's rights by the Moroccan government. For instance, the association *Akaliyat* ("minorities") conducts regular studies on violence against LGBTQIA+ people in Morocco, and communicates about instances of violence via social media. *Akaliyat* is mostly active on the internet, due to the current unfavourable legislative context.

The recent campaign of "outing" LGBTQIA+ people, launched on Moroccan social media by a transgender influencer, Sofia Taloni, has led many Moroccan CSOs to express their outrage and bring their voices together to denounce this campaign of hate incitement and defamation. In a press release¹⁶⁴, several collectives and associations for the defence of LGBTQIA+ rights urged Instagram to delete the influencer's account, which had more than 500.000 followers, because her live streams incited hate against LGBTQIA+ people. The press release also called on Moroccan authorities to open a judicial investigation into this violent campaign against sexual minorities.

Thanks to the mobilisation of several collectives defending LGBTQIA+ rights (e.g. Association *Akaliyat*, *Atayf Collective*, *Dynamic trans*, Moroccan Association of Human Rights, etc.), the case was highly mediatized and several public figures expressed their outrage and solidarity via social media. Despite being verified, the influencer's Instagram account was deleted.

Notwithstanding the recent emergence of the LGBTQIA+ movement in Morocco, the scarcity of studies on the subject, and the unfavourable legislative context, its fight continues through alternative means, particularly through social networks. Collectives continue to alert public opinion about the violence against LGBTQIA+ people, conducting field studies on the extent of violence and organizing live streams where they invite activists and experts to speak on various issues relating to gender and sexual health, thus addressing all sorts of misconceptions on the subject. The movement continues to raise public debate on the discrimination suffered by the LGBTQIA+ community, in order to put an end to all anti-LGBT laws and to recognize their rights.

¹⁶⁰ Leila Slimani (16 December 2010) "Samir Bergachi: Founder of the NGO Kifkif", *Jeune Afrique Magazine* - Reviewed on the 13/09/2020

¹⁶¹ Editorial team of the *Aujourd'hui le Maroc* (04 March 2009) "Homosexuals Put Moroccan Democracy to the Test" - Reviewed on the 13/09/2020

¹⁶² *Mithly* is a wordplay, the French translation of which means "like me" and the Arabic translation means "homosexual"

¹⁶³ A campaign launched in April 2020 by Sofia Taloni (Naoufal Moussa), a transgender influencer.

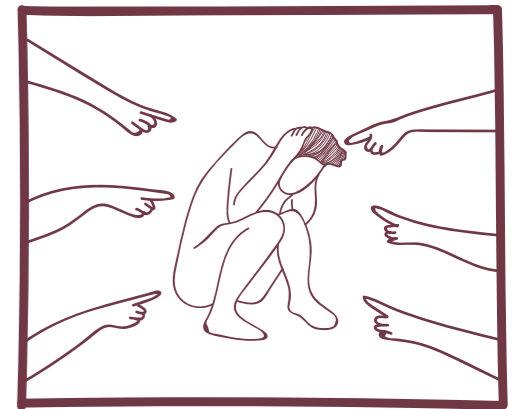
¹⁶⁴ Bilal Mousjid (28 April 2020) "Morocco investigates the transgender woman behind violent campaign against LGBTQIA+", *Middle East Eye* - Reviewed on the 11/09/2020

Emblematic Cases of Gender-Based Violence in Morocco 4.

THE OUTING CAMPAIGN AGAINST LGBTQIA+ (2020)

A homophobic affair has caused a lot of ink to flow about the "outing" campaign of LGBTQIA+ people launched on social networks in April 2020. It all started when the transsexual "influencer" "Sofia Taloni" incited her community during a live Instagram video to unmask the homosexuals in their entourage by using dating applications dedicated to LGBTQIA+ people. Many fake accounts have been created on these applications to retrieve photos and information of homosexuals to share them on social networks. This campaign has profoundly harmed the privacy and security of the community. This sad situation has led to financial blackmail, evictions and even suicide of the victims.

Source : "Le Maroc enquête contre une transgenre à l'origine d'une violente campagne contre les LGBTQIA+" - Middle East Eye



THE VIDEO OF THE COLLECTIVE SEXUAL ASSAULT OF A YOUNG WOMAN ON A BUS (2017)

The video shows a group of teenagers sexually assaulting a crying young woman on a bus in Casablanca. The attackers violently strip her naked, touching her private parts. The victim, half-naked, was crying out in distress as the bus continued to run without anyone intervening.

Source : "Au Maroc, le viol d'une jeune femme dans un bus à l'aune de la place des femmes dans l'espace public" - TV5 Monde

THE KISS OF THE TWO MINORS OF MARRAKECH (2016)

Two young girls, named Sanaa and Hajar, aged 16 and 17 respectively were imprisoned after being caught kissing. A neighbor surprised them, took a picture of them and sent it to their families, who notified the police.

Source : "Maroc : deux jeunes filles mineures emprisonnées pour homosexualité" - France24

IKRAM : CASE OF PEDOPHILIA (2020)

A 6-year-old girl named Ikram was raped by a pedophile in his thirties in Fom Lahcen in the province of Tata. The rape caused the girl to suffer a "severe hemorrhage". The victim's father signed a written agreement to drop charges against the alleged pedophile, who was released on bail. After several Moroccan citizens and civil society organizations protested the release of the pedophile accused, the father filed a new complaint.

Source : "#justiceforIkram : récit d'une effroyable histoire" - TelQuel

CASE OF THE TRANSVESTITE OF MARRAKECH (2019)

A man dressed as a woman was arrested for a minor traffic accident. The police, instead of protecting him from the crowd, took photos of him, which they released, as well as images of his own personal documents, which began to circulate on social networks. Very affected by the disclosure of his personal data, the individual filed a complaint with the Attorney General. According to a statement from the National Police Department, police officers were sanctioned with measures that could include temporary suspension from duty for "not taking the necessary measures to protect the personal data" of a person in police custody.

Source : "'J'aime juste m'habiller en femme" : le témoignage de Chafiq Lafid, le travesti arrêté à Marrakech" - TelQuel

FADOUA LAROUÏ CASE (2011)

A 25-year-old single mother who had been denied social housing because of her social status. She set herself on fire in front of the town hall in Souk Sebt, central Morocco.

Source : "Une jeune mère célibataire s'immole par le feu" - France24



INZEGANE'S "MINISKIRTS" (2015)

In the South of Agadir and more precisely in the city of Inzegane, two young Moroccan women aged 20 were shopping in the souk. They were questioned by a shopkeeper who judged that their skirts were too short and that they were indecent. Moments later, an angry crowd surrounded the two girls. However, fearing for their safety, they fled to a store to await the arrival of the police. Once there, the authorities agreed with the crowd. The girls were taken to the police station, where they spent the night before being brought before the state prosecutor.

Source : "Maroc: deux femmes agressées parce qu'elles portaient des robes risquent la prison" - Huffington Post



HAJAR RAÏSSOUNI'S CASE (2019)

The case began on August 31, 2019, when Moroccan journalist Hajar Raïssouni was arrested in Rabat as she was leaving a gynecology consultation. Shortly after her arrest, police requested a forced gynecological "examination", which her lawyers considered as "torture". Judged for "illegal abortion" and "sexual relations outside marriage," she was sentenced to one year in prison by the Rabat court. Arrested and sentenced at the same time as her, her gynecologist was sentenced to two years in prison, her fiancé to one year in prison, an anesthetist to one year in prison suspended and a secretary to eight months suspended.

After a month and a half of detention and following a royal pardon, Hajar Raïssouni was released, along with her fiancé and the gynecologist, the anesthetist and the medical secretary who had been sentenced with her.

Source : "Affaire Hajar Raïssouni: les faits et les réactions" - Médias24

COLLECTIVE RAPE IN CASABLANCA (2020)

Oumaima, 17 years old, was kidnapped, raped, tortured. She was in great psychological distress and has physical after-effects. 20 people abused her for about 20 days.

Source : "Maroc : Casablanca sous le choc après le viol d'une mineure par 20 individus" - Yabiladi

PROGRAM "WITH THE ANALYST" BROADCAST ON MED RADIO, COMMENTS THAT UNDERMINE THE DIGNITY OF WOMEN (2020)

The presenter of the program, giving "advice" to a listener who recounted the experience of her son planning to marry a divorced woman, made stigmatizing and discriminatory comments, and consecrated a stereotypical and degrading image for the dignity of women in general and of divorced women in particular, by making the link between the marital status of women and their moral conduct.

Source : "CSCA : une émission de Med Radio suspendue pour atteinte à la dignité des femmes" - TelQuel

"MAKE-UP TUTORIAL" FOR BEATEN WOMEN (2016)

The make-up tutorial to hide the bruises of battered women was aired on the Moroccan channel 2M on November 25, 2016, the International Day for the Elimination of Violence against Women. Following strong criticism from social networks, the channel removed the sequence from the channel's website and apologized in an official statement.

Source : "VIDÉO. Une chaîne marocaine diffuse un «tuto maquillage» pour femmes battues puis s'excuse face au tollé" - 20minutes

THE CASE OF KHADIJA, VICTIM OF GANG RAPE IN MOROCCO (2018)

Kidnapped at gunpoint, she was kidnapped by muggers. She was transported from one hiding place to another, raped dozens or hundreds of times, almost burned alive - stripped naked and tied to a pole, tortured, burned with cigarette butts, beaten, deflowered, rented at 50 or 100 DH per night, even for a joint, forced to consume drugs and alcohol..

Source : "Affaire Khadija : Le récit" - Médias 24

THE ESCAPE OF A YOUNG GIRL ON HER WEDDING NIGHT (2016)

A father turns to the judicial police to prosecute his daughter who, by fleeing on her wedding day, has dishonored the family and the douar. When she arrives at the court, the judge convicts her criminally.

Source : "Le mariage forcé a la peau dure au Maroc" - Médias 24

CASE OF AMINA FILALI (2012)

This young girl committed suicide after being forced to marry her rapist under pressure from her family and in order to avoid conviction under article 475 of the Penal Code.

CSOs and international organizations expressed outrage at the case, and called for a complete reform of the article allowing marriage between an underage girl and the person who raped her. In response to this pressure, in 2014 the Moroccan government repealed paragraph 2 of article 475 of the penal code, which allowed rapists to enjoy impunity by marrying their victims.

Source : "Le suicide qui bouleverse la société marocaine" - Le Monde



ON A TV SET, THIS DOCTOR SAYS THAT RAPE CONTINUES TO BE WIDESPREAD BECAUSE OF WOMEN WHO DON'T WANT TO GET MARRIED (2020)

A Moroccan doctor made misogynistic reflections, arguing that to combat the scourge of rape in the country, women will have to agree to marry.

"Everyone has a sexual instinct. A desire that must be satisfied. When it is repressed, it leads to rape! The woman no longer wants a marriage or a family, and she talks more and more about her freedom and her body, so there is more and more rape. So how can we fight it? She must agree to get married!" he announced openly during a television program broadcast on a Moroccan channel.

Source : "Culture du viol : pourquoi la HACA ne va pas sanctionner Télé Maroc" - TelQuel

Qualitative study

5.

OBJECTIVES AND METHODOLOGY OF THE STUDY

Using recent data, this study aims to contribute to a better understanding of the phenomenon of GBV in Morocco. We conducted a qualitative study with the main actors involved in the fight against GBV. The key questions of this qualitative study revolve around the experiences of key actors in the field and the challenges they face in the fight against GBV.

This qualitative study was conducted in compliance with the codes of research ethics. A preliminary research was carried out to identify the various key actors involved in the fight against GBV in Morocco. A list of contacts was prepared, along with a detailed description of the actions carried out by these actors and their remit.

To prepare our study, we realised a research on the work carried out by the selected key-actors in the fight against GBV. Interviews were then conducted with sociologists, activists, representatives of Moroccan CSOs and international NGOs involved in the issue of GBV in Morocco.

The interviews were 50-60 minutes long, and included a series of pre-selected questions based on an interview guide. They generally focused on the current situation of GBV in Morocco, the development of the legal system and social perceptions, as well as recommendations to fight GBV, from prevention to the protection of victims of violence. They also focused on all the obstacles encountered by these actors that prevent or hinder their work on GBV in Morocco.

The interview guide was adapted and adjusted according to each actor's specificities.

In order to adapt to the new conditions caused by the COVID-19 pandemic, all interviews were carried out through digital platforms, namely Zoom, Skype, Google Meet, WhatsApp, etc.

A total of seven interviews were carried out, including feminist activist, writers, sociologists, academics and representatives of national and international NGOs. No confidential, personal information was disclosed in this report.

Amine Baha

Director of the "Initiative for the Protection of Women's Rights" centre (IPDF), the Batha Multifunctional Center, Fez, Morocco

Latifa El Bouhsini

Professor at the Faculty of Education in Rabat, trainer specializing in gender studies and women's rights

Abdessamad Dialmy

Moroccan sociologist. He holds a state doctorate, is a university professor and an international consultant in sexual health

Soumaya Naamane Guessous

Moroccan sociologist and feminist activist. She is known for her book on the sexuality of Moroccan women entitled *Au-delà de toute pudeur: la sexualité féminine au Maroc* ("Beyond all modesty: Female sexuality in Morocco"), EDDIF Maroc, 1996.

Aïda Kheireddine

Graduated from the National Institute for Social Work (INAS), social worker, activist and co-founder of the ASWAT collective for the fight against discrimination based on sexuality and gender in 2013

Asma Lamrabet

Medical biologist, essayist and feminist. She was the director of the Center for Women's Studies in Islam at the Rabita Mohammedia des Oulémas du Maroc from 2011 to 2018

Mounia Semlali

Head of the Gender Justice Program at OXFAM Morocco

SUMMARY OF THE RESULTS



Amine Baha

Amine Baha, director of the association "Initiative for the Protection of Women's Rights" (IPDF) created in 2008, is manager of the Batha centre which receives almost 1000 female victims of violence a year. The association conducts outreach work in the city of Fez. From his fieldwork, Amine Baha believes that a large majority of the women admitted

to the centre grew up in an environment where all important life decisions were made by other people, and that upon their arrival at the centre, they expect someone else to make decisions for them. This has a huge psychological impact on them and their self-esteem. In this regard, the centre deals with each woman on a case-by-case basis.

According to Amine Baha, a female victim of domestic violence has to make 14 trips to court on average, despite the lack of transportation in some neighbourhoods and having to walk to court without safety for herself or her children. In the Msala neighbourhood in Fez, for example, many women dropped the charges because of the lack of outreach services.

Amine Baha stressed the difficulties and obstacles faced by female victims of violence. Many of them drop out of legal cases, either because of social pressure, or the complexity of the legal system related to the application of the law, or because of territorial discrepancies within the city itself. Many women find it difficult to access court because of the lack of transportation in their neighbourhood. "To be in court by 9:00 a.m., she has to leave her home at 6:00 a.m., which increases her risk of being assaulted". In addition to the difficulties to prove acts of violence in a private space, the additional medical tests requested to prove the act of violence in court are expensive, "They either have to go to private healthcare and pay 3,500 Dhs (≈ 380 \$) on average to get the test results on the spot, or go to the public sector to book an appointment and wait 2 to 3 months, until their bruises disappear". This issue has substantial consequences on the legal procedure.

Regarding the non-application of the law, Amine Baha recalled the various actions envisaged by Law 103-13, such as the project to create a mapping of the actors working on violence in Morocco, an overview of violence across the twelve regions of Morocco and the development of a common action plan to fight against violence. Although everything must be coordinated by the public prosecutor, Amine Baha believes that he does not have the technical capacity to do so and that a budget must be allocated to seek external expertise in court.

He also reiterated that the fight against violence is a development project that requires the involvement of several actors, including the local government, and rebukes Law 103-13 for not including it in this fight. He pointed out that local governments hold a budget and develop a development plan for their areas of competence every year, and that it should have been part of the process of fighting violence against women.



Aïda Kheireddine

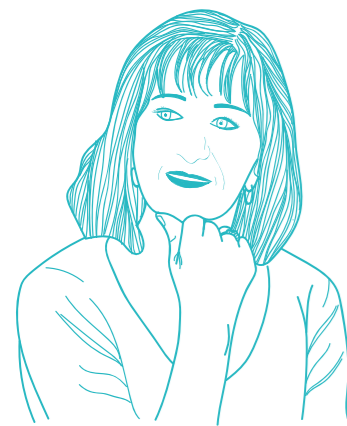
Aïda Kheireddine is a graduate of the Institut National de l'Action Sociale (INAS), a social worker and activist. She is active on several issues including migration and asylum, gender, sexuality and LGBTQIA+ rights, all forms of discrimination, and child protection. She co-founded the ASWAT collective in 2013,

and is a member of the civil council for the fight against all forms of discrimination. She believes that there is an entire structure concerning violence against women, such as counselling centres in associations, with competent and experienced social workers and field agents, and strategies aimed at empowering women and strengthening their skills. There are also reception facilities for female victims of violence in public institutions (hospitals, the police and soon the gendarmerie in rural areas).

Aïda Kheireddine believes that a large number of female victims of violence do not initiate the legal proceedings because they cannot afford a lawyer or the court fees. Or, for example, in the case of women who live in remote areas and cannot afford to travel to the city. It is also difficult for the wife of a powerful man or a law enforcement officer to file a complaint, or for cases where the object of the assault is in violation of the law, such as women who engage in extramarital relations. If they are raped, they can be arrested under article 490. A lesbian woman may be blackmailed on the basis of her sexual orientation, causing her not to go to court because she risks the double jeopardy of being prosecuted for homosexuality and for having extramarital sex.

Aïda Kheireddine sees this as a biased paradigm. She believes that 100% of women are victims of violence. "When we have a figure like 62.8% it simply means that 62.8% of women have reported experiencing violence". Instead, she thinks that there is systemic violence, and that it is difficult to define violence by isolating it from a context or from other types of violence. Because violence is embedded, for example in the access to resources. "If a person is not autonomous and especially if they are dependent on their abuser, they will always be in a violent environment". A dependent person will inevitably suffer psychological violence, even more so when their mobility is reduced (lockdown). "One of the forms of violence that all girls suffer or have experienced at least at some point in their lives,

including myself, is the imposition of curfews by the family or forbidding them to travel on the pretext that there are aggressors outside". Yes, there are offenders outside, but it is the victims who are punished, and therefore women are made to pay by reducing their identity to a certain style of clothing or by limiting their experiences and reducing their rights and liberties.



Soumaya Naaman Guessous

For Soumaya Naaman Guessous, Moroccan intellectual, sociologist and feminist activist, there is a structural violence in our society. Women and girls start experiencing it from their adolescence from parents, brothers, uncles and their entire environment, whether in rural or urban areas or in public or private spaces. Most of this violence is invisible or indirect, due to laws that do not protect women or

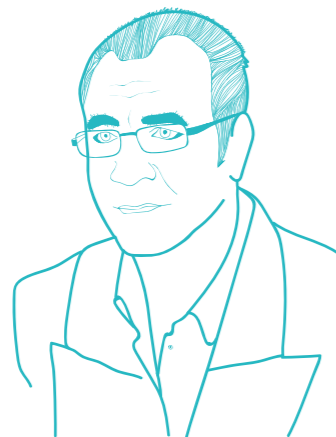
due to traditions, such as violence based on honour or in the name of religion. In addition, some laws are discriminatory and reinforce discrimination against women, such as inequality in inheritance or the non-recognition of marital rape.

According to Soumaya Naamane Guessous, the laws have not changed, in spite of a very large internal demand. On the other hand, facing a progressive civil society, there is an Islamist, Salafist, Wahhabi movement. These movements, which represent a force not to be overlooked, are now an obstacle in the way of the boldest reforms. This is what happened in 2002 or 2003 against the reform of the family code, and recently, with Asma Lamrabet when she demanded the reform of inheritance. It is necessary to bear in mind, according to Soumaya Naaman Guessous, that "it is not because a law is promulgated that mentalities will change, switching from discrimination to democracy or to an egalitarian mind-set towards women".

For activist and sociologist Soumaya Naamane Guessous, the obstacles lie in the resistance and the outcry of fierce criticism from the majority of religious "men and women". This issue was also raised by sociologist Abdessamad Dialmy.

Abdessamad Dialmy

Abdessamad Dialmy, a sociologist and committed intellectual, believes that a sociology book has a limited audience, as opposed to a novel. "I give recommendations to my sponsors (associations, ministries, international NGOs) and I speak in TV programs or on the radio to raise awareness among a wider audience around the issue."



For Abdessamad Dialmy, the majority of women have been victims of violence for millennia, and everyone considered this violence legitimate, acceptable and accepted... "The way I see it, all women were abused physically, psychologically, sexually, verbally, economically. It's a structural characteristic of any patriarchal society, and therefore of Morocco as well." In this regard, he believes that we went from 100% violence to 63% in 2009, then to 54% in 2019. This might seem like too slow an evolution, but compared to centuries of normalized female abuse, they are major breakthroughs. It is, of course, crucial to try harder, to pass laws and apply them, to raise awareness, to educate, etc.

Abdessamad Dialmy also pointed out that gender equality advocates are often labelled as "fornicators", "communists" or "freemasons". These criticisms are often aimed at silencing debates on violence against women in the name of religion. Abdessamad Dialmy also highlights the difficulties women face in their efforts to assert their rights. For them, the laws are a real source of hindrance, particularly in terms of complicated legal proceedings (e.g. having to provide evidence that is sometimes difficult to obtain, bringing witnesses, or medical certificates that are not always sufficient and must always be supported by other costly medical tests).

Latifa Bouhsini

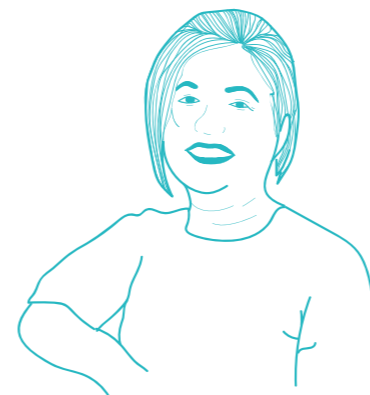
For Latifa Bouhsini, having laws is not enough. According to her, there are two fundamental pillars in the fight against violence towards women: school and the media. Because in the fight against GBV, we must take ownership of the fact that we must fight against stereotypes and representations. We must also remember the difference between violence in general and gender-based violence.

Latifa El Bouhsini believes that even if the change in statistics is minimal, it is still significant. In this regard, the media should take part in a strategy to address gender-based violence. It is a transversal work that must be carried out consistently, not just through occasional radio or television programs.

Professor and activist Latifa El Bouhsini believes that although Morocco has a law against gender-based violence, the problem lies, on the one hand, on the ambiguity of some articles in the law (the non-recognition of marital rape for instance), and on the other hand, on the institutional detachment towards certain forms of violence. She criticized some institutions that do not take the complaints of victims seriously. She added that "there is a huge amount of work yet to be done within the existing facilities supporting female victims of violence, so as to develop procedures in which whoever is in charge of applying the law can do so correctly".



She also mentioned the financial obstacles in the funding of support and assistance centers for victims of violence, and in the execution of surveys and studies that will allow us to accurately address the issues related to violence.



Asma Lamrabet

Activist and writer Asma Lamrabet mentioned the exploitation of religion as a major obstacle. Representatives of religious institutions continue to condone some forms of violence in the name of religion and keep operating in total denial. She added that the problem is that a large majority of citizens trust men and

women of religion, "I know educated people; engineers, professors, etc. Yet when it comes to religion, they only trust a religious authority. I see a form of social schizophrenia in this. No wonder we're not moving forward! You can pass any law you want, any constitution you want, it won't change anything in reality as long as we still encounter this sort of rhetoric".

Mounia Semlali

For Mounia Semlali, representative of Oxfam Morocco, gender inequalities exist even in the most advanced countries. The figures are changing but there are new forms of violence emerging such as electronic or digital violence. If the figures have decreased, it is because work has been done in police centers, or the training of judges, but there are also new forms of violence that arise with current events and the evolution of societies. Violence will exist as long as it is the woman who has to do the household chores, as long as the pictures in school textbooks show women cooking and the man having coffee with his friends. These entrenched ideas require a lot of work and from a young age, otherwise they will be reproduced and normalized.



For Mounia Semlali, the major challenge in the fight against GBV in Morocco is the lack of collaboration and partnerships between the various CSOs working on the issue. She blames the Moroccan government for the lack, or even absence, of public awareness about the new law 103-13. She also pointed out the problem encountered when conducting their advocacy work, which is the non-alignment with the government regarding global visions and principles around women's rights. This divergence hinders dialogue and prevents any kind of common activity or joint project. She highlighted another obstacle, which is the difficulty to reach women in certain rural areas or in certain sectors, such as women working in the agricultural

sector: "They are threatened by the bosses so that they do not reach out to NGOs. As long as they are in a vulnerable situation, they refuse to communicate about the violence they face".

RECOMMENDATIONS

Amine Baha believes that violence against women is sometimes misunderstood by some police/gendarmerie officers. Some may advise women to make up with their abusive partners and return home. This lack of understanding generates tragic situations. He therefore recommends that these officers be trained for situations of abuse. He also believes that several laws must be changed because they harm women, such as those related to underage marriage, single mothers, extra-marital sexual relations, etc. "The government has the means to conduct diagnoses that will allow a proper enactment and amendment of the laws. It is crucial to study the impact of these laws on women and the repercussions on children. Nowadays, there is no mechanism that provides real feedback on the impact of laws on women, girls and their children. The government must be able to implement such mechanisms".

Sociologist Abdessamad Dialmy stated that laws are important, but that public opinion and mindsets must change too. According to him, one way to change mindsets is to enact harsh and repressive laws against violence, to make it abnormal and unacceptable! "The moment people realize that the government is serious about enforcing laws and punishing abusers, they will start to change their outlook and attitude towards women". It is also necessary to ensure that women have economic/financial autonomy from their fathers, husbands, brothers, and men in general, so that they do not wonder "where am I going to go if I refuse to be abused?" Abdessamad Dialmy deems financial autonomy to be a fundamental aspect. He added the necessity to educate and raise awareness on feminist issues and gender equality principles. He explained that teachers are still not entirely convinced of what they teach, hence the need to educate the educators, in order to avoid having doctors who believe that promoting sex education encourages fornication and promiscuity. We must act as citizens and not as patriarchs.

Similarly on the topic of education, professor and activist Latifa El Bouhsini believes that education is paramount, and that textbooks must be revisited in a transversal approach to improve women's image and dignity. It is also necessary to teach young students about the women who had exceptional contributions to the political, literary, poetic, artistic or medical fields. This is one way of empowering the image of women and influencing perceptions and mentalities. "Young people need to know that in the history of Morocco, some female figures marked their era: Khnata Bent Bakkar who played a pivotal role alongside Moulay Ismail, Zineb Nefzaouia who offered remarkable insights to Youssef Ibn Tachfin to keep him in power, Assaida Alhorra who ruled in northern Morocco and so many others...including the history of Islam. Aïcha, the prophet's wife, was his political advisor

and proved to be a fighter and a warrior...". The media is the other pillar on which Latifa El Bouhsini insists. She believes that current TV and radio programs are not always part of a real strategy against violence towards women, one that is endorsed by all parties involved in these programs. The existence of charters that clearly state that no one, be it staff or guests, has the right to convey sexist stereotypes or say things that incite violence. She also talked about the urgent need to review the content of commercials, as they contribute considerably to the reinforcement of misconceptions, degrading women and confining them into the reproductive role/scheme.

Regarding the issue of institutions, Latifa El Bouhsini believes that it is difficult to access institutions and this further marginalizes women. A woman is more likely to resort to an association than to the police. This is why creating counselling and care centres for women subjected to violence in rural and urban areas should be encouraged and supported through a collaboration between the government and the associations.

Writer Asma Lamrabet points out that solving the problems of violence with laws or imported theories may not be the most effective solution. *"I don't believe in abstract universalism. You know, universal laws can be applied differently in each region. Today, you can't persuade a Moroccan man or woman using universal rights, but you can do it with an Islamic frame of reference"*. The writer calls for the deconstruction of religious discourse so that the rest of the issues may resolve themselves.

Sociologist Soumaya Naamane Guessous, for her part, believes that in an ideal legal and judicial system, a woman must be taken care of all the way, as soon as she enters court, without having to bribe anyone to acquire her rights. *"Laws are important, but they are only a platform"* and *"when you are in a country where the law protects you in a systematic way all while maintaining your dignity, then it really is a country where citizens can feel happy and safe"*.

Mounia Semlali insists, above all, on the need to unify the actions of the feminist movement. *"If we have the same rhetoric and the same objectives, we will be stronger and we will succeed in making things move faster"*. She also recommends the reinforcement of the feminist movement's capacities, which would be crucial in taking effective action against GBV. Finally, she suggests deploying art and culture (i.e. theatre of the oppressed, songs, movies, etc.) - already established, powerful and effective tools to convey impactful messages - to implement awareness and activism.

The gender based violence mapping



One of the outcomes of our study is a mapping of gender-based violence in Morocco. Its objective is to illustrate the different actors working on the question on gender-based violence and classify them based on their legal status (public institutions, universities, national and international NGOs, research laboratories, collectives...), their areas of intervention in their treatment of GBV (advocacy, law enactment, accommodation, prevention, sensitization, psychological/legal accompaniment,...) as well as the types of violence on which they operate (economic, social, psychological, institutional, legal, etc.)

OBJECTIVES OF THE MAPPING:

- To present an overview of structures that operate on GBV throughout the twelve Moroccan regions.
- To build a network that allows exchange and cooperation between the different actors that operate on GBV in Morocco.
- To enrich current documentation on GBV in Morocco.
- To reinforce prevention and eradication efforts of GBV through the building of a network of the different actors implicated in GBV in Morocco.
- To orient future advocacy actions towards the less addressed forms of violence and the long ignored areas of interventions.

We have developed a questionnaire on Google Forms in Arabic and French and we have circulated subsequently through our newsletter and shared it on social networks. All the stakeholders relevant to the fight against GBV in Morocco were invited to fill it in order to be included in the GBV cartography.

Link to consult the cartography : www.gbv-morocco.org

Link to be counted in the cartography : <http://bit.ly/3tz87Wo>

CONCLUSION

Gender-based violence is an alarming reality in Morocco. The size of this social phenomenon is to be found in existing different statistics and sociological studies. The efforts deployed by the Moroccan CSO have broken the silence around violence, which is already a big advancement. Today, we owe the achieved results to the effective mobilization of Moroccan CSOs. Multiple breakthrough have been opened thanks to their claims and their advocacy actions, which led to various reforms, be it in the professional sphere, civil rights or Penal code.

The knowledge available to this day (field studies, research, reports, statistics, etc.) allows us to have a better understanding of gender-based violence in Morocco. Subsequently, this allows us as well to have a better understanding of the possibility of implementing laws and mechanisms adapted to the Moroccan context.

However, laws continue to be enacted without the effective implication of CSOs, as indicated in the constitution. Unequal laws are still being voted. Gaps between texts, actual lives and international laws are still persistent, and people are still being left on the margin. Religious arguments are still evoked to firmly oppose women's emancipation. Some people consider themselves as "moral entrepreneurs" (Becker, 1985), whilst others continue to uphold sometimes unintentionally sexist discourses. LGBTQIA+ people are marginalized and victimized because of their sexual orientation. Misogynist and homophobic statements are still diffused at a large scale.

Today, social networks form a public space where all these issues are debated, without any constraint or prioritizing. The viral potential of social networks has given the freedom of speech to citizens and the gathering of tens of thousands of people around a common cause (e.g. #MeToo, #ManifPourTous, #TesPasSolo,

#Lhob_machi_Jarima (Love is not a crime), #Kouni_Mera (Be a woman), #Masaktach (I will not shut up), etc.), shaping thus a considerable force.

Social networks have become new spaces of protest. A young generation of activists finds its way to these spaces to undertake their advocacy actions. It is indeed at once a democratic approach as well as a participative one, which gradually breaks with the vertical approach that has been adopted by our contemporary societies for so long.

Founding social politics uniquely on pre-established standards is no longer pertinent. Operating in denial and continuing to endorse violence in the name of religion or tradition is a violence in itself. Today, a serious revision of standards and logics imposes itself⁶⁵, and most importantly, the adoption of an approach founded on human rights where everyone can identify.

Ending discrimination and violence and concretizing the principle of equality among all, without any distinction between genders and sexual orientations, socio-professional categories or marital status', through education, art, culture and laws emanating from civil society's plebiscite, remain the only means available to ensure dignity for everyone.

All the same, a number of questions that rise from our study persists: what do the gaps between the texts and actual lives conceal? Can we consider legal precedents to be ruling over law? Are legal precedents, overall, people's ultimate law? What do we make of customs that elect the discomfort of women as their comfort zone? Are we treating the cause in a superficial way? Or is it just not as important in the eyes of policy makers? Finally, what do we make of Morocco's international engagements on the matter of human rights.

GLOSSARY

ADFM : Democratic Association of the Women of Morocco (*Association Démocratique des Femmes du Maroc*)
APALD : Authority for Parity and the Fight against all Forms of Discrimination (*Autorité de parité et de lutte contre toutes formes de discrimination*)
CCFE : Children and Family Advisory Council (*Conseil Consultatif de la Famille et de l'Enfance*)
HCR : Human Rights Council
CEDAW : Convention on Elimination of all Forms of Discrimination Against Women
CNDH : The National Council for Human Right (*Conseil National des Droits de l'Homme*)
CUSP : Culture for Sustainable and Inclusive Peace
UDHR : Universal Declaration for Human Rights
FLDDF : Federal Democratic League for Women's Rights (*Fédération de la Ligue Démocratique des Droits des Femmes*)
FLDF : Federal League for Women's Rights (*Fédération de la Ligue des Droits des Femmes*)
HACA : High Authority for Audiovisual Communication (*Haute Autorité de la Communication Audiovisuelle*)
OHCHR : Office of the United Nations High Commission for Human Rights
HCP : High Commission for Planning (*Haut-Commissariat au Plan*)
HRW : Human Rights Watch
ICRAM : The Governmental Plan for Equality (*Initiative Concertée pour le Renforcement des Acquis des Marocaines*)
ILGA : International Lesbian, Gay, Bisexual, Trans and Intersex persons Association
INAS : National Institute for Social Work (*Institut National de l'Action Sociale*)
IPDF : Initiative for the Protection of Women's Rights (*Initiative pour la Protection des Droits des Femmes*)
LGBTQIA+ : Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersexed and Asexual
MALI : The Alternative Movement for Individual Freedoms (*Mouvement Alternatif pour les Libertés Individuelles*)
MRA : Mobilising for Rights Associates
OMDH : Moroccan Organization of Human Rights (*Organisation Marocaine des Droits Humains*)
WHO : World Health Organisation
NGO : Non-Governmental Organisation
UN : United Nations
CSO : Civil Society Organisation
ICCPR : International Covenant on Civil and Political Rights
RAMED : Health Assistance System (*Régime d'Assistance Médicale*)
SNEES : National Strategy for Equity and Gender Equality (*Stratégie Nationale d'Équité et d'égalité entre les Sexes*)
GBV : Gender Based Violence

⁶⁵ Amal Bousbaa & Abderrahim Anbi, "The conditions of single mothers in the face of social politics' failure in Morocco", *Social and family politics review*, 2017- Reviewed on the 15/06/2020