

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Please provide information on the situation for single mothers in Morocco?**
- 2. What is the level of state protection for women in Morocco?**

RESPONSE

1. Please provide information on the situation for single mothers in Morocco?

The general consensus among the sources available is that single mothers are severely stigmatised in Morocco. A woman's virginity remains highly valued by Moroccan society and loss of virginity before marriage is a great dishonour to the women's family which can result in violence or death in extreme circumstances. Several reports indicate that women who become pregnant outside of marriage can be imprisoned for prostitution, although the law is reportedly seldom enforced. Nevertheless, the threat exists under Article 490 of the Moroccan Penal Code. Since the reforms to the Moroccan Family Code – generally referred to as the *Moudawana* – were enacted in February 2004, Morocco has gained much international praise. However, women's organisations and other NGOs are highlighting barriers to the laws being implemented and insist that unmarried mothers remain vulnerable to discrimination (The World Organisation Against Torture (OMCT) 2004, 'State Violence in Morocco', OMCT website, April http://www.omct.org/pdf/Prev_Torture/2004/stateviolence_morocco_04_eng.pdf – Accessed 30 April 2007 – Attachment 1).

A January 2007 article by Spanish newspaper, *El Pais*, describes the situation of a woman from Safi in Southern Morocco who was reportedly rejected by her "unofficial" husband (who refused to register their marriage officially), and her mother, when she became pregnant. The following pertinent extracts expound:

...After three years Salma became pregnant, and again urged her husband to register the marriage. "Get rid of it!" was his answer. "Why should I do that, if we are married?" she asked. Besides, Islam forbids abortion.

Her world collapsed around her. Salma's mother also rejected her when she sought her help.

"Salma's case is by no means unique," says Aicha Echena, president of Women's Solidarity. "The 'bearded ones' make fools of these women, telling them they are married in the sight of God, have relations with them, then leave when they get pregnant. A similar fate befalls many girls employed in domestic service, who have been made pregnant by the master of the house, then when the pregnancy begins to show, the family turns them out into the street." Few such stories attract much publicity, with lurid exceptions such as that of a phony Islamist arrested in Kenitra in 2005 after "marrying" and having sex with at least 12 girls.

Salma was the only woman at the shelter willing to tell her story. "Perhaps it will help save others from falling into the trap."

Salma decided to have her child – a daughter, Amina, now aged 3. In the small town of Safi, life had suddenly become very hard for her. She took a bus to Casablanca, and gave birth in a mission run by the nuns of Teresa of Calcutta, one of the three institutions that help Morocco's single mothers. Now she works as a physiotherapist's assistant ('Women who become Islamists' sex slaves' 2007, *El Pais*, 4 January – Attachment 2).

A 2005 article by *Inter Press Service* portrays a very similar situation involving a single mother from Casablanca, and the opposition faced by women's groups who are advocating for new legislation to protect single mothers:

...Now she will have the Islamists against her because she is a single mother. Al Muqri Idrissi Abuzaid, a senior member of the Islamist Party (PJD) has pronounced that all children of single mothers are "bastards".

The PJD and other Islamist movements in Morocco have opposed the official 'national plan for women's integration' that seeks to help such women as an "act of atheism" and a "secularist" attempt to eradicate what remains of Sharia (Islamic law) in Morocco...

...The Oum Al Banine became the first group in Morocco to begin to help single mothers. Its campaign began in Agadir province in the south of Morocco in the 1980s. Moroccan Islamists responded by accusing him of promoting prostitution. Islamists have since then continued to abuse the children of single mothers as "bastards".

But Islamists themselves have been responsible for quite a few of these children. Police investigations showed that many of the Islamist extremists arrested for the May 16, 2003 bombings in Casablanca had children with many women outside of marriage.

...Many of the children born outside of formal marriage become homeless. Social researcher Moubarak Rabi estimates that there are more than 200,000 homeless children in Morocco (the country has a population of 30 million). Most of these are children of single mothers, he says in a study.

Pregnancy outside of marriage is illegal in Morocco. But single pregnant mothers are no longer sent into prison primarily because prisons have no room for them, activists say. Moroccan prisons are getting more crowded. A report by the Moroccan ministry of justice shows that there were only 16,335 prisoners in Morocco in 1973. By 2003, the number of prisoners was 54,542. The report adds that in nine prisons the average space per prisoner is less than one square metre.

Several civil society groups have campaigned also that imprisonment of such women is too harsh a measure. Sexual activity among unmarried people is considered “hchouma” (shameful). But civil society groups led by the Oum Al Banine association argue that ignorance due to lack of sexual education in schools is largely to blame for unwanted pregnancies.

...Their campaign is running into opposition from Islamists who want single pregnant women to be stoned to death in public to “set an example” to other women. The country is caught at present in an ideological and political battle between the two sides (El Ouali, A. 2005, ‘Single Moms in Islamic Lands Demand Rights’, *Inter Press Service*, 2 August – Attachment 3).

In a 2006 special report on women’s rights in the Middle East and North Africa, Freedom House states the following in relation to the treatment of unmarried women and their children in Morocco:

...Virginity is highly valued by society – a woman who has lost her virginity before marriage is considered to have brought dishonor on her family and may not be able to marry. Unmarried mothers and their children, who usually come from disadvantaged backgrounds, are often subjected to inhuman treatment by society, and the mothers may be threatened with imprisonment for having sex outside marriage. The loss of virginity and/or pregnancy outside of marriage, combined with societal mores, lead many young women to commit suicide, abandon their children, or engage in prostitution. While several associations work to care for these women, their resources are inadequate to meet the women’s needs due to the high number of cases. The government seems to have adopted a policy of ignoring the problem, yielding to pressure from extremist religious groups (Freedom House 2006, ‘Women’s Rights in the Middle East and North Africa: Morocco’, Freedom House website, 11 April <http://www.freedomhouse.org/template.cfm?page=178> – Accessed 18 April 2007 – Attachment 4).

The following extract from a 2003 report by Policy Project, funded by The US Agency for International Development (USAID), provides an overview of the situation for unmarried women in Morocco and the repercussions for their children:

Unmarried, pregnant girls and women are shunned, rejected by their families and communities, and sometimes abused for bearing an “illegitimate” child. Giving birth only exacerbates the problem. The children of unwed mothers suffer legal and concomitant social and economic consequences because, without a confirmed father, they do not have a legal identity. Without this, they are “non-persons” who are denied basic rights such as access to health care and education. Obtaining legal papers that establish a baby’s identify is difficult, and the barriers to a single mother obtaining the papers, combined with social disapproval of her motherhood, can be a strong deterrent to obtaining the legal papers (Beamish, J. & Abderrazik, L.T. 2003, ‘Adolescent Reproductive Health in Morocco: Status, Policies, Programs, and Issues’, Policy Project website, January, p.16 http://www.policyproject.com/pubs/countryreports/ARH_Morocco.pdf – Accessed 18 April 2007 – Attachment 5).

The World Organisation Against Torture (OMCT) released a report in 2004 titled ‘State Violence in Morocco’ which describes the extent of discrimination suffered by unmarried mothers. The report concludes that there is a total onus of proof placed on the mother in regards to paternity of her child, risking prosecution in the process. The pertinent extracts follow in detail:

...d) Discrimination against women who become pregnant following sexual intercourse outside of marriage

Article 490 of the Penal Code provides for a prison sentence of one month to a year for “anyone of the opposite sex who has sexual intercourse outside of marriage.” This Article is blatantly discriminatory against women who become pregnant. As long as the male partner has not been caught red-handed, he has nothing to fear from the law and he can always deny any allegations made against him. Since it is much more difficult for a pregnant woman to deny having had sexual intercourse, she alone bears the brunt of prosecution.

Single mothers and their children are the main victims of a discriminatory law and social hypocrisy exacerbated by the Islamic revival in the region. Generally speaking, girls from the poorest social classes are hardest hit (costly clandestine abortions, limited access to information on birth control methods etc.)

Although the law is gender-blind when it comes to punishing adultery, in practice, the male partner avoids punishment in most cases. No one will ever require a man to prove that he is not the father of a child. It is up to the mother to provide proof. According to a survey of single mothers conducted in Casablanca, more often than not the person “responsible” for the pregnancy is a family member:

- In 78% of the cases, it is a family member;
- In 2% of the cases, it is the woman’s boss or supervisor;
- In 3% of the cases, it is someone charged with maintaining law and order (police officer, soldier etc.).

“My daughter has a father...he even comes to visit her. She looks just like him but he doesn’t want to recognize her. I have no proof yet that he is the father, but people have talked to me about paternity testing...in the meantime, if I don’t register her birth, I’ll lose her. I don’t even have an ID card...”

The Women’s Movement and NGOs have contributed to lifting the taboo that hangs over discussion of pregnancies outside of wedlock. However legal barriers preventing fathers from recognizing their children born out of wedlock encourage irresponsible behavior. Faced with few prospects, many single mothers prefer to abandon their newborns in the maternity ward or, more likely, in the street. By doing so, they risk going to prison. On the other hand, however, if they try to prove paternity, they may end up going to prison all the same.

Excluded socially and economically, many women become prostitutes. The following excerpt was taken from a survey of single mothers in Casablanca:

“I had to walk the streets from time to time.²¹ Milk is very expensive and since I don’t earn enough money, I had no other choice.”

e) No definition of prostitution

The Moroccan Penal Code does not define prostitution as such. The confusion between prostitution and non-marital sex is deliberately maintained. Indeed, Moroccan lawmakers view all “illegal sexual intercourse as an act of prostitution.”

H. had a boyfriend who promised to marry her one day. When she became pregnant, however, he refused to marry her. H. tried to obtain a court ruling to force him to recognize their daughter but instead the court convicted her on prostitution charges. Housed at the Solidarity Shelter for Single Mothers, she was able to find a reasonably well-paying job. Now

that her ex-boyfriend has found out that she is earning a living, he has asked her to marry him. H. most fervent wish is to sue the judge who convicted her on prostitution charges. (The World Organisation Against Torture (OMCT) 2004, 'State Violence in Morocco', OMCT website, April http://www.omct.org/pdf/Prev_Torture/2004/stateviolence_morocco_04_eng.pdf – Accessed 30 April 2007 – Attachment 1).

Another pertinent article published in 2004 by *Reuters* highlights the level of importance placed on virginity before marriage by Moroccan society, and the subsequent consequences for unmarried mothers:

A reform of family laws last year gave Moroccan women more rights than most of their Arab peers but virginity remains an important requirement for a woman before marriage, especially in the country's city slums and rural areas.

These social norms have slackened only among Morocco's Western-oriented elite and a burgeoning middle class.

"Virginity is still a sensitive issue in the minds of a lot of Moroccans. You can't change in 20 years what has been inculcated for 14 centuries," said scriptwriter and journalist Fatema Loukili.

...In Morocco, the Islamic-inspired penal code bans sexual intercourse outside marriage. But Morocco favours a tolerant brand of Islam and young urban couples can be seen engaging in public displays of affection.

In rural areas and small cities, however, sex outside marriage is generally not tolerated or at best kept secret.

The lack of laws protecting single mothers and children born out of wedlock often brings dramatic consequences.

"Prostitution wins large number of recruits from girls who lose their virginity and cannot return home," Guessous said.

"It's all about education: state television, radio and the media have to play a much more effective role in lifting the taboo on sex in general," she added.

TelQuel accused Moroccan men of double standards, by seeking a full sexual relationship with their girlfriends, while wishing to marry a virgin for the sake of being "the first" (Karam, S. 2004, 'FEATURE – Virginity still key to marriage for Moroccan women', *Reuters*, 4 October – Attachment 6).

A 2006 article published by the *Ithaca College Journal of Race, Culture, Gender & Ethnicity* –established with the intent of publishing student's academic research – examines "the societal constraints and barriers that prevent the full participation of these women [single mothers] in Moroccan society". The pertinent extracts follow in detail.

It can be argued that in the 2004 Moroccan Family Code, provisions were included to protect or at least ease the suffering incurred by unwed mothers whose children were a result of sexual relations by error. However, if one looks at Title One of Book Three of the Moudawana one would easily see that the provisions are contradictive. In Article 146 of Book Three, it is stated that "filiation of the mother produces the same effects, regardless of

whether the children are the result of a legal or illegitimate relationship.” The article does not give the same filiation to the father, but instead it affirms that illegitimate filiation to the father does not produce any obligation on his part. Again, the woman is automatically given the undeniable responsibility of the child while the father is afforded minimal responsibility and that is only if paternity is proven. Article 146 also affirms “maternal filiation is deemed legitimate in cases of marriages, sexual relations by error and rape.” Again the father is not given the same filiation, instead the child is considered illegitimate to the father in cases of rape and sexual relations by error. Women who are raped and abused are more than likely to become outcasts because the provisions of the Moudawana hardly provide any protection for women whose children are a result of rape. Society will still continue to view these women as outcasts because the circumstances surrounding the incident are not usually considered, especially when the girl is poor. Rich families can investigate illegitimate pregnancies in order to salvage the family’s pride, but poor families cannot afford that luxury.

...Sexual acts can only be exercised within the walls of marriage; otherwise it is considered prostitution and thus illegal. If a child is produced from the act it is considered self-incriminating and grounds for legal penalties. Many Moroccans believe that unwed mothers justly reap the punishment of isolation from society. This is so because it is believed that a conscious risk was undertaken; the act and intent were present which constitutes the crime. Exile from family and society and in some cases 5 years in prison is thus seen as just punishment. Most interviewees believe that the difficult life that results for these women is a natural punishment for the sin.

...Even though Morocco is experiencing globalisation and exposure to foreign ideas, despite the views of some youth, the deep tradition of chastity and virginity remains strongly present. Because of the negative view and criminalization of unwed motherhood, men flee or deny their participation for fear of prosecution, women with the financial means practice illegally abortion; others abandon their newly born babies or are damned by society.

...According to the views and personal accounts of unwed mothers expressed by the people interviewed and case studies, women are primary sufferers of out-of-wedlock births. On the outset of promiscuity, many run the risk of bachelorhood, death or eventually being left in the streets. Because virginity is a desired prerequisite for marriage, when women who have had sex before marriage do marry, they can have their marriage nullified. In such events the stigma that is attached to these women brings embarrassment to their family and casts a negative light on every member, especially the un-married females. Hence the un-married females of the family also run the risk of being bachelorised as they become undesirable to the public; if one girl in the family is not a virgin that sigma transfers to the other sisters of the family.

...Unwed mothers go through psychological, physical and emotional abuse and frustration that are only perpetuated by their society and families. In the account of a Moroccan man in his late twenties, it was expressed that if his sister were to become pregnant he would probably kill her because she would disgrace his entire family and cast a shadow on their entire life. The rationale for murder as expressed by this male mentioned nothing of the circumstances surrounding the pregnancy. The fact that the women are automatically viewed as criminal at the onset of pregnancy and can be prosecuted adds to the fact that they are the primary suffers (McBean, T. 2006, ‘Victims Banned as Criminals: the Reintegration of Unwed Mothers into the Moroccan Society’, *Ithaca College Journal of Race, Culture, Gender & Ethnicity*, Volume 4 http://www.ithaca.edu/icjournal/04_Victims.doc – Accessed 18 April 2007 – Attachment 7).

In the final stages of the above journal article, author McBean discusses the situation for the children of “illegal unions” as follows:

The children of the illegal unions also suffer on many levels. They are first devoid of the necessary family unit that tend to produce blissful children, they are devalued by society as they are denied their father’s name and other services, some are abandoned to the streets and others grow up in a depressed household. In Article 145 of the Moudawana document it is stated that, “when the filiations of the child of unknown paternity is established by acknowledgement of paternity or by judicial decision, the child shall become legitimate, acquire his father’s name and religion. They mutually inherit from each other, such filiations create the marriage impediments and results in the paternity and filiations rights and duties.” Even though such provisions are made, the likelihood of the children of unwed mothers gaining these rights is very slim.

In Morocco there are a growing number of street children, some of whom are produced by illegal unions. These children are devoid of basic education, love and all the essential components necessary for a productive childhood. It is possible that children left on the streets endure abuses that include sex. Most female children left to endure this fate continue the cycle of unwed mothers as they are employed as young maids or are left to prostitution (McBean, T. 2006, ‘Victims Banned as Criminals: the Reintegration of Unwed Mothers into the Moroccan Society’, *Ithaca College Journal of Race, Culture, Gender & Ethnicity*, Volume 4 http://www.ithaca.edu/icjournal/04_Victims.doc – Accessed 18 April 2007 – Attachment 7).

In September 2006, Peace Boat, a Japanese non-government organisation (NGO) visited the Casablanca office of Solidarite Feminine (Moroccan NGO assisting single mothers). Peace Boat’s website had the following to say with regard to the treatment of single mothers in Morocco:

Single mothers are still hunted and sometimes killed by their families or partners, after which the law protects the “honor crime” and can send the mother to jail as a prostitute, although this law has not been enforced since the 90s. Solidarite Feminine continues to work tirelessly to educate society about gender issues and to help single mothers through their difficult and often life-threatening struggle (‘Casablanca, Morocco – Solidarite Feminine’, Peace Boat website, 13 September <http://www.peaceboat.org/english/voyg/54/poc/casa/index.html> – Accessed 18 April 2007 – Attachment 8).

A July 2002 article by *Inter Press Service* describes the experience of a sixteen-year-old girl from Rabat who became pregnant and subsequently was forced to leave her family home and live on the streets. The pertinent extracts follow.

“It was unthinkable for me to tell my family of my pregnancy,” says Rahma, who comes from a shanty town in Rabat. “My father and brothers would simply kill me.”

Rahma became pregnant after a relationship with a neighbor, also a teenager. She tried to have an abortion. “But no doctor, including those who do it underground, wanted to help me because I was a teenager,” she says.

Rahma had to leave her parents’ home. “I had nowhere to go,” she says. “The street was my home.” Rahma gave birth to her child in the street, where she abandoned the baby without knowing whether the child was male or female. Later, she heard that the police took the child to an orphanage.

...Traditional attitudes that babies born outside marriage are a “dishonor,” coupled with economic hardship, are leading to a huge problem, Benarbi says (Al-Aly, N. 2002, ‘Rights-Morocco: Number of Abandoned Babies Skyrockets’, *Inter Press Service*, 11 July – Attachment 9).

2. What is the level of state protection for women in Morocco?

In recent years the Moroccan government has reportedly taken steps to improve the status of women by amending the existing Family Code (or *Moudawana*). However, in reality it has taken years for these changes to reach the Moroccan people in their homes, the streets, and the courts. Several sources agree that Moroccan society and government have not offered sufficient protections for women, resulting in a low level of state protection for women. One of the main issues in assessing the level of protection afforded to women in Morocco is the lack of quantitative and qualitative data. Women are reportedly reluctant to report a crime of violence to police in fear of negative repercussions for themselves and their family. In several cases outlined below, the woman herself has been branded a criminal by police and occasionally by the court. Violence against women by family members is frequently viewed as a private issue and police are reluctant to become involved.

In January 2004, Freedom House conducted a set of nationwide focus groups with Moroccan citizens with the aim of “gaining a deeper appreciation for the openings and challenges to advancing the cause of women’s rights and freedom”. The report states the following with regard to women’s legal rights and the level of state protection afforded to women by the State:

For most women, and a few men too, the main issue is not what the law says about women’s legal rights, but how it is implemented and enforced. There is a debate over whether the testimonies of women should be equal to men’s testimonies in court, but according to a number of women in the focus groups, Moroccan women have difficulties obtaining their legal rights because of bias and a lack of support in the justice system. Several women talk about prolonged court cases involving divorces in which women are prevented from obtaining what is rightfully theirs because of a lack of proper execution of the law.

Weak Protections from Abuse of Women

One point of consensus among most focus group participants, both men and women, is that Moroccan women face problems of violence and abuse, and that Moroccan society and government have not offered sufficient protections for women. When asked if women suffer from certain types of crimes more so than men, participants talk about violence and abuse in broad terms, with a definition ranging from verbal harassment of women in the street to beatings and domestic violence at home.

For some participants, this violence and abuse is deeply personal and connected to the home; when the issue is mentioned, there are several sighs, nods, and anxious silences. Several urban women note that housemaids in Morocco tend not to have many protections against the abuse they suffer. “In-law abuse” came up quite a bit among a number of female participants—women who live with their husbands’ families face abuse from them.

...When asked what kinds of crimes women tend to suffer from in Morocco, participants mention that Moroccan women face a great deal of violence, abuse, and sexual harassment outside of the home; some reasons offered for this situation include perceptions about women

being passive, societal norms such as covering up rapes rather than offering support to raped women, and insufficient enforcement of the laws.

...Despite these voices, which either justify violence and abuse against women or seek to ignore it, the overall sense in these focus groups is that Moroccan women suffer from violence and abuse and are not offered sufficient protections. This limited qualitative opinion research project cannot purport to uncover how widespread and endemic the problem of violence and abuse against women in Morocco is—it can only note that this is an issue that many ordinary Moroccans raise in discussions about the status of women. In the exercise in which participants choose two issues from a list of eight concerns relating to women, the protection of women from violence comes in as one of the top two issues in seven of the eleven focus groups in which the exercise was conducted successfully (one group of older illiterate women was unable to successfully respond).

Numerous participants express a desire for more to be done to protect women against violence, abuse, and harassment. Some of the suggestions involve tougher legislation, and other suggestions focus on proper implementation of the law. Still others connect the problem to broader social ills, such as unemployment and a lack of education, and they note that in order to improve the status of women, men have to change. As one younger unmarried woman from Fez says, “No matter how many associations and laws we have, it is a matter of changing men’s way of thinking. When a woman walks in the street, and a man says something to you, this verbal abuse, and it is a kind of violence. It will only change if men change.” (Katulis, B. 2004, ‘Women’s Freedom in Focus: Morocco’, Freedom House website, 5 March http://www.freedomhouse.org/uploads/special_report/32.pdf – Accessed 19 April 2007 – Attachment 10).

The World Organisation Against Torture’s 2004 report on ‘State Violence in Morocco’ states that “Moroccan law enforcement and security forces do little to protect women’s moral and physical integrity when acts of violence are committed against them by private citizens and police officers”. The following pertinent extracts describe the factors attributed to the lack of protection for women:

Gathering information on the subject should be easier now that the Moroccan Prison Observatory (OMP) and the Moroccan Human Rights Consultative Council (CCDH) have been created. So far, current data on violence and degrading treatment inflicted upon women is fragmented, incomplete and limited to interpersonal cases (domestic and family violence) due to the social and political situation as well as women’s inferior status in society. However, larger groups, such as state institutions, are also responsible for acts of torture, violence and other degrading treatment inflicted upon women.

In the absence of detailed and complete information on the involvement of state institutions in cases of torture and violence inflicted upon women, our analysis is based on information gathered from the Democratic Association of Moroccan Women (ADFM)’s Nejma Center, the OMP and citizen complaints sent to the CCDH.

...Since 1998, women’s rights groups, backed by various political parties and trade unions, staged a series of major protests. The King responded by setting up a special consultative commission to reform the Mudawwana in April 2001.

King Muhammad VI presented the proposed revision of the Mudawwana on 10 October 2003. The revision improves the status for women and grants them new rights, especially in the area of marriage and divorce. The minimum age at which women can marry has been increased from fifteen to eighteen, as is already the case for men. In addition, women can

assert the right to own land. They can also file for a divorce and only judges can make divorces official. As far as polygamy is concerned, men of Muslim faith are still allowed to marry up to four women. However, the right to polygamy must first be granted by a judge at the first marriage, provided the wife freely agrees to it. The Parliament still needs to approve the proposal but is expected to do so in the near future.

All of these concrete developments will certainly improve the status of Moroccan women. However, there are several laws that still discriminate against women. Every day, women are deprived of their rights under the weight of traditions and customs that go against non-discriminatory legislation in effect and lead to violence against them.

The State and its agents are responsible for violence and degrading treatment inflicted upon women both directly (acts committed) and indirectly (omission)

Information gathered from the ADFM's Nejma Center

- On 20 June 2002, the police chief at the 4th Precinct in Yacoub El Mansour and fellow officers beat five women for having staged a sit-in in front of REDAL headquarters (Moroccan water-electricity utility) to protest the increase in electricity prices. The five women were taken to the police station and spent the night there. One of the women had a miscarriage, and another a chipped tooth.

- On 2 June 2003, a group of female unemployed university graduates were beaten and injured by members of the rapid response force for having taken part in a sit-in in front of the Willaya in Rabat. One of the victims received blows to her lower abdomen, which caused bleeding. A second victim taken to a police station in the 2nd district was detained for two hours (from 5:00 p.m. to 7:00 p.m.) and was only released after she agreed to sign a deposition in which she admitted to having called the police officer an "ass". She now faces criminal charges by the *Caid* of the 2nd district and faces a possible prison sentence.

- On 26 April 2002, Marrakech, H, a 16-year-old was abducted as she was leaving school and raped by three men. Abandoned in the street by her assailants, H managed to reach the 4th precinct to press charges. Arriving at the police station, bleeding and in a state of severe shock, the girl was then beaten and insulted by the police chief and a police officer from the same precinct. They then pressured her not to press charges against her assailants. She was then forced to sign a deposition stating that she accompanied the three assailants of her own volition (because she was attracted to one of them), took off her clothes and had a great time. H now has to stand trial on charges of prostitution, false testimony and obstruction of justice. She no longer attends school [Researcher emphasis].

...Violence against women is essentially viewed as a domestic or family issue. This perception has contributed to the lack of public awareness and understanding of the problem. It has also scuttled attempts to establish policies, programs and recourse for women.

In the absence of quantitative and qualitative data on the prevalence, forms and manifestations of violence against women, government authorities can continue to deny that such violence even exists and neglect to:

- Take the legal measures called for,
- Promote gender equality through education and awareness programs,
- Create crisis centers to assist victims,
- Train and assign an adequate number of qualified health personnel, police and judges.

However, the past decade has seen several human rights conventions and international instruments requiring States and their agents to exercise “due diligence” when it comes to preventing violence against women.”²⁷ This trend is particularly visible in gender-specific instruments such as CEDAW Article (2) (e) and the Declaration on the Elimination of Violence against Women (DEVEF, 1993).

...In practice, Moroccan law enforcement and security forces do little to protect women’s moral and physical integrity when acts of violence are committed against them by private citizens and police officers:

- Several legal provisions are blatantly discriminatory and highly disadvantageous for women. For example, there are no penalties in family law for deadbeat fathers when they fail to live up to the rare obligations that fall upon them (i.e. alimony and child support).
- Article 336 of the Criminal Procedure Code enables women to file a lawsuit and claim damages. However, the most vulnerable groups of women simply cannot afford to go to court;
- As a result of women’s inferior status in Morocco, police officers are insensitive to their plight when they become victims of violence. In fact, it is not rare for these officials to attach little importance to domestic violence inflicted upon women. As they see it, women are generally the instigators, rather than the victims, of violence.

In addition to discriminatory legislation, women who have been subjected to violence and other degrading treatment face other types of constraints:

- There is no recourse in the case of family violence. As a rule, women are required to produce witnesses (a valid doctor’s certificate issued by a hospital is not considered as adequate proof) in order to substantiate their claim.
- The inferior status of women leads to social and economic vulnerability. Young single women are required to undergo a virginity exam upon simple request by parents or by the future husband and his family. Loss of virginity, unwed pregnancies, divorce and social pressure push many young women to commit suicide, abandon their children or become prostitutes.
- Judges and other civil servants (local police, national police, etc.) are insensitive when it comes to violence and other degrading treatment inflicted upon women. In the case of sex crimes, women are always suspected of having consented to or initiated the act. This basically puts them, rather than their assailants, on trial. Judges are either unaware of international conventions that Morocco has ratified and published or are reluctant to uphold them. Finally, until very recently, female magistrates were not permitted to rule on matters relating to the Personal Status Code. There had been no legal justification for this ban... (The World Organisation Against Torture (OMCT) 2004, ‘State Violence in Morocco’, OMCT website, April http://www.omct.org/pdf/Prev_Torture/2004/stateviolence_morocco_04_eng.pdf – Accessed 30 April 2007 – Attachment 1).

The US Department of State’s 2004 report on human rights practices states the following in relation to the treatment of women in Morocco:

The law is more lenient toward men with respect to crimes committed against their wives. Honor crimes, a euphemism that refers to violent assaults with intent to kill a woman for her perceived immodest or defiant behavior, remained extremely rare.

The law prohibits prostitution; however, it was prevalent, especially in urban centers. The Government did not prosecute women who were coerced into providing sexual services. Trafficking in persons was a problem (see Sections 5, Trafficking, and 6.c.).

There is no law against sexual harassment and there were no reliable statistics from which to report on the extent of the problem.

The changes to the personal status code introduced a number of changes to the status of women. The new law increased the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, rescinded the wife's duty of obedience to her husband, eliminated the requirement of a marital tutor for women to marry, created divorce by mutual consent, and imposed limitations on the practice of polygamy. **However, citizenship still passed through the father, and single mothers were heavily stigmatized [Researcher emphasis]** (US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – Morocco*, 28 February – Attachment 11).

In its 2006 report on human rights practices, the US Department of State indicated that “substantial progress in making the public aware of problems concerning women [was made], although public awareness was uneven”. The pertinent extracts follow in detail.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although for other legal and societal reasons, few women reported abuse to authorities.

There was substantial progress in making the public aware of problems concerning women, although public awareness was uneven. In 2004 the Ministry of Family Solidarity set up toll free numbers for victims of domestic violence in 20 centers throughout the country. The government established the centers based on statistics relating to each category of violence as compiled by the Ministry of Justice and the size of the urban area. In March the government established a National Observatory for Violence Against Women.

The law provides for severe punishment for men convicted of rape or sexual assault, and the authorities enforced the provisions. The defendants in such cases bear the burden of proving their innocence. Sexual assaults often go unreported because of the stigma attached to them. While not provided by law, victim's families may offer rapists the opportunity to marry their victims to preserve the family honor. Spousal rape was not a crime.

The law is lenient toward husbands with respect to crimes committed against their wives. Police are reluctant to become involved in what are considered private matters between husband and wife. Honor crimes, or assaults against women with the intent to kill are committed because of the perception that a woman's behavior brings shame on the family. No such crimes were reported during the year.

... The Ministry of Justice agreed to establish 70 family courts and trained judges to implement the reforms. At year's end the 70 courts existed (see section 1.e.). The family law relies much more heavily on the court system than the previous law. Time limits were established for the family courts to pronounce judgments; for example, a month for alimony cases and six months for divorces. The law generally accorded women the same treatment as men. The family law did not change inheritance rights; these continue to be based on Shari'a (Islamic law).

...Many NGOs worked to advance women's rights and to promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights; all advocated enhanced political and civil rights. There were numerous NGOs that provided shelters for battered women; taught women basic hygiene, family planning, childcare, and promoted literacy (US Department of State 2006, *Country Reports on Human Rights Practices for 2005 – Morocco*, Section 5: Women, 6 March – Attachment 12).

In a positive step towards increasing the level of protection afforded to women in Morocco, in February 2007 Maghreb.com website reported the release of a draft bill on combating violence against women. The draft bill was reportedly sent to various Moroccan women's associations by the Moroccan Secretariat of State for the Family, Childhood and the Handicapped. The pertinent extracts follow in detail.

The Secretariat of State for the Family, Childhood and the Handicapped has sent a draft bill on combating violence against women to various Moroccan women's associations requesting suggestions and observations.

According to the secretariat, the bill is considered "an important step in the continuous establishment of the legal framework for protecting women's humanitarian rights and strengthening this protection". It primarily aims to provide protection and safe harbour for women victims of violence.

"Daily practice revealed the existence of several holes and problems connected to the legal texts or the social reality, and it's necessary to counteract them and to put forth solutions and answers. Further, reality showed new forms of violence linked to economic, social and cultural circumstances ... But the law remained limited in combating this phenomenon," Bouchra Abdou, a member of the national office of the Democratic League for Women's Rights, said.

In addition to spousal violence, the bill targets sexual harassment and other forms of economic and social violence, and recognizes the role undertaken by listening centres and associations.

Abdou says the new law must set down a clear concept of violence directed against women that encompasses all of its forms -- including psychological violence, such as "all verbal attack, shouting, mockery or using censure or social ostracism, detention, or intimidation, also encompassing verbal threat or any exploitation for the purpose of controlling another person".

In a memo filed with the secretariat and the interior and justice ministries, the Democratic League for Women's Rights called for the law to extend to "all places". The league also deemed it necessary to add a clause related to providing training and professional qualification opportunities to battered women, along with creating social assistance institutions to benefit women victims of violence at health centres and the prosecution office of the judiciary police (Morocco: Law targets violence against women in Morocco' 2007, Maghreb.com website, 9 February – Attachment 13).

In September 2004, the Immigration and Refugee Board of Canada (IRB) released a response on the incidence of honour killings in Morocco. While no definitive statistics exist on the prevalence of honour killings in Morocco, "various sources list Morocco among countries where honour killings have been reported". The following extracts expound:

Current information on honour killings in Morocco could not be found among the sources consulted by the Research Directorate. However, various sources list Morocco among countries where honour killings have been reported (*La Libre Belgique* 4 Apr. 2003; *The Gauntlet* 15 Mar. 2003, *Amnesty Now* n.d.; *The Daily Star* 9 Sept. 2004).

Regarding honour killings practices, a summer 2004 report in *Ms. Magazine*, described as providing “investigative reporting and feminist political analysis” (*Ms. Magazine* n.d.), stated that “men who murder their wives are exempt from punishment by law in Syria, Morocco and Haiti.” In the newsletter of the University of Calgary undergraduate students, Aida Sadr stated that Morocco Kingdom is among countries where “honour killings are a socially sanctioned practice” (*The Gauntlet* 15 Mar. 2003). According to an 11 May 2004 Canadian Press report, becoming pregnant before an arranged marriage is considered a “grave dishonour punishable by death” in some countries including Morocco (Immigration and Refugee Board of Canada (IRB) 2004, MAR43004.E – *Morocco: Incidences of honour killings, recent cases and state protection*, 23 September – Attachment 14).

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