

**Follow-up Report of the Universal Periodic Review Mechanism
Mid-Term Review – Morocco
November 2019**

**Laayoune, Western Sahara
Morocco**

General Context:

In the third round of the Universal Periodic Review Mechanism, a number of recommendations relating to comprehensive legislative measures to address violence against women were made to Morocco.

The said recommendations are: 144-199, 144-200, 144-204, 144-203, 144-204, 144-206, 144-206, 144-207, 144-208, 144-209 and 144-2011. They all urged Morocco to pass legislation to protect women from Violence.

Notwithstanding the previous legislative measures taken by Morocco in relation to the lifting of reservations to certain articles of the Convention on the Elimination of All Forms of Discrimination against Women; and the resulting improvement in some aspects related thereto, such as the empowerment of women married to spouses of other nationalities as well as the development of the Family Code, including many provisions that have contributed to the elimination of discrimination against women in some respects; the need for unified legislation to eliminate violence against women has been an urgent matter.

In some cases, the judiciary has attempted to go beyond the absence of the legislative text by resorting directly to international standards related to the elimination of all forms of discrimination against women. Some courts in the Morocco have convicted spouses of marital rape as a form of violence against women.

The judiciary has proceeded in some of its provisions from the constitutional text, which affirms the principle of the supremacy of international treaties ratified by Morocco on national legislation. However, such jurisprudence, although considered a deterrent to violence against women, remained of limited importance in the absence of a legislative provision defining, criminalizing and punishing said violence with appropriate penalties preventing impunity.

In this report, the Observatory of Sahara for Peace, Democracy and Human Rights¹ provides its follow-up of the implementation of the recommendations made to Morocco.

¹ The Observatory of Sahara for Peace, Democracy and Human Rights (OSPDH) is an independent body founded in February 2015. It aims to establish a collective working experience to discuss a range of issues related to democracy, peace and human rights at the Sahara and Sahel level.

I. Definition of violence against women:

In implementation of the recommendations made to Morocco in relation to combating violence against women in the third round of the universal periodic review mechanism in May 2017, Dahir² No. 1.18.19 of 5 Jumada II 1439 (February 22, 2018) was promulgated; implementing Law No. 103.13 on combating violence against women³.

Article 1 of said law deals with violence and identifies cases as follows:

Violence against women: Any physical, moral or abstinence-based act of discrimination on the basis of sex, which causes physical, psychological, sexual or economic harm to women.

- 1) Physical violence: Any act or omission that infringes, or may prejudice, the physical integrity of women, regardless of the perpetrator, his means or the place of his commission;
- 2) Sexual violence: Any statement, act or exploitation that may prejudice the inviolability of a woman's body for sexual or commercial purposes, regardless of the means used;
- 3) Psychological Violence: Any verbal abuse, coercion, threat, neglect or deprivation; whether for the purpose of harming the dignity, freedom and tranquility of women, or for intimidation;
- 4) Economic violence: Any act or omission, economic be it or financial, that harms or is likely to harm the social or economic rights of women⁴.

Although this definition covers a number of cases of violence against women, we highlight the lack of clarity on domestic or marital violence⁵, including marital rape and other cases of marital sexual violence, which makes it open to jurisprudence.

² Royal Decree Concerning the Implementation of Law No. 103

³ Official Bulletin No. 6655 dated 23 Jumada II 1439 (12 March 2018), p. 1449

⁴ See Article 1 of Law 13. 103

⁵ The Ministry of the Family, Solidarity, Equality and Development has reported that 17.9% of Moroccan women have endured domestic violence

In this regard, the definition of violence against women should be comprehensive, including provisions on the criminalization of sexual violence, marital rape, domestic and spousal abuse and other cases of violence⁶ identified by the general recommendation No. 19 of the CEDAW Committee.

The Ministry of Women, Family, Equality and Development, which affirms that up to 52.5% of married women have been subjected to spousal violence, emphasizes the importance of providing for specific provisions on marital and domestic violence in general.

II. Equal legal protection:

The elimination of violence against women requires more comprehensive measures, including ones to protect against acts of intimidation and reprisals against women by perpetrators, their families, or even the families of victims themselves in many countries. This results in the reluctance of women victims of violence to report cases of violence against them for fear of reprisals and social stigma, especially in cases involving sexual violence.

To date, no legal measures to protect reports of violence are in force. Such measures are necessary to enable women to be equal before, and protected by the law without any discrimination.

A significant proportion of women victims of violence (93.4%)⁷ are reluctant to report violence and to file complaints against perpetrators. This fact underlines the importance of legal protection measures to be in force.

III. Shelters for survivors of domestic violence:

The Observatory of Sahara for Peace, Democracy and Human Rights highlights a significant weakness in shelters for survivors of domestic violence, in terms of their small number, poor equipment, and poor psychological support services for women survivors of violence.

The Observatory also notes the absence of shelters in all southern provinces, which may be attributed to the prevailing social patterns in the area, which

⁶ 52.5% of married women have endured marital violence according to a report released on 14 May 2019

⁷ Ministry of Family, Solidarity, Equality and Development – Previously mentioned

remain reluctant to accommodate women outside their family homes, regardless of the circumstances. In this regard, the Observatory recalls the State's obligations under the Convention on the Elimination of All Forms of Discrimination against Women, including its obligation to eliminate social patterns that perpetuate discrimination and violence against women.

The Observatory emphasizes that violence against women can not only be fought by legislative measures, but requires administrative measures and actions that strengthen the protection of women from all forms and patterns of violence against them. Such measures and actions include increasing the number of shelters and their proper processing, establishing shelters in the southern provinces of the country and equipping them with all necessary services, namely, psychological support services.

Given the fact that violence always stems from stereotypes surrounding the status of women, the Observatory looks forward to the State's awareness-raising campaigns to eliminate social patterns, especially in rural areas, that hinder women's full equality and constitute a continuing source of violence against them.

IV. Equal inheritance:

The legal system of inheritance remains one of the forms of violence against women, as there is inequality between men and women. This system found its basis in Islamic law, and despite the opening of many public dialogues about it, it is still in force and resistant to all societal changes.

Equality in inheritance is an important part in the elimination of all forms of violence against women. It is a pillar of women's economic empowerment and freedom from the many constraints imposed on them, as economic vulnerability and dependence oblige women to cope with violence against them.

V. Violence related to workplace environment and conditions:

Women are subjected to forms of violence related to workplace environment and conditions, constituting forms of economic violence, which are as follows:

- 1/ Poor equal access to work;
- 2/ Dismissal from work for no reason or because of pregnancy, delivery or nursing;

3/ Wage discrimination, discrimination in professional promotion and sometimes unjustified deductions;

4/ Sexual and gender-based violence;

5/ Psychological violence.

The Ministry of Family, Solidarity, Equality and Development recorded in its report dated May 14, 2019, that 24.3 % of working women experienced workplace-related violence.

In this regard, we recommend that appropriate administrative measures be put in place to eliminate all forms of violence against women in the workplace.