



Report on Gender-Based Violence

A Comprehensive and Radical Revision of the Family Code

A Basic Introduction to the Elimination of Violence Against Women

Statistical data for the period from
July 1, 2021 to June 30, 2023



Introduction

Gender-based violence against women is a blatant violation of human rights and a global phenomenon of endemic proportion. Indeed, the World Health Organization considers that this phenomenon « threatens women's health, limits their opportunities for participation in society and causes great human suffering », due to its harmful effects on physical, sexual and psychological health.

According to the definition of the Committee on the Elimination of Discrimination Against Women, gender-based violence means “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.

One in three women in the world, that is 736 million women, are exposed to physical or sexual violence by a partner or sexual violence by a non-partner in the course of their lives, a number that has hardly changed over the last decade. Only 6% of all victims report such violence.

In Morocco, the national survey on the prevalence of violence shows that 7.6 million women had been exposed to at least one type of violence in the twelve months prior to the survey, representing 57% of women. Similarly, the prevalence of domestic and conjugal violence reached over 52%.

In this national and international context, the publication of the new report by the Network of the League INJAD against gender violence and the Women in Solidarity Network, marks the commemoration of the International Days for the Elimination of Violence Against Women and crowns a long process of study and monitoring of this serious phenomenon, providing an analytical review of the statistical data recorded during the period from July 1, 2021 to June 30, 2023.



First area of focus:

Gender-based violence as observed by the Network of the League INJAD against gender violence and the Women in Solidarity Network during the period from July 1, 2021 to June 30, 2023

I. Analysis of statistics recorded during the report drafting period

1. Number of reported cases of violence

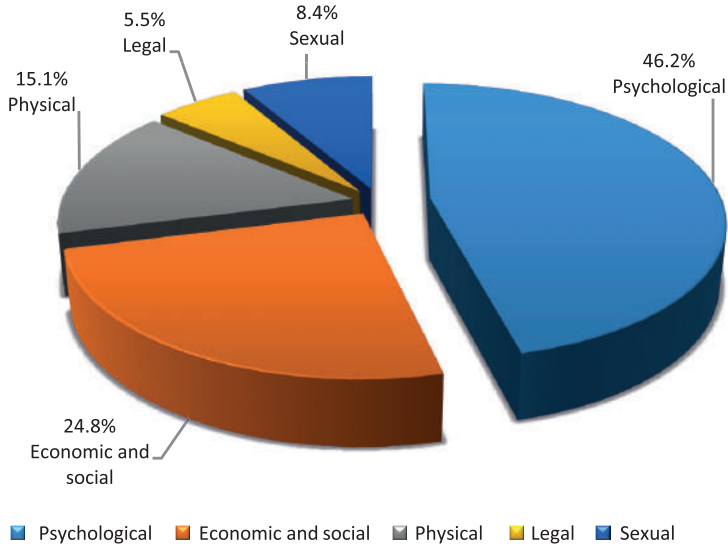
During the period from July 1, 2021 to June 30, 2023, the counselling centres of the Network of the League INJAD against gender violence received 2,677 women victims of violence. For their part, the counselling centres of the Women in Solidarity Network welcomed 6,797 women victims of violence. The total number of women who visited the centres of both networks reached 9,474 women victims of violence, compared to a total of 8,012 during the 2019-2021 period.

2. Reported forms of violence

a. Total number of reported cases of violence

Psychological violence topped the list of reported cases, with 20,353 cases, (46.2%), followed by socio-economic violence with 10,940 cases (24.8%), physical violence with 6,572 cases recorded, representing a rate of 15.1%, sexual violence with 3,518 cases recorded, representing a rate of 8.4% and legal violence with 2,324 cases recorded, representing a rate of 5.5%.

Number of cases of violence reported



b. Breakdown of acts of violence per type:

- **Acts of psychological violence reported:**

Verbal violence, including insults, slander and verbal aggression, is the most widespread form of psychological violence, accounting for more than a quarter of recorded cases (28%), in addition to cases of ill treatment (18%). Acts of psychological violence affect women's psychological health and cause them to lose their self-confidence. These acts are often committed by a spouse, former partner or family member. It is generally difficult for others to perceive or notice them, as they are perpetrated indirectly.

- **Acts of physical violence reported:**

Assault and battery, with or without the use of weapons, are on top of the list of acts of physical violence to which women visiting the centres have been exposed at a rate of 59%. This high rate raises the question of the prevention of physical violence, following the promulgation of law 103.13, in addition to the question of the effectiveness of the protective measures provided for in this law with the aim of putting an end to assaults, preventing

their recurrence and the alleged perpetrators of such acts from coming into contact with the victims or getting close to them. This high rate also highlights a third problem linked to the burden of proof for acts of physical violence, which remains contingent on the production of a medical certificate stating the duration of incapacity incurred, the non-correspondence of the physical harm inflicted on the victim with the duration of incapacity recorded in the medical certificate provided, especially as the penal code makes a distinction between the commission of assault or minor violence, which are considered as infractions (article 608) on the one hand, injuries or blows resulting in incapacity not exceeding 20 days (article 400), which are correctional offences, and injuries or blows resulting in incapacity exceeding 20 days (article 401), and which are considered as criminal offences, it being understood that the classification of these acts remains conditional on the duration of incapacity stated in the medical certificate.

- **Acts of sexual violence reported:**

It is clear that sexual assault is the most common form of sexual violence. Cases of marital rape and coercion into unwanted sexual practices account for 38% of the total, confirming that women are beginning to break the silence surrounding this issue and are increasingly turning to the services of counselling centres to report their plight.

Sexual harassment is one of the most striking acts of violence reported by women visiting the centres of the two networks, with the number of cases of sexual harassment recorded reaching 30%. However, the definition of sexual harassment in the Moroccan penal code and in law 103.13 on violence against women remains inadequate, since the law provides that anyone who « persists in harassing others for sexual purposes », is guilty of sexual harassment. This may lead us to believe that the act of harassment, when committed for the first time, remains authorized, given that the legislator makes it conditional on persistence, meaning insistence on committing the act and its repetition.

- **Acts of economic and social violence:**

Deliberately failing to pay spousal and child alimony is still the most widespread form of economic and social violence, as evidenced by the large number of cases of this kind handled by the centres of the two networks. The proportion of such cases is around 60%. This is not only economic and social violence, in view of its impacts on the situation of the women and children concerned, but also a form of legal violence, which can be seen in the

- complexity of procedures for substantiating the claims, pension assessment criteria, and for the notification and enforcement of court decisions. This violence is also evident in the inadequacy of the amounts allocated by the Family Mutual Aid Fund (Fonds d'entraide familiale), which only covers the sum of 350 dirhams per child, without this amount exceeding 1,050 dirhams, and 1,400 dirhams if the mother is included.

- **Violence perpetrated through information and communication technologies:**

- Acts of violence perpetrated using information and communication technologies, as recorded by the two networks are dominated by cases of insults and verbal abuse, with 419 cases recorded, representing a rate of 15%, followed by acts of threats with 282 cases and acts of sexual harassment with 274 cases, representing a rate of 10%. In addition, 242 acts of intimidation were recorded, representing a rate of 9%, 170 acts of defamation, representing a rate of 6%, 141 acts of swindling, representing a rate of 5%, 116 cases of displaying photos and messages without consent with a rate of 4%, 75 acts of malicious comments, representing a rate of 3% and various other acts representing a rate of 33%.

3. Type of problems reported:

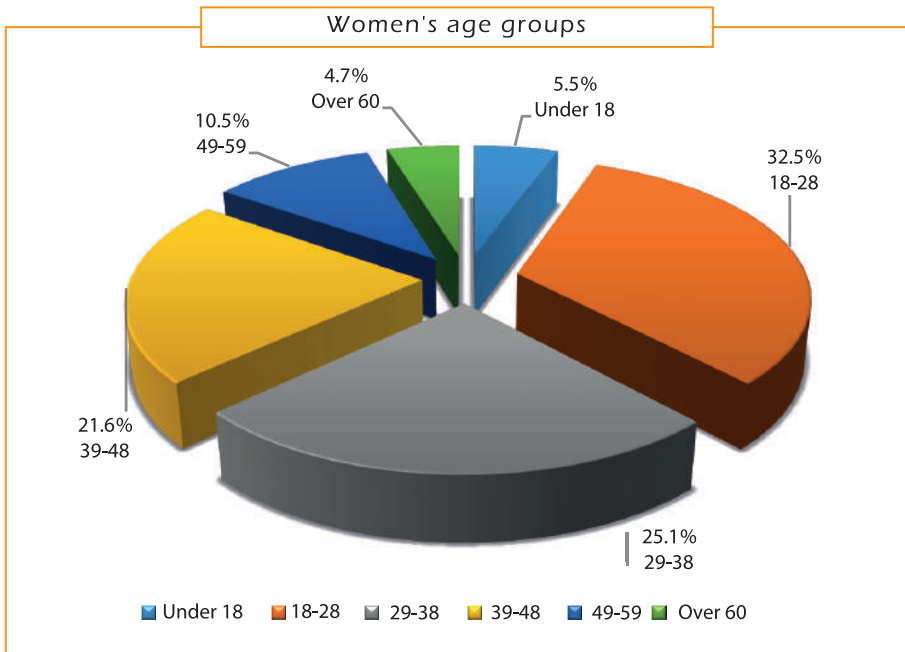
Family problems are at the top of the cases addressed by the two networks, with a total of 3,771 family cases, i.e. a rate of 80%, followed by 542 miscellaneous cases, i.e. a rate of 11%, in addition to 232 work-related cases, i.e. a rate of 5% and 191 cases linked to administrative problems, i.e. a rate of 4%.

This confirms that the launch of the Family Code revision process is an opportune moment to address all the forms of legal violence identified in this law.

II. Analytical review of data concerning women victims of gender-based violence and its effects on them

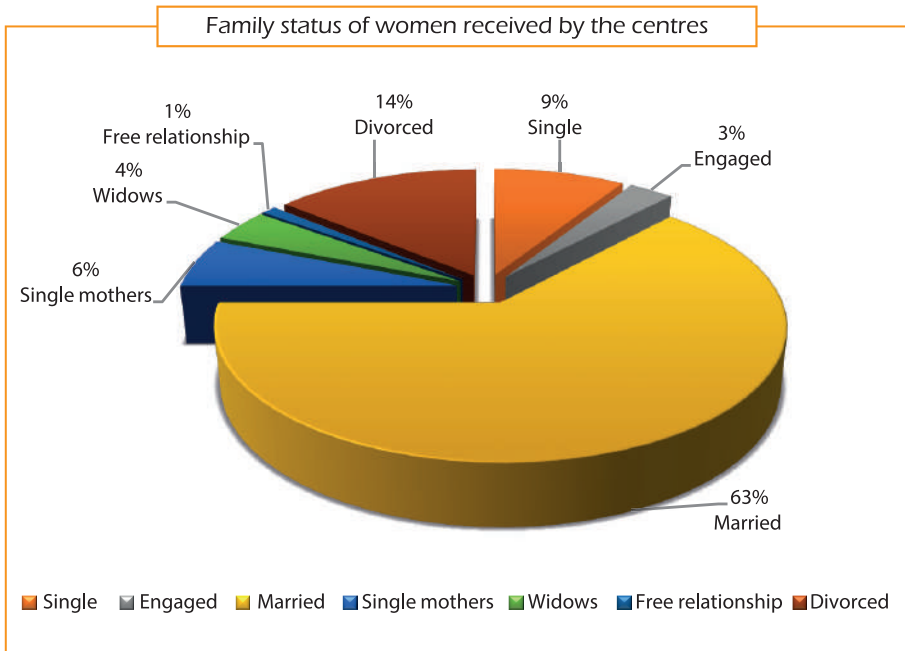
1. Age groups of women victims of violence:

The 18-28 age group heads the cases of violence recorded by the two networks with a rate of 32.5%, followed by the 29-38 age group with a rate of 25.1%, then the 39-48 age group with a rate of 21.6%, followed by the 49-59 age group with a rate of 10.5%. The under-18 age group accounts for 5.5%, while the over-60s represent 4.7%.



2. Family status of women received by the centres:

63% of the survivors of violence received by the centres are married, 14% of them are divorced, 9% are single, 6% are single mothers, 4% are widows, 3% are engaged and 1% are in a free relationship. These data show that married women are the most often exposed to gender-based violence and are victims of multiple acts of economic, psychological, legal and physical violence, which confirms that the marital home, supposedly the place where women feel safest, is becoming the place where they are most exposed to violence.

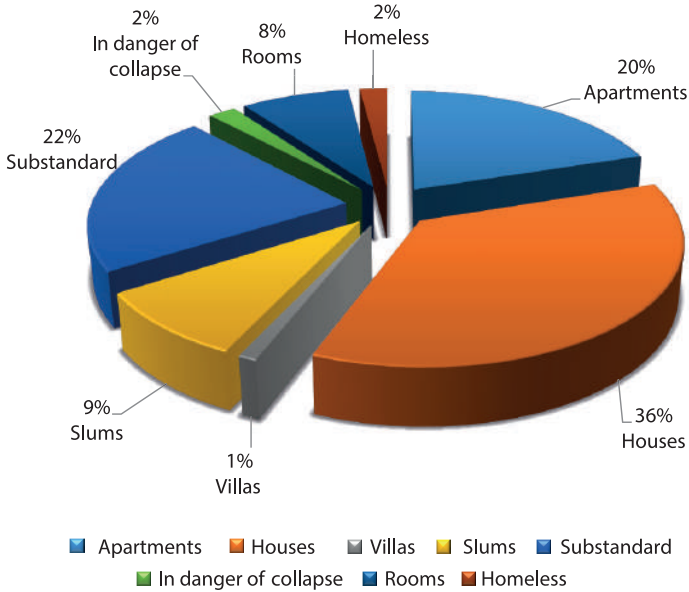


3. Educational level of women received by the centres:

The majority of women survivors of violence received by the centres are illiterate (29.4%) or have taken literacy courses (11%). 22.5% of them have a primary education level, 17.5% have a junior secondary education level, 10.7% have a secondary education level, 4.6% have a higher education level, 3.9% have received vocational training and 0.5% have attended Koranic schools.

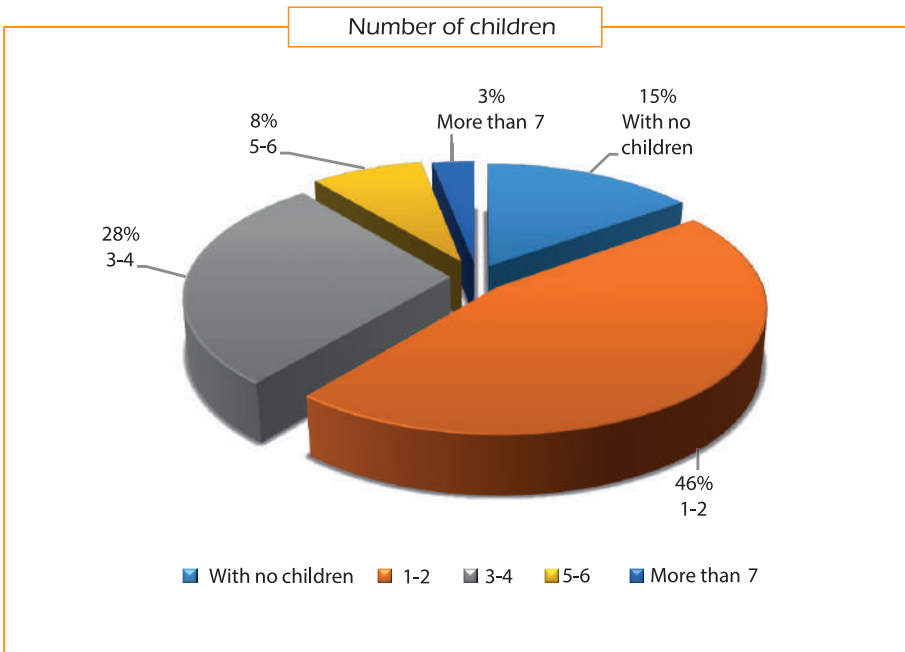
These data show that the lower a woman’s level of education, the more likely she is to suffer violence. Indeed, some perpetrators exploit women’s vulnerability and ignorance of their rights to inflict all kinds of violence on them. This is precisely the kind of women who most need advice and support to access justice.

Type of accommodation for women victims of violence



4. Number of children per woman received by the centres:

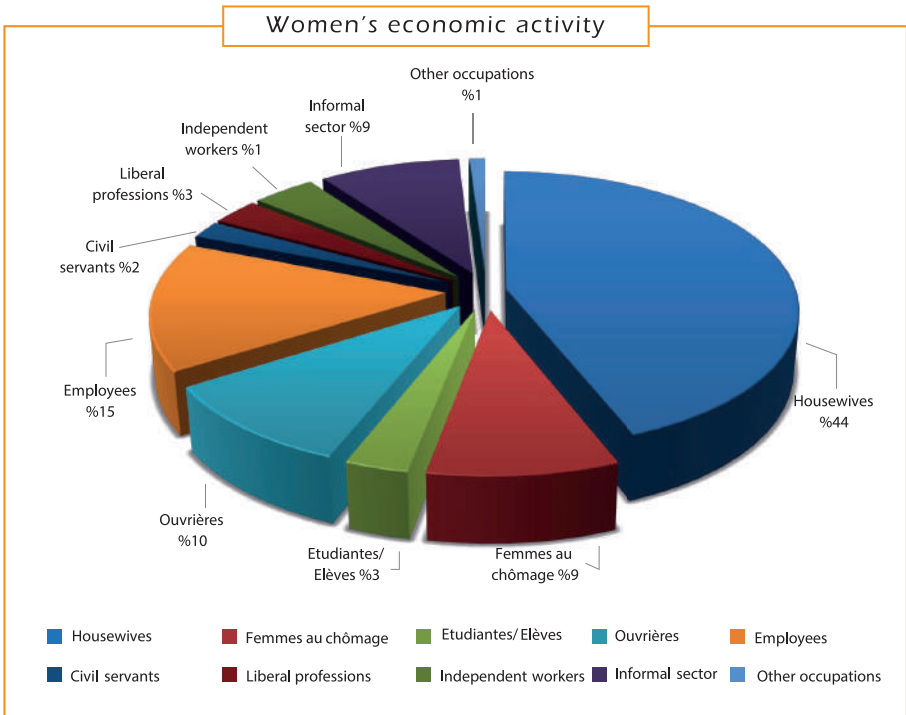
46% of the women received by the centres have given birth to one or two children, 28% have 3 to 4 children, 15% have no children, 8% have 5 to 6 children, while those with more than 7 children represent no more than 3%. These data indicate that the majority of the women who turn to the centres are mothers, which means that the consequences of violence affect not only the women themselves, but also their children. Indeed, the largest group of women received by the centres are mothers of two children, a figure that tallies with the general population and housing census, which confirms that the average number of births in Morocco is 2.2 children per woman.



5. Economic activity of women victims of violence:

44% of women received by the centres are housewives, 15% are employees, 10% are workers, 9% are unemployed or work in the informal sector and 3% are students, schoolgirls or work in the liberal professions, while 2% are civil servants and 1% have other occupations.

These data point to the fact that the lower women’s economic level, the higher their risk of exposure to violence, and the greater their need for support and guidance, which raises the problem of access to legal counselling services and legal assistance for survivors of violence. On the other hand, acts of violence affect women from all social backgrounds, albeit in varying proportions.



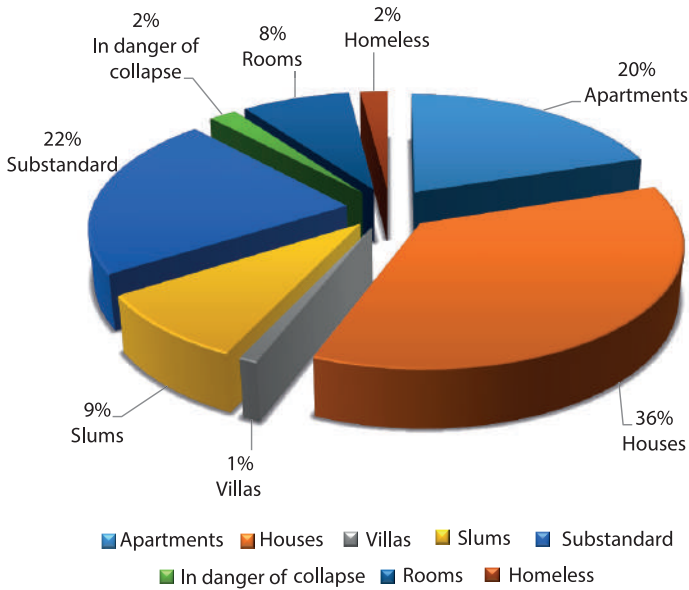
6. Type of accommodation for women victims of violence:

➤ Housing

36% of women received by the centres live in houses, 22% in substandard housing, 20% in apartments, 9% in slums, 8% live in rooms, 2% are without accommodation and 1% in villas.

These data reveal that 40% of survivors of violence received by the centres live in insalubrious housing, slums, in one room or are homeless, which confirms that there is a relationship between economic precariousness and gender-based violence. This category of vulnerable women is particularly exposed to violence and requires more than others the necessary guidance, care and support services offered by the centres of the two networks. There is also the problem of access to justice in the absence of free legal fees, in addition to the difficulty of obtaining legal aid.

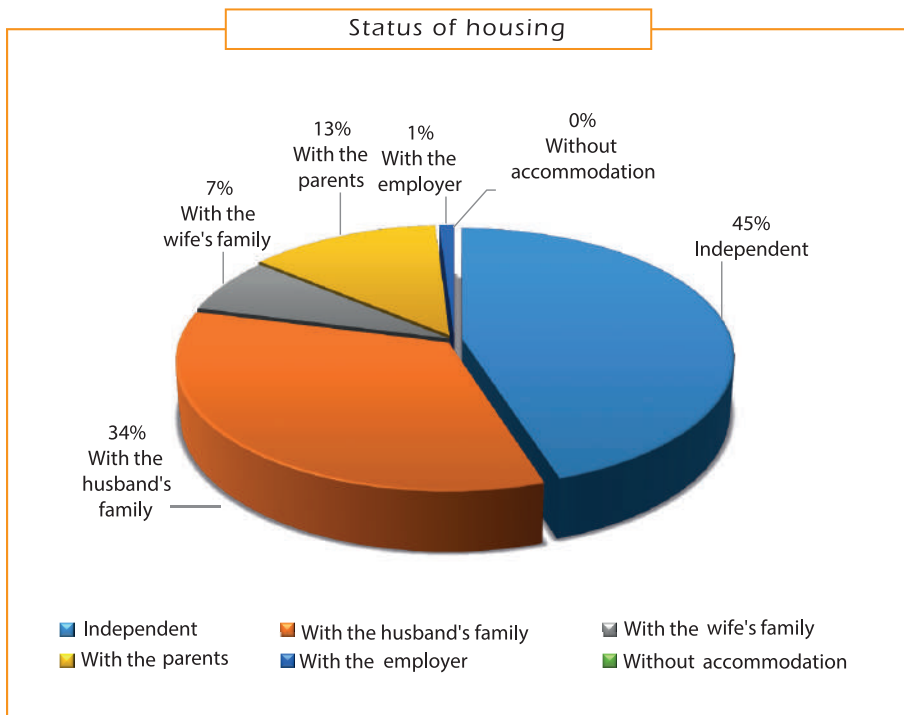
Type of accommodation for women victims of violence



➤ Status of housing

45% of women cared for by the two networks have independent accommodation, 34% live with their husband's family, 13% with relatives, 7% with the wife's family, 1% with the employer and less than 1% have no accommodation.

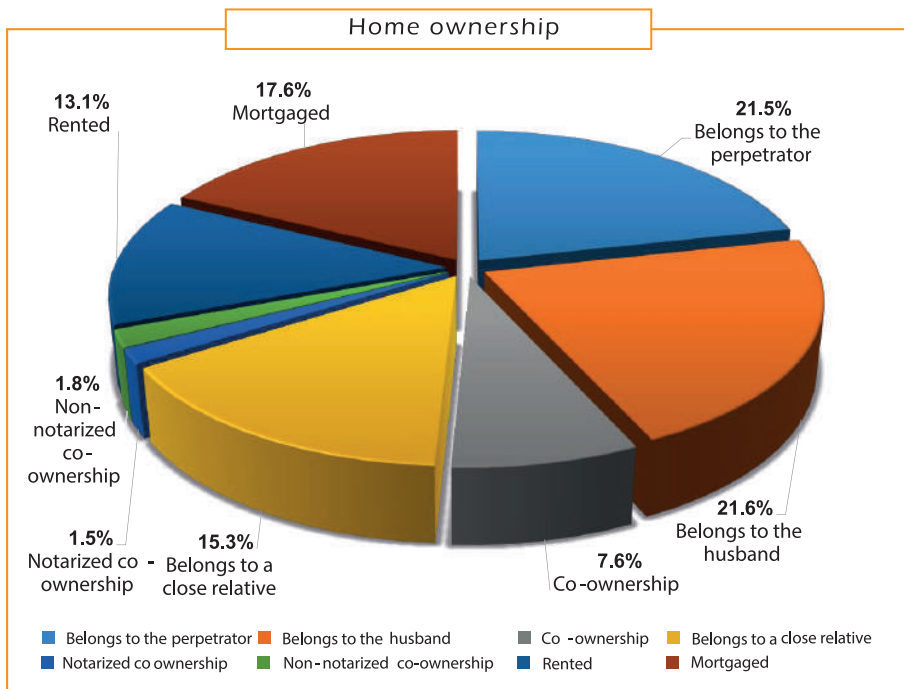
These data show that 40% of the women who are received by the centres have no independent accommodation. They live with the husband's family, the wife's family or relatives, even though the marriage contract stipulates that the married woman is entitled to a separate dwelling. The absence of independent housing often leads to situations where women are exposed to multiple acts of violence.



➤ Accommodation ownership

In 2,051 cases, the home is owned by the husband (21.6%), in 2,041 cases it belongs to the perpetrator, (21.5%), or is rented in 1,237 cases (13.1%), the house is mortgaged in 1,672 cases (17.6%), owned by a close relative in 1,446 cases (15.3%), co-owned in 718 cases (7.6%), in notarized co-ownership in 141 cases (1.5%) or in non-notarized co-ownership in 166 cases (1.8%).

These data show that the majority of women received in the centres do not own the dwelling in which they live. In fact, in 40% of cases, the home belongs to the husband or perpetrator of the violence, while only 7.6% of women owners, which confirms the difficulties women face in accessing home ownership. There is also a relationship between women's social vulnerability and low economic empowerment, on the one hand, and their exposure to gender-based violence on the other.

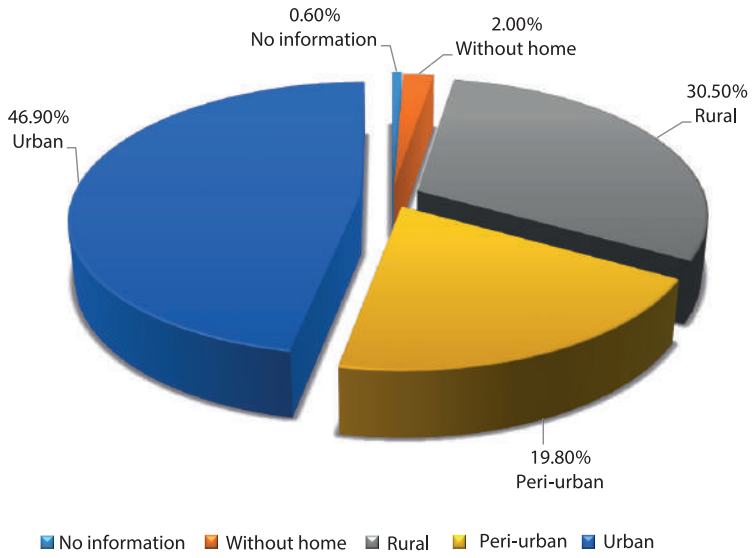


➤ **Type of environment**

4,446 cases of women received by the centres come from urban areas (46.9%), 1,880 of them from peri-urban areas (9.8%), 2,894 cases come from rural areas (30.5%) and 193 are without home (2.0%).

These figures show that half of the women who have visited the centres run by the two networks come from rural or peri-urban areas, known for their endemic problems that hamper access to economic and social rights due to poor infrastructure. As a result, women are more often exposed to gender-based violence. Moreover, half of the women cared for by the centres come from urban areas, which confirms the prevalence of gender-based violence in all environments.

Type of environment



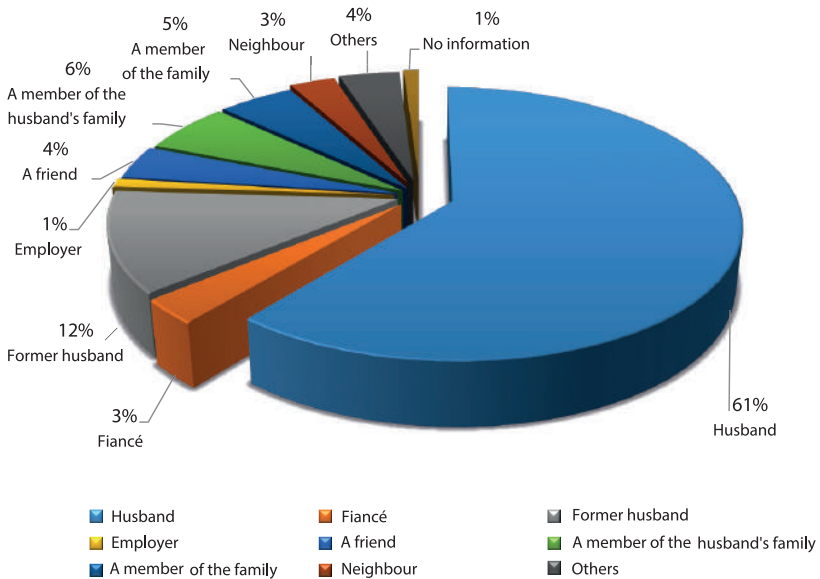
III. Analytical review of the socio-economic characteristics of abusers:

1. Abusers' relationship with victims:

As regards the relationship between the abusers and the victims received by the centres, it should be noted that in 5,763 cases the perpetrator is the victim's husband, i.e. 61%; in 1,129 cases, it is the victim's former husband (12%); in 458 cases, the abuser is a close relative of the victim's husband (6%); in 425 cases, it is a member of the victim's family (5%); in 419 cases, the abuser is a friend of the victim (4%); in 279 cases a neighbour of the victim or her fiancé (3%) and in 329 cases the victim's employer (1%).

These statistical data confirm the conclusion in the previous paragraph that marital violence is the most widespread form of violence perpetrated against women. The national survey carried out by the Haut-Commissariat au Plan (HCP) also confirms this, revealing that the prevalence of domestic violence has reached 46%. Perpetrators of violence against women are often close to them and come from their entourage: husband, former husband, fiancé or friend.

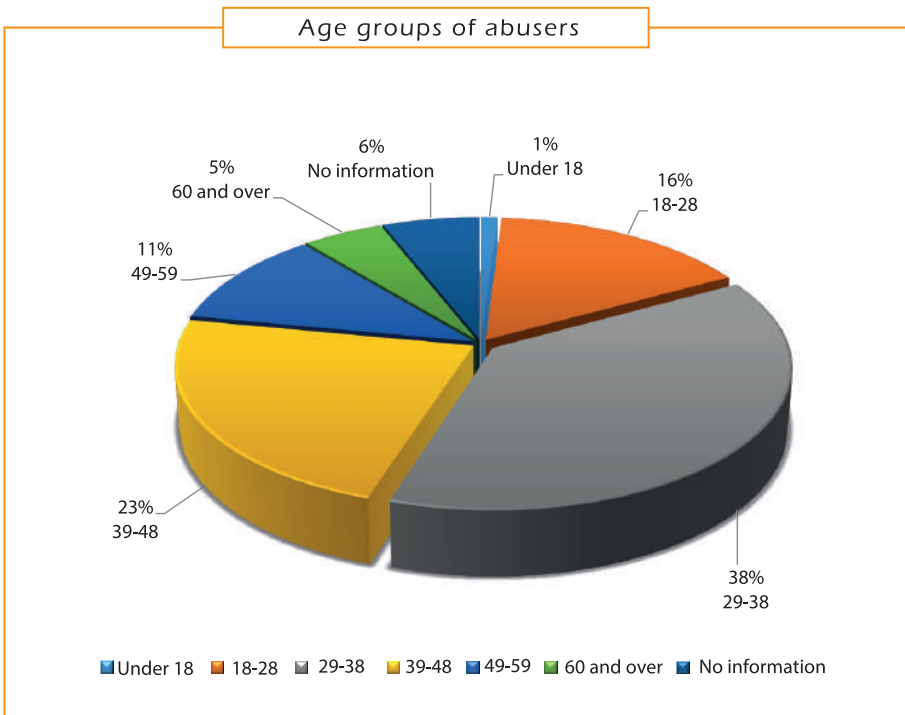
Relationship between the abuser and the victim



2. Age groups of abusers:

3,584 perpetrators of violence are aged between 29 and 38 (38%); 2,176 are aged between 39 and 48 (23%); 1,537 are aged between 18 and 28 (16%), while 1,061 are aged between 49 and 59 (11%); 229 are aged 60 and over (5%).

These data confirm that the trend in violence is upwards as the abusers' age increases, and that the 29–38 age bracket remains the one that commits the most violence against women. This is followed by the 39–48 age group. At the same time, perpetrators aged under 18 and over 60 are the two categories least violent against women. However, the age indicator cannot be considered sufficient to understand the phenomenon of gender-based violence, as it interferes with other indicators, notably the family status, the cultural, educational and economic level.

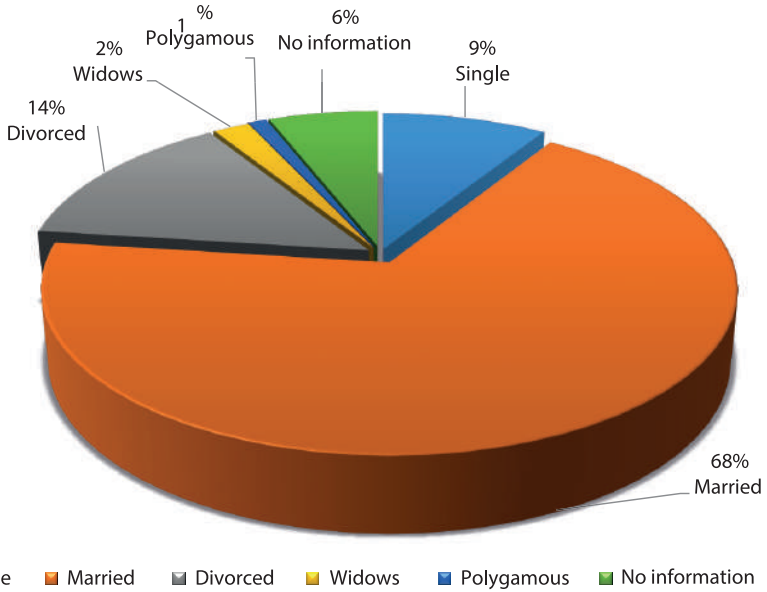


3. Family status of perpetrators of violence:

6,461 perpetrators of violence are married, i.e. 68%; 1,285 of them are divorced, i.e. 14%; 223 are single, i.e. 9%; 200 are widows, i.e. 2%; 115 are married to more than one wife and 1% of perpetrators of violence are polygamous.

These data point to the fact that husbands are the main perpetrators of violence against women, which is consistent with the earlier finding that domestic violence is the most common form of violence against women.

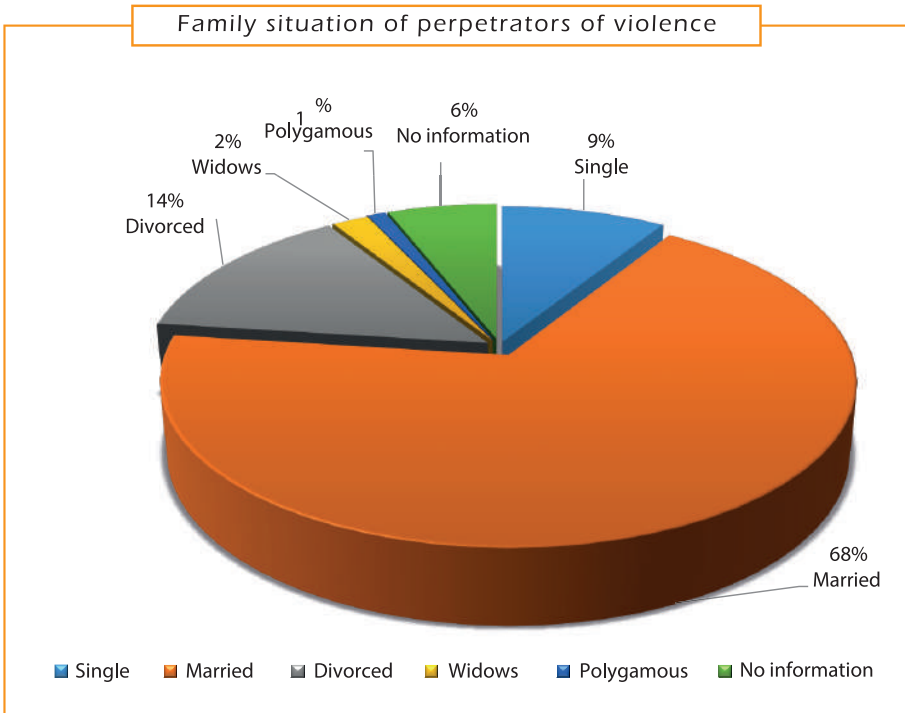
Family situation of perpetrators of violence



4. Perpetrators' level of education:

2,481 perpetrators of violence have a primary school level, i.e. 26%; 2,244 of them are illiterate, i.e. 24%; 1,665 have a junior high school level, i.e. 18%; 403 have a secondary education level, i.e. 12%, while 523 of them have a higher education level, i.e. 6% and 89 have attended Koranic schools, i.e. 1%.

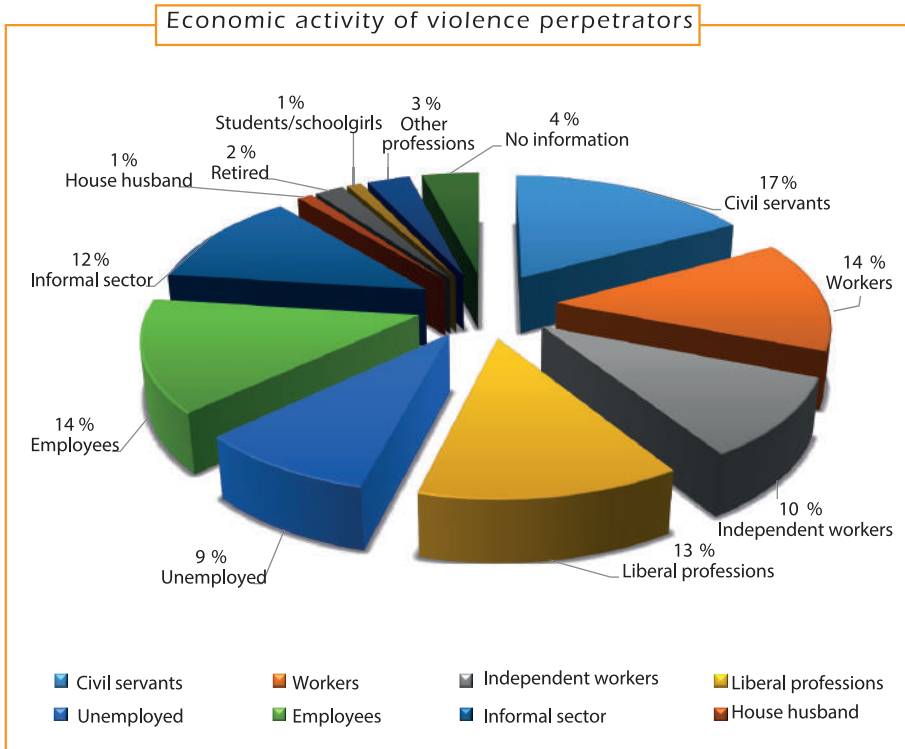
These data show that the indicator of a person's educational level helps to understand gender-based violence. Thus, violence increases among people with no schooling and decreases as a person's level of education increases, which confirms the importance of education and the role of awareness in preventing violence.



5. Economic activity of perpetrators of violence:

With regard to the economic activity of the perpetrators of violence, we found that 1,491 of them are civil servants, i.e. 17%; 1,344 are manual workers, i.e. 14%, while 1,186 are employees i.e. 14%; 1,330 work in the liberal professions, i.e. 13%; 1,350 are active in an informal sector, i.e. 12%; 912 of them are self-employed, i.e. 10% and 769 are unemployed, i.e. 9%.

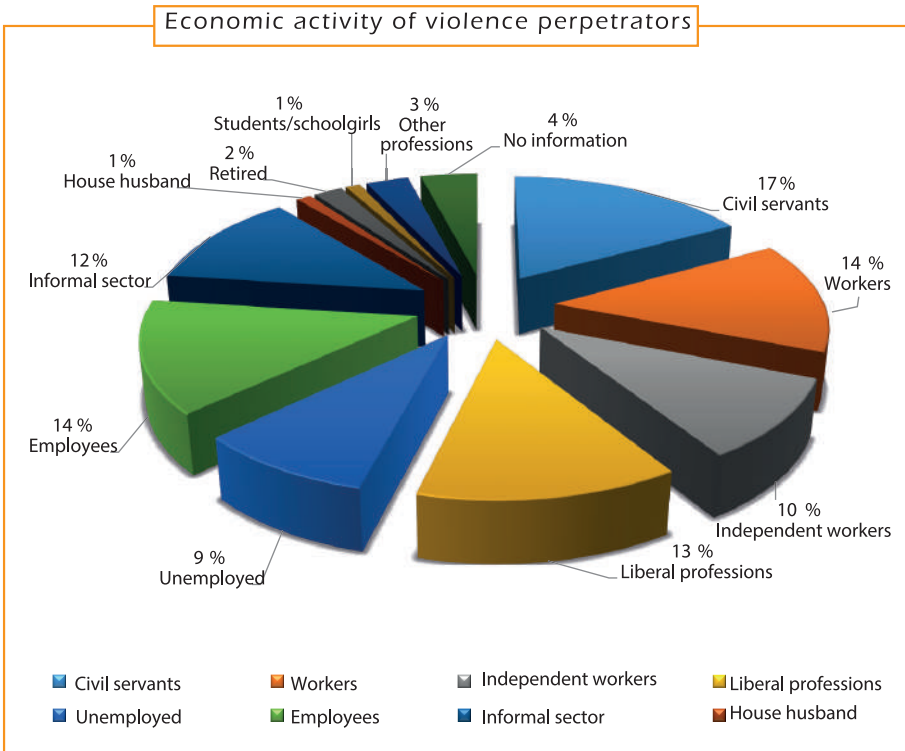
These data show that a person's economic activity does not directly affect their behaviour. Gender-based violence is committed by people from different professional backgrounds, in varying proportions.



IV. Services provided to women victims of violence:

Statistical data show that victims and survivors of violence received by the two networks have benefited from 7,883 social services (31%); 6,712 from legal services (26%); 5,059 from counselling services (20%); 2,316 from legal services (9%); 1,796 from support services (7%) and 1,728 from medical advice (7%).

These data explain the pressing need for survivors of violence to have access to counselling, legal and judicial assistance, as well as social and psychological support – all of which services the law on combating violence against women fails to meet.



V. Analytical review of the effects of gender-based violence on the victims and their children:

Gender-based violence has various effects on survivors of violence, damaging their physical and psychological health and impacting their economic and social situation. Children are also negatively affected.

1. Effects on physical health:

These effects vary from case to case, ranging from injuries (45%) to ecchymosis and bruises on various parts of the body (28%), fractures (8%), suicide attempts and sexually transmitted diseases (4%) and other effects (6%).

2. Effects on psychological health:

Feelings of anxiety are on top of the list with 17%, followed by sadness with 15%, fear with 14%, nervousness with 10%, nervous breakdown with 9%, feelings of contempt (hogra) with 9%, in addition to other effects such as amnesia, sense of guilt with 4%, suicidal thoughts with 3%, loss of consciousness, deprivation of sexual life with 2% and school drop-out with 1%.

3. Economic effects:

In 40.2% of cases, violence against women leads to a deterioration in the victim's standard of living; in 17.5% of cases, it results in the loss of employment; in 14.0% of cases, it leads to a drop in performance; in 9.9% of cases, it leads to instability at work; in 7.2% of cases, it not only results in the loss of employment, but can also lead to the victim turning to begging (6.2%) or prostitution (3.7%).

4. Social effects:

In 18% of cases, survivors of violence find themselves without stable housing; in 17% of cases they live in isolation; in 13% of cases violence leads victims to neglect their children; in 9% of cases violence leads to unemployment and rejection by the family, while in 5% of cases violence can lead to dropping out of school or unwanted pregnancy, and in 3% of cases to the loss of child custody.

5. Effects on children:

The effects of gender-based violence on the situation of children. These effects range from family dislocation (18%) to educational backwardness (10%). Violence also results in a number of children of women survivors of violence becoming homeless or victims of abuse (9%), fear of the father, deprived of family care (8%), school drop-out (7%), or subject to exploitation at work (2%).

VI. Stories of human lives: Testimonials from women victims of violence

The report includes testimonials from survivors of violence. These cases present human stories that report on the suffering of women victims of legal violence, which takes the form of various acts: forced marriage of girls, polygamy, unjust court rulings on alimony, discrimination between the two parents in terms of legal representation or guardianship.

In concrete terms, these testimonials shed light on the following:

- Interaction between acts of violence. A single act of violence leads to numerous other acts. For example, forced marriage of girls exposes them to a variety of forms of violence. Legal violence generates economic, psychological and sometimes physical and sexual violence. The continuing practice of polygamy leads to pressure exerted by husbands on their wives to force them to consent, which constitutes a form of psychological violence that may be accompanied by economic or physical violence;
- The complex nature of gender-based violence means that an individual act of violence can be broken down into several acts;
- The psychological, social and economic consequences of gender-based violence are not limited to the victims themselves, but also extend to their children;
- Limits of prevention of violence in national legislation and public policy. For example, the fight against forced marriage of girls has not been accompanied by incentives to put an end to girls dropping out of school,

particularly in rural areas. The promulgation of the Family Code was not supported by programs to promote families and raise awareness of the Family Code's provisions;

- Procedural rules are inadequate and have failed to achieve effective access to justice, especially for women in a vulnerable situation, due to the complexity of procedures and difficulties in accessing judicial assistance;
- Persistence of a macho mentality among some of those in charge of implementing the law. For example, some laws are applied from a macho perspective, far from the spirit of gender equality;
- Problem of the burden of proof, which hinders women's access to their right of recourse;
- Weakness of the reparation system for survivors of violence;
- Lack of follow-up support for survivors of violence.

Second area of focus:

Some aspects of gender-based legal violence reflected in judicial decisions

1. **Cases of violence linked to the non-application of the law:**

Legal violence can be defined in national constitutions or laws as a form of discrimination against women on the basis of sex that causes harm to women. In addition to being unjust and unequal, these laws themselves produce psychological, physical, economic or sexual harm. In the countries of our region, this discrimination manifests itself in its most obvious forms in the laws regulating women's civil rights, notably the Family Code, the Nationality Code, the Penal Code...

It should be noted that the Family Code remains one of the areas where violence linked to the non-application or misuse of the law persists. In fact, parenthood problems account for 28% of recorded cases. Although the Family Code recognizes the use of judicial expertise as a means of proving paternal filiation, the reality of judicial practice confirms the limits of decisions ordering recourse to this expertise, either because women cannot afford its exorbitant cost, or because they cannot produce a valid legal reason for requesting it, such as the existence of a marriage certificate, an engagement certificate or a Choubha (sexual intercourse by mistake). At the same time, a man can acknowledge the paternity of a child without having to prove the legality of the relationship, which constitutes a form of discrimination between the sexes with regard to the burden of proof. To this end, article 148 of the Family Code provides that illegitimate filiation does not produce any of the effects of legitimate parental filiation in relation to the father, whereas filiation, whether resulting from a legitimate or illegitimate relationship, is the same in relation to the mother as regards the effects it produces. These provisions absolve the biological father of his responsibilities towards his children, which constitutes discrimination between the sexes.

The difficulties encountered by women in accessing judicial assistance are also acts of legal violence, in the absence of a one-stop shop and the obligation for applicants for this assistance to refer to more than one administration, which leads many survivors of violence to refrain from pursuing the necessary procedures for their cases. It should also be noted that the judicial assistance that may be obtained does not include transport costs, and is limited to the lawyer's defence services or to the exemption from the payment of legal fees.

- Moreover, burdening women with certain legal procedures such as notification is in itself a form of legal violence, especially if we take into account the precarious situation of survivors of violence and the economic and social repercussions of the violence inflicted on them. Forcing them to carry out additional procedures is in fact tantamount to erecting a legal obstacle that is likely to prevent them from accessing justice or making use of remedies at all levels of litigation.

2. Cases of violence linked to legal injustice:

- Legal violence is also linked to other legal injustices, notably child marriage with 181 cases recorded by the centres, (20%), followed by cases linked to the action taken to obtain the wife's return to the marital home in order to forfeit custody rights with 162 cases (18%), followed by cases relating to the enforcement of sworn statements in matters of alimony with 144 cases, (16%), then cases of polygamy with 110 cases (12%), then cases of legal guardianship with 96 cases (11%), in addition to other cases, including 56 cases relating to forfeiture of custody rights due to the marriage of the divorced wife to whom custody is devolved (6%), and 35 cases of expulsion from the marital home (4%).

These figures highlight cases of violence linked to legal injustice, with the following in the lead:

Issues relating to the marriage of minors: Article 20 of the Family Code does not specify a minimum age for marriage. Likewise, it does not oblige the court to resort to medical expertise and social investigation, nor does it define the notion of interest; it does not either require that the local jurisdiction be used when submitting the application. Nor does it provide for any sanctions in the event of non-compliance with the provisions on underage marriage; what's more, the court's authorization is not subject to appeal.

Questions relating to marriage recognition : Although article 16 considers the marriage certificate to be the acceptable means of proof of marriage and has authorized the exception of examining an action for recognition of marriage for a transitional period of 15 years, experience has confirmed that the second paragraph of this article has become a rule and a means of circumventing the provisions relating to polygamy and forced marriage of girls.

Action to force the wife to return to the marital home with the purpose of forfeiting the right to alimony: Actions aimed at forcing the wife to return to the marital home are used by some husbands to obtain forfeiture of the pension rights of survivors of violence, who are sometimes forced to leave the marital home because they have been subjected to various acts of violence. In such cases, the husband takes the initiative of filing such an action and uses it as an argument to obtain the forfeiture of the disobedient beneficiary wife's pension entitlement.

Legal representation or guardianship: The Family Code considers legal representation to be the right of the father, whereas representation of children by the mother is only exercised by default, even if she has the children in her care. As a result, she can only exercise guardianship over her children in the event of the father's absence or death, which creates real problems for the mother in carrying out administrative procedures on behalf of her children.

Polygamy: Polygamy is an affront to women's dignity, a form of discrimination between the sexes and an act of psychological violence against women. Although the Family Code imposes two conditions on the practice of polygamy, namely that its objective justification and exceptional occurrence be established, and that the applicant have sufficient material resources, experience has shown that the courts do not apply these conditions in the same way, while some husbands put pressure on their wives to extort their consent to polygamy.

Custody of the child: Marriage of the divorced mother who has custody of her child may entail forfeiture of her custody rights once the child is over 7 years old. In return, the divorced father's marriage does not entail forfeiture of his custody rights, which constitutes a form of discrimination between father and mother. In other cases, some husbands seek to challenge their wives' custody rights by invoking the conditions of rectitude and honesty, which are vague requirements.

Upholding sworn statements in matters of alimony: The courts continue to rely on the statements of religious jurists to rule on questions of alimony. Thus, if the wife does not leave the marital home and the husband refrains from continuing to support her, the husband's words supported by oath will be upheld. If she leaves the marital home and the husband claims to support her, the wife's sworn statement will be upheld. In many cases, this practice, which relies on oaths, means that the wife loses her right to alimony if she does not leave the marital home.

- **Access to assets and sharing of property:** Courts still vary in their assessment of women's contribution to the development of family assets through their domestic work in the household. While some courts recognize domestic work as a contribution to the formation of family assets, other courts consider domestic work to be a duty incumbent on women, without recognizing their right to compensation for this work. Furthermore, the wife's share of family assets is very often confused with her share of the inheritance. The provisions of the chapter on inheritance in the Family Code represent one of the ways in which women and children are discriminated against, through the distribution of heirs' shares, inheritance provisions, the agnation rule (*Taasib*), and by considering the difference in religion or the absence of proof of legal parental filiation as impediments to inheritance.

General conclusions and recommendations:

Gender-based violence in Morocco remains a matter of concern, given its rapid spread. Indeed, it has expanded into all public and private spheres, including information and communication technologies.

Despite the gains achieved with the promulgation of the Family Code, the amendment of the Penal Code and the Code of Criminal Procedure, as well as the enactment of the Violence against Women Act, the lack of coherence between these laws in terms of substance and procedure on the one hand, and the lack of convergence of these laws with public policies on the other, have aggravated the psychological and socio-economic impacts of violence on women and their children, which in turn are fuelled by the persistence of legal violence.

In the light of the above, and in order to avoid a greater and more serious worsening of violence against women in the current Moroccan context, marked by the launch of the Family Code revision process, it is urgent to take into account the following recommendations and demands resulting from the arduous and in-depth fieldwork carried out by the listening centres in the various regions of Morocco.

On combating violence against women:

1. Adopt a human rights-based approach and a gender-based approach in addressing issues of discrimination and gender-based violence, considering them as a violation of women's human rights, in line with Morocco's international commitments, while reaffirming the government's commitment to implement the principle of "due diligence" with a view to combating violence against women;
2. Implement the national plan for equality and combating violence against women, based on a vision that aims to build a safe and violence-free society in which women are protected and receive high-quality basic services;
3. Implement law 103.13 on violence against women by providing the material and human resources needed for its proper application (shelters, treatment centres for perpetrators and psychological support for victims, etc.), while working to improve law 103.13 to include the basics

and standards of prevention, protection, the fight against impunity, reparation for the harm done and integration of victims;

4. Accelerate and intensify the setting up of institutional shelter services for women and girls who are victims of violence as well as for survivors of violence, operationalize multifunctional facilities in the various regions, provinces and territorial communities, and adopt an approach to caring for victims and survivors of violence in line with international human rights standards;
5. Set up a multi-service, multi-specialty one-stop shop to follow up civil and criminal cases, so as to ensure coordination, put an end to impunity, and provide protection, psychological support, medical treatment, accommodation and legal assistance to women victims and survivors of violence;
6. Ensure that the Public Prosecutor's Office systematically adopts measures to keep perpetrators of violence away from their victims, maintain women and their children in the marital home and enforce all protective measures provided for by law 103.13;
7. Address the issue of domestic violence and marital rape with boldness and include specific legal definitions and procedures to this end;
8. Set up care units in hospitals for women and children who are victims of violence and extend their coverage throughout the country, particularly in rural areas and small towns;
9. Activate the role of primary care centres in the field of combating violence against women and ensure appropriate conditions of reception, listening to and providing guidance within these units by supporting them with the necessary material and human resources;
10. Ensure the presence of a full-time doctor to supervise the care unit, in addition to a psychiatrist, by providing training and raising awareness among doctors and those working in the field of violence against women and gender issues;
11. Ensure free forensic medical certificates, examinations and medical treatment for women from poor and vulnerable backgrounds;

12. Ensure that the judicial police intervene as a matter of urgency in all cases of complaints of violence against women and vest them with the power, under the supervision of the competent judicial authority, to search premises, enter buildings and undertake all procedures necessary to gather and document evidence in cases of violence against women;
13. Stipulate that the primary responsibility for initiating public proceedings in cases of gender-based violence lies with the public prosecutor, and not just with the woman who has suffered violence, considering that proceedings should be conducted *ex officio*, regardless of the victim's wishes, to spare her the various pressures to which she might be exposed from those around her to induce her to drop her complaint;
14. Exempt victims of gender-based violence from the burden of proof and ensure that the task of establishing proof is entrusted to the Public Prosecutor's Office rather than to the victim, by mandating the judicial police to investigate further to this end;
15. Ensure that cases and public actions relating to violence against women are dealt with urgently and firmly, taking into account the disastrous impact of violence on victims, children and society as a whole;
16. Raise society's awareness of the dangers and repercussions of violence and discrimination against women by strengthening the role of the media in combating violence and discrimination against women.

At the level of the Family Code:

Although the Family Code has made a number of achievements and helped to shake up the edifice of patriarchy, which is based on a hierarchical system and has been consolidated over several decades under the umbrella of the former Personal Status Code, a number of provisions in the Family Code remain inconsistent with the principle of equality and non-discrimination. This has contributed to entrenching legal violence against women and children, for a variety of cultural reasons linked mainly to the cultural heritage of society and law enforcement officials, as well as for other legal and procedural reasons that can be summarized as follows:

- Problems linked to the law and judicial action, and others linked to the exercise of Ijtihad (effort of interpretation of the religious texts) and referral to the Malekite rite for all matters not set out in the law: Mouta'a (gift of consolation), recognition of marriage, Nouchouz (disobedience);
- Problems relating to procedural issues, as the Family Code is a substantive law that has not been consolidated by sufficient procedural rules, despite the amendment made to the Code of Civil Procedure;
- Problems linked to the structures in which the Family Code is applied, i.e. the family justice sections, which suffer from a lack of adequate human and financial resources;
- Problems linked to the meagre budgets allocated for the implementation of the Family Code.

These problems call for a comprehensive and in-depth revision of the Family Code to ensure its compliance with the Constitution and international conventions through the following actions:

- Eliminate all terms or expressions that objectify or discriminate against women, which are incompatible with human dignity and found in the Family Code, such as "Al Wat'a" or copulation, "child of unknown origin", "Mouta'a", or in the religious jurisprudence, such as "Nouchouz" or disobedience, "son of sin", or "Al hudud", "Al Haouz", etc.;
- Delete article 400 of the Family Code and refer to international conventions and human rights principles for everything not expressly

set out in the Family Code;

- Eliminate forced marriage of girls and boys and set the minimum age of marriage at 18, criminalize all forced marriages of children as well as participation in such marriages;
- Eliminate religious differences as an impediment to marriage or inheritance;
- Unify the procedures of divorce under judicial supervision and judicial divorce (Tatliq) for both spouses and maintain divorce by mutual consent and divorce on grounds of discord, which include all types of divorce under judicial supervision and judicial divorce;
- Eliminate any distinction between parental filiation (Bounouwwa) and paternal filiation (Nasab) and preserve the right of the child to paternal filiation regardless of the parents' family status;
- Abolish polygamy;
- Delete the second subparagraph of article 16 of the Family Code, and consider the marriage certificate as the only acceptable means of proving the marital relationship, while leaving the cases prior to the reform of the Family Code subject to the old text, in accordance with the principle of non-retroactivity of laws;
- Consider genetic expertise as a means of determining paternal filiation;
- Eliminate the husband's right to deny marital relations using the oath of anathema procedure (Liâane), because it is ineffective and there is a safe way, which is genetic expertise;
- Introduce the principle of joint custody for both parents after dissolution of marriage, in addition to the possibility of awarding custody to one of the parents in the best interests of the child;
- Establish joint legal guardianship of both parents over their children and submit pending disputes to the supervision of the Public Prosecutor as the main party in family matters;
- Link custody to legal representation or guardianship;

- Reconsider the provisions relating to property acquired after marriage so as to facilitate the establishment of proof and ensure that the burden of proof lies with the person in whose name the family property is registered; also consider domestic work carried out by one of the spouses as a contribution to the development of the family assets;
- Consider alimony as a duty shared by both spouses, either financially or in terms of the care provided to the family;
- Establish the principle of gender equality with regard to sharing of property after marriage and death, both in terms of inheritance shares and the list of heirs.

The entire legislative system also needs to be updated:

- Review the penal code and code of criminal procedure to bring them into line with international standards and the Constitution, by redefining the crime of rape, criminalizing marital rape, deprivation of inheritance, forced marriage of girls and participation in such marriages, and creating chambers dedicated to examining cases of violence against women;
- Review the law on judicial organization with a view to elevating family justice sections to the rank of specialized family courts, both at the level of courts of first instance and courts of appeal, and create a chamber of private international law at the level of the court of cassation;
- Reconsider the law on judicial assistance to guarantee effective access to this assistance for vulnerable population groups, simplify the procedure for benefiting from it and extend it to all stages of legal proceedings and all levels of appeal;
- Revise the law on civil status to eliminate any form of discrimination between children born within or outside the institution of marriage, and simplify the procedure for obtaining a family record book for single mothers;
- Revise the nationality code to guarantee gender equality when transmitting nationality to a foreign spouse.



