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## **Morocco's Compliance with the International Covenant on Civil and Political Rights**

### **Suggested List of Issues**

**Submitted by The Advocates for Human Rights,**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

**MRA Mobilising for Rights Associates,**

a non-governmental organization based in Rabat, Morocco  
in collaboration with an alliance of Moroccan NGOs

**Human Rights Committee 144th session 23 June to 17 July 2025**

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates works to end violence against women by changing laws and their implementation, as well as through monitoring and documentation, trainings, and advocacy.

Founded in 2013, **Mobilising for Rights Associates** (“MRA”) is a nongovernmental women’s rights organization based in Rabat and currently working in Morocco and Tunisia. MRA collaborates with grassroots level women’s rights organizations in marginalized communities across Morocco to promote women’s full enjoyment of their human rights through changes in laws, structures, relationships and social norms. Together with our partners MRA creates and implements long-term strategies to address the diverse causes of discrimination against women and develop meaningful, effective solutions. Our multidimensional strategies include popular human rights education, legal accompaniment, monitoring and documentation, strategic litigation, action-research, national law reform, and international advocacy. By engaging with local systems actors at different levels, MRA fosters micro-level changes in culture and relationships to support our activism for macro level legal and institutional reform.

**Methodology:** The information for this report was drawn from direct work on the ground in Morocco through on-going action research, legal accompaniment and advocacy on women’s rights issues. Based in Rabat, MRA partners with local NGOs throughout Morocco.

## I. Status of Covenant in Domestic Law

1. During Morocco's last review in 2016, the Committee expressed regret that the provisions of the Covenant have only rarely been invoked or applied by the courts.<sup>1</sup> The Committee recommended that Morocco (a) raise awareness among judges, lawyers, prosecutors and other persons involved in the administration of justice about the provisions of the Covenant so that these can be taken into account before and by the national courts, and (b) expedite the process of legislative reform to ensure full compliance of domestic laws with duly ratified international treaties.<sup>2</sup>
2. The preamble to the Constitution establishes the supremacy of international human rights conventions over domestic law, but Morocco limits the supremacy of international law to "within the framework of Constitutional provisions and laws of the Kingdom, in respect of immutable national identity."<sup>3</sup> This creates opt-out clauses to declarations on international human rights.
3. Although there is a trend toward application of international law obligations by domestic courts, primarily in commercial cases, very few decisions by domestic courts have applied international law in cases involving women's rights. Due to lack of information about the status of international conventions or jurisprudence from other jurisdictions, few lawyers or judges invoke international conventions in such cases. Likewise, the lack of clarity about the legal status of international norms creates inconsistent or contradictory case law between different judges and levels of jurisdictions.<sup>4</sup>

## II. Discrimination and violence based on sexual orientation and gender identity

4. In its 2016 review, the Committee expressed continued concern at "the criminalization of homosexuality, the fact that it is punishable by a term of imprisonment of up to 3 years and the arrests that have been made on that basis. It... [was] also concerned by reports of the advocacy of hatred, discrimination and violence against people because of their sexual orientation or gender identity."<sup>5</sup> It recommended that Morocco "take steps to: (a) abrogate article 489 of the Criminal Code in order to decriminalize homosexuality and sexual relations between consenting adults of the same sex; (b) free anyone who is in detention solely for having had

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<sup>1</sup> Human Rights Committee, *Concluding observations on the sixth periodic report of Morocco*, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 5.

<sup>2</sup> Human Rights Committee, *Concluding observations on the sixth periodic report of Morocco*, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6 ¶, 6.

<sup>3</sup> CONSTITUTION OF THE KINGDOM OF MOROCCO, 2011, preamble.

<sup>4</sup> Stephanie Willman Bordat, *Plaidier le droit international devant les tribunaux internes : L'exemple du Maroc, de l'Algérie et de la Tunisie*, *Revue Méditerranéenne de Droit Public* Volume V (Editions L'Épilogue-Lextenso, Oct. 2016), accessed June 3, 2025, <http://lm-dp.org/plaidier-les-droits-au-maghreb/>; see also, Saadia Kouzzi, *Décisions des tribunaux appliquant les normes internationales au Maghreb*, *Revue Méditerranéenne de Droit Public* Volume V (Editions L'Épilogue-Lextenso, Oct. 2016), accessed June 3, 2025, <http://lm-dp.org/plaidier-les-droits-au-maghreb/>

<sup>5</sup> Human Rights Committee, *Concluding observations on the sixth periodic report of Morocco*, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6 ¶, 11.

consensual sexual relations with a member of the same sex; and (c) put an end to the social stigmatization of homosexuality, incitement to hate, discrimination and violence directed at persons because of their sexual orientation or actual or presumed gender identity.”<sup>6</sup>

5. **Same-sex sexual acts continue to be criminalized in Morocco.** Moroccan Penal Code article 489 punishes all same-sex sexual acts with imprisonment of six months to three years and a fine, regardless of whether the sexual acts were consensual and between adults.<sup>7</sup> In 2023, 379 persons were criminally prosecuted under this article.<sup>8</sup>
6. **Same-sex rape is criminalized as same-sex sexual activity, but the lack of consent does not matter under the law.** The Moroccan Penal Code limits rape to “the act whereby a man has sexual relations with a woman against her will,”<sup>9</sup> excluding victims of same-sex rape from any relief or remedies as survivors of rape. An individual who has been raped by another person of the same sex cannot report their rape to police, nor is the non-consensual sexual assault considered a rape because all same-sex sexual activity is criminalized regardless of consent. Individuals who try to report same-sex rape to police risk being prosecuted for same-sex sexual activity.
7. **LGBTIQ+ persons continue to face arrests, violent incidents and discrimination.**<sup>10</sup> Morocco ranked 173 out of 197 countries on the Equality Index measuring the current status of LGBTIQ+ rights, laws, and freedoms as well as public attitudes towards LGBTIQ+ people.<sup>11</sup> In 2021, Morocco was ranked as one of the 20 most dangerous places for LGBTIQ+ travellers.<sup>12</sup> There are reports of murders, other forms of violence and death threats against LGBTIQ+ individuals, who are unable to access resources or protection as victims of violence due to State and non-State actor discrimination. LGBTIQ+ survivors face the additional obstacle of the criminalization of consensual same-sex sexual activities between adults, which puts survivors

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<sup>6</sup> Human Rights Committee, *Concluding observations on the sixth periodic report of Morocco*, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 12.

<sup>7</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOUMADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Article 489: “Anyone who commits an indecent or unnatural act with a person of the same sex shall be punished by imprisonment of six months to three years and a fine of 200 to 1,000 dirhams, unless the act constitutes a more serious offense.”; see also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf)

<sup>8</sup> Presidency of the Public Prosecutor, Morocco, *تقرير رئيس النيابة العامة حول تنفيذ السياسة الجنائية وسير النيابة العامة (Annual Report on the Implementation of the Penal Policy and the Improvement of the Performance of the Public Prosecutor)* (2023), accessed May 23, 2025, <https://mrlatalib.com/Rapport-pmp-2023>

<sup>9</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOUMADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Article 486; see also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf)

<sup>10</sup> Trans Dynamics, *Human Rights Violations Based on Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics in Morocco: Joint Stakeholder Submission by the Moroccan Coalition for Gender and Sexual Diversity for the Universal Periodic Review* (2022), 4.; See also, ILGA, “ILGA World Database: Morocco,” accessed May 28, 2025, <https://database.ilga.org/morocco-lgbti>

<sup>11</sup> Equaldex, “LGBT Equality Index,” accessed June 3, 2025, <https://www.equaldex.com/equality-index>

<sup>12</sup> Laura Begley Bloom, *Travel Safety Report: 20 Worst Places for Gay Travelers in 2021*, Forbes, Mar. 23, 2021, <https://www.forbes.com/sites/laurabegleybloom/2021/03/23/crime-report-20-riskiest-places-for-gay-travelers-and-the-5-safest/>

at risk of criminal charges as a result of reporting violence or seeking services. Reports document LGBTIQ+ people experiencing psychological and physical violence committed against them as societal violence in the streets, familial violence in private spaces, and institutional violence when LGBTIQ+ individuals are detained or arrested by the authorities.<sup>13</sup>

8. Seventy percent of surveyed LGBTIQ+ persons reported being victims of acts of violence. Only 14% of these reported filing a complaint, due to threats of retaliation, of being detained, and of breach of confidentiality. In contrast, the same study found that 29% of surveyed LGBTIQ+ people had been arrested or detained, with suspicions of “homosexuality” being cited as the primary cause of arrest.<sup>14</sup>
9. Over 63% of LGBTIQ+ survey participants who were arrested or detained reported being mistreated by local authorities.<sup>15</sup> Reports document the prevalence of abuse committed against LGBTIQ+ persons by law enforcement authorities, as well as the cruel and inhuman treatment they have faced while incarcerated in Moroccan prisons.<sup>16</sup> In one example, media reports documented the experience of a queer Moroccan man who went to the police to file a complaint for defamation and death threats after he was targeted by a violent online outing and hate speech campaign. Police officers refused to help him or take a report, and instead insulted, humiliated, cursed and arrested him, and he himself was then sentenced to a suspended prison term of four months and a fine for “outrage to a public agent in the exercise of his duty” and “violating the sanitary state of emergency.”<sup>17</sup>

### III. Equality between men and women and practices that are harmful to women

10. In its 2016 review, The Committee expressed concern about: (a) the continued existence of legislative provisions that discriminate against women, particularly as regards a matrimonial regime that continues to permit polygamy, divorce, child custody, legal guardianship of

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<sup>13</sup> Nassawiyat, *A report on the situation of LGBTIQ+ community in Morocco in 2020*, (2020), 10, accessed June 23, 2025, <https://nassawiyat.org/wp-content/uploads/2021/02/3-Updated-Version-Rapport-Nassawiyat-English.pdf>; See also, examples of reports of murders and gang violence against LGBTIQ+ persons at <https://www.facebook.com/watch/?v=444714935652855>, <https://www.hespress.com/420812-التشهير-بالشذوذ-الجنسي-يتسبب-في-جرم>, [https://x.com/watanserb\\_news/status/1817910709960782310](https://x.com/watanserb_news/status/1817910709960782310), and [https://24saa.com/جريمة-قتل-مرو-عتهز-الدار-البيضاء-/مقتل/](https://24saa.com/جريمة-قتل-مرو-عتهز-الدار-البيضاء-/)

<sup>14</sup> Association Akaliyat. “Study of the Needs of Sexual and Gender Diversity Population in Morocco, 2019/2020,” accessed June 23, 2025, <https://akaliyat.org/study-of-the-needs-of-sexual-and-gender-diversity-population-in-morocco/#:~:text=The%20results%20of%20this%20study,these%20laws%20to%20be%20reversed>.

<sup>15</sup> Nassawiyat, *A report on the situation of LGBTIQ+ community in Morocco in 2020*, (2020), 11, accessed June 23, 2025, <https://nassawiyat.org/wp-content/uploads/2021/02/3-Updated-Version-Rapport-Nassawiyat-English.pdf>.

<sup>16</sup> Trans Dynamics, *Human Rights Violations Based on Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics in Morocco: Joint Stakeholder Submission by the Moroccan Coalition for Gender and Sexual Diversity for the Universal Periodic Review* (2022), 7.; See also, ILGA, “ILGA World Database: Morocco,” accessed May 28, 2025, <https://database.ilga.org/morocco-lgbti>.

<sup>17</sup> Zineb Oulmakki, “If You Were My Son, I Would Burn You”: Morocco’s Outing Campaigns, Raseef22, Oct. 24, 2020, <https://raseef22.net/english/article/1080138-if-you-were-my-son-i-would-burn-you-moroccos-outing-campaigns>

children, inheritance, and the transmission of nationality to a foreign spouse; (b) the high number of polygamous marriages; and (c) the increase in early marriages.<sup>18</sup> The Committee recommended that Morocco (a) repeal or amend all provisions that discriminate against women in order to give full effect to the principle of equality enshrined in the Constitution; (b) take adequate measures to reduce the incidence of polygamy with a view to bringing about its abolition; and (c) amend the legal provisions that allow for exceptions to the minimum age for marriage.<sup>19</sup>

### *Discriminatory provisions in family law*

11. In his July 2022 Throne Day speech, King Mohammed VI of Morocco called for reforms to the Family Code. In the fall of 2023, a multisectoral family law review commission held a series of consultations with stakeholders including political party representatives and local NGOs. At the time of this submission, no draft law to reform the Family Code has been publicly shared and the status of the reforms remains unclear.
12. The law continues to distinguish between physical custody and legal guardianship of children and maintains inequality between fathers and mothers in **legal guardianship** of children. Even after divorce, fathers remain legal guardians, controlling all decision-making and management of affairs relating to children, such as education, property, and other administrative issues.<sup>20</sup> These also include responsibilities related to children's bank accounts and the receipt of insurance reimbursements for children's medical expenses, even when the mother has covered
13. Women continue to have **unequal access to divorce**. Men retain their right to divorce unilaterally and without cause. In contrast, women must either pay compensation to their husbands to obtain a divorce (*khol'*) or seek judicial divorce by proving one of six specified faults committed by the husband, or by alleging irreconcilable differences.<sup>21</sup>
14. In *khol'* the wife compensates her husband for agreeing to exercise his right to unilaterally divorce her.<sup>22</sup> Blackmail, threats, and forced bargaining by husbands compel women to renounce their rights in exchange for his agreement to do so.<sup>23</sup>
15. Either spouse may seek a judicial divorce on the grounds of irreconcilable differences, known as *chicago*: an innovation of the 2004 Family Code gave women access to divorce that they did

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<sup>18</sup> Human Rights Committee, *Concluding observations on the sixth periodic report of Morocco*, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 13.

<sup>19</sup> Human Rights Committee, *Concluding observations on the sixth periodic report of Morocco*, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 14.

<sup>20</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 231, 236, 238.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>21</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 78 – 120.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>22</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 115–120.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>23</sup> Information on file with authors (2025).

not have previously. If reconciliation attempts fail, the judge grants the divorce and makes any financial award based on an assessment of each spouse's responsibility for the separation.<sup>24</sup>

16. For *chiqaq*, the petitioner spouse must give reasons for seeking divorce but is not obligated to provide evidence of harm or fault. In practice, judges often require proof of the motive for seeking divorce, holding *chiqaq* to the same standard of evidence as fault-based divorce. Alternatively, cases are often decided as *chiqaq* when they would be more appropriate for a fault-based divorce.<sup>25</sup>
17. Women may also petition for judicial divorce for one of the following causes: (1) violation of a clause in the marriage contract, (2) harm, (3) husband's failure to support her, (4) husband's absence or imprisonment, (5) hidden "flaw" or disease, or (6) husband's oath of abstinence towards his wife.<sup>26</sup>
18. The Family Code specifies that "harm" may be either material or moral. The Ministry of Justice provides an expansive definition of harm, citing physical violence, insults, or immoral behavior by the husband.<sup>27</sup> However, conjugal violence cases are often adjudicated as *chiqaq*, either because women cannot meet the high standard of proof required for a fault-based divorce, or prefer the relatively faster *chiqaq* procedure, or because judges wrongly classify the case. While both fault-based divorces and *chiqaq* are supposed to be decided in six months,<sup>28</sup> proceedings frequently take much longer in the former.<sup>29</sup>
19. All repudiations and judicial divorces except those based on absence must go through a reconciliation attempt, conducted by the judge, two arbitrators, or a family council.<sup>30</sup> The Ministry of Justice, in collaboration with some international and local NGOs, tends to privilege reconciliation over the law and formal justice system in family conflicts.<sup>31</sup> Reconciliation is criticized for lack of adequate facilities and qualified personnel.

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<sup>24</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 94–97.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>25</sup> Friedrich Ebert Stiftung, *Le Code de la famille: Perceptions et pratique judiciaire* by Malika Benradi, Houria Alami M'chichi, Abdellh Ounnir, Mohamed Mouaqit, Fatima Zohra Boukaïssi, and Rabha Zeidguy, (2007), 217–271, accessed June 20, 2025, <http://www.abhatoo.net.ma/maalama-textuelle/developpement-economique-et-social/developpement-social/societe/familles/le-code-de-la-famille-perceptions-et-pratique-judiciaire>

<sup>26</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 98–112. Judicial divorces for fault are rare in practice, due to evidentiary requirements and lengthy proceedings.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>27</sup> Moroccan Ministry of Justice, *Guide Pratique du Code de la Famille* (2005), 23, accessed June 7, 2025, <http://www.abhatoo.net.ma/maalama-textuelle/developpement-economique-et-social/developpement-social/societe/familles/guide-pratique-du-code-de-la-famille>

<sup>28</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Article 113. See also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>29</sup> Stephanie Willman Bordat, "Difficultés pratiques d'accès des femmes à la justice," *Colloque: Droits des femmes et révolutions arabes* Le Mans, Université du Maine (June 29, 2012).

<sup>30</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 81–82.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>31</sup> Ministère de la Justice et des Libertés, *Statistiques des sections de la justice de la famille*.

20. Another issue women face is that discriminatory inheritance laws continue to award women lesser shares of *inheritance* than men.<sup>32</sup>

### *Polygamy*

21. **The government of Morocco has not abolished polygamy.** The Family Code continues to allow polygamy when the wife has not stipulated a monogamy clause into the marriage contract and when there is not a risk of “inequity” between wives<sup>33</sup> A husband must file a petition with the court for authorization to take another wife. The judge may only authorize polygamy if the husband (a) proves he has an exceptional and objective justification for taking another wife, and (b) has sufficient resources to support both families and guarantee equality in all aspects of life.<sup>34</sup> Once the husband files a petition for authorization, the judge must summon the current wife for a hearing to obtain her consent. If she does not consent, her only option is to initiate irreconcilable differences divorce proceedings (*chiqaq*).<sup>35</sup> The judge must also notify the future wife that the petitioner husband is already married, and she must consent before the marriage may be concluded.<sup>36</sup>
22. According to a 2023 report on the family justice system in Morocco, between 2017 and 2021 Moroccan courts received 20,000 applications for polygamy, representing 1.7% of all marriage applications during this period. Nearly 39% of these petitions were granted.<sup>37</sup>
23. Although polygamy is rare, women whose husbands wish to take another wife must either agree or seek divorce. The mere threat of polygamy thus provides a source of coercive control by husbands over their wives.

### *Child marriage*

24. **Child marriage of girls has not been abolished.** Articles 20, 21 and 22 of the Family Code continue to allow marriage of girls under 18 when “justified” and after receiving authorization

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<sup>32</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 157, 323, 349.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>33</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Article 40; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>34</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Article 41.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>35</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 43, 44, 45.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>36</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Article 46 ; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>; see also: USAID, *USAID/ Morocco Gender Analysis* by Stephanie Willman Bordat and Saida Kouzzi (2018), 23, accessed June 15, 2025, <https://banyanglobal.com/wp-content/uploads/2018/03/USAID-Morocco-Gender-Analysis-2018.pdf>

<sup>37</sup> Said, *Moroccan Polygamy Requests Rise Despite Legal Hurdles, Judicial Report Shows*, Bladi.net, June 12, 2023, <https://en.bladi.net/moroccan-polygamy-requests-rise-despite-legal-hurdles-judicial-report-shows,102553.html>

by the Family Affairs judge.<sup>38</sup> The Family Code provides no minimum age below which authorization to marry may never be granted.

25. **Nearly all child marriages involve minor girls.** According to one study, 99% of child marriage applications between 2007 and 2018 were for girls.<sup>39</sup> Another report found that in 2020 there were 21,285 marriage applications for girls under 18, compared to 88 applications for boys.<sup>40</sup>
26. **The number of child marriages of girls remains high in Morocco.** According to a diagnostic study on child marriage, between 2004 (when the Family Code was enacted) and 2019, the proportion of child marriages varied between 7.53% and 11.99% of the total number of marriages concluded in Morocco. The same study found that between 2007 – 2019 the age of child marriage varied between 14 and 17 years.<sup>41</sup> According to the High Commission for Planning, child marriage remains a problem in both urban and rural areas. One-third of child marriages involve urban residents.<sup>42</sup>
27. According to the annual report of the Public Prosecutor, the number of child marriage applications registered in 2019 in Moroccan courts remains high when compared to adult marriage applications: 27,623 child marriage applications and 84,855 adult marriage applications.<sup>43</sup> The number of child marriages is even higher when taking into account the number of marriage recognition acts, as it is recorded that 5,031 couples registered their verbal marriage years after their original marriage.. As a result of this recognition procedure set by Article 16 of the Family Code,<sup>44</sup> around 15% of marriage recognitions involve child marriage.<sup>45</sup>
28. **The authorization of child marriages of girls remains the rule rather than the exception.** Between 2011 and 2018, 85% of marriage requests ended in an authorization.<sup>46</sup> One study

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<sup>38</sup> Please note the authorization is not subject to appeal. The legal tutor's (guardian's) consent is required.

<sup>39</sup> UNICEF, دراسة تشخيصية حول زواج القاصر, accessed June 23, 2025,

<https://www.unicef.org/morocco/media/2746/file/الاطفال%20حول%20زواج%20القاصر.pdf>

<sup>40</sup> Project Soar, Bigger Movement: End Child Marriage, & Mobilising for Rights Associates, *Child marriage in Morocco: Explanatory memorandum for the repeal of articles 20, 21, and 22 of the Family Code* (2023), 2, accessed June 20, 2025, <https://mrawomen.ma/wp-content/uploads/doc/English%20Explanatory%20Memorandum.pdf>

<sup>41</sup> UNICEF, دراسة تشخيصية حول زواج القاصر, accessed June 23, 2025,

<https://www.unicef.org/morocco/media/2746/file/الاطفال%20حول%20زواج%20القاصر.pdf>

<sup>42</sup> Project Soar, Bigger Movement: End Child Marriage, & Mobilising for Rights Associates, *Child marriage in Morocco: Explanatory memorandum for the repeal of articles 20, 21, and 22 of the Family Code* (2023), 1, accessed June 20, 2025, <https://mrawomen.ma/wp-content/uploads/doc/English%20Explanatory%20Memorandum.pdf>

<sup>43</sup> Project Soar, Bigger Movement: End Child Marriage, & Mobilising for Rights Associates, *Child marriage in Morocco: Explanatory memorandum for the repeal of articles 20, 21, and 22 of the Family Code* (2023), 1, accessed June 20, 2025, <https://mrawomen.ma/wp-content/uploads/doc/English%20Explanatory%20Memorandum.pdf>

<sup>44</sup> Moroccan Family Code, Dahir N° 1-04-22 DU 12 HIJA 1424 of Feb. 3, 2004, Articles 16.; see also, <http://www.jafbase.fr/docMaghreb/MarocCodeFam-oct2005.pdf>

<sup>45</sup> Project Soar, Bigger Movement: End Child Marriage, & Mobilising for Rights Associates, *Child marriage in Morocco: Explanatory memorandum for the repeal of articles 20, 21, and 22 of the Family Code* (2023), 1, accessed June 20, 2025, <https://mrawomen.ma/wp-content/uploads/doc/English%20Explanatory%20Memorandum.pdf>

<sup>46</sup> Economic, Social, and Environmental Council (CESE), *Que faire, face à la persistance du mariage d'enfants au Maroc?* (2019), 9, accessed on June 5, 2025, <http://www.abhatoo.net.ma/maalama-textuelle/developpement->



victims have access to effective remedies and are not prosecuted for having engaged in sexual relations outside marriage; and (c) ensure that victims of domestic or sexual violence receive proper legal, medical and psychological assistance and improve victim support facilities and mechanisms.<sup>51</sup>

### *Violence against women*

31. **In spite of measures taken by the State Party,<sup>52</sup> violence against women (VAW) is widespread in Morocco and the public actor response remains inadequate.** In a 2019 nationwide survey, 57% of women ages 15 to 74 (58% in urban areas and 55% in rural areas) reported experiencing at least one act of violence in the twelve months preceding the survey.<sup>53</sup> The prevalence of different forms of violence reported by women surveyed included psychological violence (49%), economic violence (15%), sexual violence (14%), and physical violence (13%).
32. The same survey found violence against women was most prevalent in the domestic context (52% overall, 46% committed by the husband or other intimate partner or ex-partner), followed by educational institutions (19%) and public spaces (13%). Fifteen percent of working women reported violence in the workplace, and 22% of students reported violence in education and training institutions. Fourteen percent of women reported experiencing technology facilitated violence via email, phone calls, or text messages.
33. Few VAW cases reach the law enforcement or justice systems due to failures of these systems to investigate crimes of violence, protect victims and hold perpetrators accountable. The aforementioned recent survey found that, following the most serious incident of physical or sexual violence suffered by women in the past 12 months, only 10.5% of victims (almost 18% for physical violence and less than 3% for sexual violence) filed a complaint with police or another competent authority. Less than 8% reported spousal violence, compared to 11.3% for non-spousal violence.<sup>54</sup>
34. Out of the 102,034 women who sought help at the VAW units at courts of first instance or appeal in 2023, only 4,321 cases resulted in court hearings, and 850 in a social investigation.<sup>55</sup>

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<sup>51</sup> Human Rights Committee, Concluding observations on the sixth periodic report of Morocco, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 16.

<sup>52</sup> Moroccan Official Gazette, Loi no.103-13 relative à la lutte contre les violences faites aux femmes (Law 103-13 on the Fight against Violence against Women) of Feb. 22, 2018. See also; <https://social.gov.ma/loi-n-103-13-relative-a-la-lutte-contre-la-violence-a-legard-des-femmes/>

<sup>53</sup> Kingdom of Morocco High Commission for Planning, *Deuxième enquête nationale sur la prévalence de la violence à l'égard des femmes*, (2019). Preliminary results available at <https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l-a2411.html>

<sup>54</sup> Press release, Kingdom of Morocco High Commission for Planning, *Communiqué du Haut-Commissariat au plan à l'occasion de la campagne nationale et internationale de mobilisation pour l'élimination de la violence à l'encontre des femmes*, (2019), <https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l-a2411.html>

<sup>55</sup> Annual Report on the Implementation of the Penal Policy and the Improvement of the Performance of the Public Prosecutor, 2023.

Another recent report focusing on technology-facilitated violence only revealed nine instances where the perpetrator was arrested. In contrast, in eight cases the women targeted attempted suicide and in four instances were prosecuted themselves for sexual relations outside of marriage.<sup>56</sup>

35. Reasons women do not report violence include lack of information that such violence was illegal or of procedures for reporting; threats of reprisals, of being blamed, considered at fault or arrested for sexual relations outside of marriage; and pessimism and scepticism about the usefulness of reporting to authorities, lengthy, expensive and complicated procedures, difficulties proving violence and inadequate evidence collection, absence of effective protection measures, and lack of confidence in public actors.<sup>57</sup> Criminalization of sexual relations outside of marriage also prevents many women from reporting any form of violence committed against her, especially if she knew her aggressor.<sup>58</sup>
36. **Insufficient legislative advances:** Law 103-13 on VAW, enacted in March 2018, falls short of complying with international standards or meeting advocacy demands made by civil society for over a decade. Rather than a comprehensive law with criminal and civil provisions, the law only has 18 articles and is limited to minor reforms to the Penal Code and Code of Penal Procedure, merely increasing penalties for existing criminal offenses in cases of spousal or other family relationships.
37. Law 103-13 did not reform Penal Code provisions related to sexual assault or rape, which is still defined as “the act whereby a man has sexual relations with a woman against her will”, essentially requiring physical injuries as proof of resistance.<sup>59</sup> **Marital rape is still not criminalized in the Penal Code and was not addressed in Law 103-13.**
38. **Sexual relations outside of legal marriage remain illegal in Morocco** under Penal Code articles 490-93. As a result, women in non-marital intimate partner relationships do not come forward to report any form of violence – physical, sexual, technology-facilitated, or other -

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<sup>56</sup> Over 1,800 people were surveyed. Mobilising for Rights Associates, *Virtual Violence, Real Harm: Promoting State Responsibility for Sexual Violence against Women in Morocco* (2019), 51, accessed June 1, 2025, <https://mrawomen.ma/wp-content/uploads/doc/TFGBV%20Report%20Final%20English.pdf>

<sup>57</sup> Mobilising for Rights Associates, *Virtual Violence, Real Harm: Promoting State Responsibility for Sexual Violence against Women in Morocco* (2019), 51, accessed June 1, 2025, <https://mrawomen.ma/wp-content/uploads/doc/TFGBV%20Report%20Final%20English.pdf>; See also, Mobilising for Rights Associates *Protection Not Punishment: Promoting State Responsibility for Intimate Partner Violence against Women in Morocco* (2021), 46-47, accessed June 1, 2025, <https://mrawomen.ma/wp-content/uploads/doc/SVAW%20Final%20Report%20English%2022-01-2021.pdf>

<sup>58</sup> Interviews and focus groups in the above three research projects indicate the vast majority of aggressors are intimate partners or ex-intimate partners (husband or ex-husband, fiancé or ex-fiancé, boyfriend or ex-boyfriend).

<sup>59</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOUMADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Article 486; see also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf)

under Law 103-13 for fear of being prosecuted themselves.<sup>60</sup> Similarly, women victims of rape do not report sexual assaults given the threat of being prosecuted as criminals

39. Indeed, women victims of any type of crime – fraud, theft, extortion or other – in which a partner is not the legal husband is the perpetrator or otherwise implicated are deterred from seeking recourse from law enforcement and the justice system by threats of being prosecuted for sexual relations outside of marriage. As one of the two means for establishing this infraction is “judicial confession”, women who are victims of crimes and report to law enforcement are deemed to have “confessed.”<sup>61</sup>
40. In addition to serving as a disincentive to women victims reporting violence, these legal provisions actually encourage and facilitate violence against women by providing violent perpetrators with a tool – the threat of denunciation for sexual relations outside of marriage - for blackmail, extortion, and coercive control of women.
41. The second means of proving sexual relations outside of marriage - “flagrant delit,” - is interpreted so broadly that a simple law enforcement report stating that “two unmarried people were found together in an isolated area” – even fully clothed – is sufficient for prosecution and conviction.<sup>62</sup>
42. Unwed mothers who give birth at a hospital, where the staff are required to notify law enforcement, and/or who file a case in Family Court to establish a child’s paternity, also face prosecution for sexual relations outside marriage, with the child’s birth deemed as proof.
43. As illustrated below, in 2023 there were similar numbers of prosecutions for so-called morality crimes as for violence against women crimes.

<b>CRIMINAL CASE FILES, 2023<sup>63</sup></b>	
<b>VAW Crimes</b>	<b>“Morality Crimes”</b>
<b>29,950 criminal cases against persons, including:</b> <ul style="list-style-type: none"> <li>● 60 murder</li> <li>● 780 rape</li> <li>● 8608 misdemeanor assault and battery</li> </ul>	<b>cases against 28,927 persons, including:</b> <ul style="list-style-type: none"> <li>● 8930 prosecutions for illicit sexual relations outside of marriage</li> </ul>

<sup>60</sup>Mobilising for Rights Associates, *Virtual Violence, Real Harm: Promoting State Responsibility for Sexual Violence against Women in Morocco* (2019), 23, accessed June 1, 2025, <https://mrawomen.ma/wp-content/uploads/doc/TFGBV%20Report%20Final%20English.pdf>; See also, Mobilising for Rights Associates *Protection Not Punishment: Promoting State Responsibility for Intimate Partner Violence against Women in Morocco* (2021), 28, accessed June 1, 2025, <https://mrawomen.ma/wp-content/uploads/doc/SVAW%20Final%20Report%20English%2022-01-2021.pdf>

<sup>61</sup> Written reports from Moroccan NGOs to MRA (May 2021 – April 2022).

<sup>62</sup> Written reports from Moroccan NGOs to MRA (May 2021 – April 2022).

<sup>63</sup> Annual Report on the Implementation of the Penal Policy and the Improvement of the Performance of the Public Prosecutor, 2023.

<ul style="list-style-type: none"> <li>● 2933 felony assault and battery</li> <li>● 746 sexual harassment in public spaces</li> <li>● 100 workplace sexual harassment</li> <li>● 220 technology-facilitated harassment</li> <li>● 4 prosecutions for violation of a no-contact order</li> </ul>	<ul style="list-style-type: none"> <li>● 3336 prosecutions for “adultery”</li> <li>● 379 prosecutions for same-sex sexual acts</li> </ul>
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44. **Law 103-13 does not address, or establish any provisions for reporting, investigation, prosecution, or trial of violence against women cases,** or create obligations and procedures for law enforcement and justice system personnel. Policies and procedures thus remain unclear and inconsistent, hindering the process of responding to VAW cases. For instance, in one city, NGOs reported doctors do not provide medical certificates to women who report rape without instructions from a prosecutor.<sup>64</sup>
45. The lack of clear standards of evidence hinders investigation and prosecution of VAW crimes. Article 286 of the Code of Penal Procedure provides that, “Crimes can be proven by any means of proof,” leaving it to judges’ discretion to assess evidence based on their “intimate conviction.” Additionally, local NGOs report that most often there is inadequate evidence collection by local law enforcement and justice system actors, who place the burden of bringing proof of violent crimes onto the victim.
46. **Law 103-13 does not provide adequate protection for women victims of violence or prevent them from being at risk of future violence.** The protective measures provided under the Penal Code and Code of Penal Procedure, are limited criminal (not civil) measures; rather than being available “immediately,” they are only available if and once a criminal prosecution has been launched or the offender has been convicted. None are mandatory and are left to the discretion of the prosecutor or judge, who report that their optional nature and lack of clarity make them difficult to apply. In addition to requiring the victim to file a criminal complaint, these measures come too late in the process – only after a prosecution has been launched or a conviction handed down. Most cases never get that far, leaving the majority of victims unprotected.<sup>65</sup>
47. Law enforcement officers are not empowered by law or policy to remove violent offenders from the home and hence rarely do so. In the majority of cases, NGOs report that women and children must flee the home and seek shelter elsewhere.

<sup>64</sup> USAID, *USAID/Morocco Gender Analysis* by Stephanie Willman Bordat and Saida Kouzzi (2018), 30, accessed June 15, 2025, <https://banyanglobal.com/wp-content/uploads/2018/03/USAID-Morocco-Gender-Analysis-2018.pdf>.

<sup>65</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOURNADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Articles 61, 88-1, 88-3.; see also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf); See also, Code of Penal Procedure, Dahir N° 1-58-261 du 1er chaabane 1378 of Feb. 10, 1959, Article 82-5.; See also, <https://www.refworld.org/legal/legislation/natlegbod/1959/ar/101702>

48. Women experiencing domestic violence face challenges obtaining a medical certificate with the duration (attesting to injuries resulting in 21 or more days of incapacity caused by the violence) legally necessary to bring a criminal complaint for assault.<sup>66</sup> According to local NGOs, most certificates issued range from 1 to 20 days, which does not allow for the perpetrator's arrest.
49. Law 103-13 creates numerous exceptions in VAW cases by providing that prosecutions are terminated and judgments are cancelled if the victim waives her rights. Prosecutions for family abandonment, non-payment of financial support, expulsion from the conjugal home, coerced marriage, or squandering of property terminate if the victim waives her rights; any decision rendered is also cancelled. Likewise, reconciliation puts an end to the protective orders of Article 88-1; despite the fact that the offender would have violated a court order or decision, these criminal cases are treated as private matters.

### *Sexual Harassment*

50. Penal Code article 503-1 (from 2003) only covers the offense of sexual harassment in the workplace by a superior and with the purpose of obtaining sexual favors. Behavior that creates a hostile work environment is not defined as sexual harassment under article 503-1.<sup>67</sup>
51. The 2018 law 103-13 on VAW expanded the scope of sexual harassment crimes, criminalizing "persistent" harassment in public spaces by words, acts or signals of a sexual nature for sexual purposes" or "written letters, phone or electronic messages, records or images of sexual nature for sexual purposes."<sup>68</sup> If the perpetrator is a co-worker or in charge of order or security of public places, or an ascendant or has authority over the victim, this is an aggravating circumstance for sentencing purposes (Penal Code articles 503-1-1 and 503-1-2).<sup>69</sup>
52. Law 103-13 also criminalized technology-facilitated violence. New Penal Code articles 447-1 – 447-3 criminalize intentionally capturing, recording, broadcasting or dissemination of another person's private or confidential information or statements, pictures in a private place, or false allegations or statements aiming to harm someone's private life or reputation. Offender relationship to the victim through one of the categories previously mentioned is an aggravating circumstance for sentencing purposes.
53. Despite these legislative advances, women experience multiple barriers to reporting sexual harassment. Again, lack of procedures to facilitate reporting, investigation, and prosecution, or

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<sup>66</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOURNADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Article 400-401.; see also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf)

<sup>67</sup> USAID, *USAID/Morocco Gender Analysis* by Stephanie Willman Bordat and Saida Kouzzi (2018), 30, accessed June 15, 2025, <https://banyanglobal.com/wp-content/uploads/2018/03/USAID-Morocco-Gender-Analysis-2018.pdf>.

<sup>68</sup> USAID, *USAID/Morocco Gender Analysis* by Stephanie Willman Bordat, and Saida Kouzzi (2018) 30, accessed June 15, 2025, <https://banyanglobal.com/wp-content/uploads/2018/03/USAID-Morocco-Gender-Analysis-2018.pdf>.

<sup>69</sup> USAID, *USAID/Morocco Gender Analysis* by Stephanie Willman Bordat and Saida Kouzzi (2018), 30, accessed June 15, 2025, <https://banyanglobal.com/wp-content/uploads/2018/03/USAID-Morocco-Gender-Analysis-2018.pdf>.

clear standards of what constitutes “proof” prevent these articles from being applied in practice. Sexual harassment provisions require that the harassment be “persistent” – an undefined term that again raises issues of how to prove elements of a crime or what evidence is admissible and sufficient. Women who report technology-facilitated harassment by an intimate partner, such as the non-consensual sharing of intimate images, to the authorities are often deemed to have “confessed” to sexual relations outside of marriage and prosecuted themselves.

## V. Voluntary termination of pregnancy

54. The Committee noted that a disturbingly high number of clandestine abortions are performed in the State party which endanger the lives and health of the women concerned. It remained concerned about the extremely restrictive nature of the conditions under which a woman may legally have her pregnancy terminated in the State party and about the heavy penalties that are imposed in cases of clandestine abortions. The Committee noted that the draft revised Criminal Code provides for more exceptions to the general prohibition of abortion, but it was concerned about the introduction of excessive requirements such as the obligation to submit proof that legal proceedings have been opened in cases of rape or incest.<sup>70</sup> It was recommended that Morocco expedite its review of its legislation with the aim of introducing other exceptions to the prohibition of abortion, including exceptions to cover cases in which the pregnancy is the result of rape or incest and cases in which the fetus exhibits fatal abnormalities, and ensure that legal restrictions do not impel women to resort to clandestine abortions that endanger their lives and health. It also stated that the State party should also ensure that women have effective access to legal abortions by eliminating the restrictive conditions provided for in the draft revised Criminal Code.<sup>71</sup>
55. In March 2015, King Mohammed VI instructed the Ministers of Justice and Islamic Affairs, along with the President of the National Human Rights Council (CNDH), to conduct broad consultations and deliver a draft bill to reform Morocco’s abortion laws within one month. This directive followed public debates and conferences initiated by both civil society and state actors, including the Minister of Health and the CNDH. In 2016, the Government Council approved a draft bill proposing limited grounds for legal abortion. Grounds in that draft bill included cases of rape, incest, fetal impairment, or the pregnant woman’s mental illness.
56. **The government withdrew the bill from Parliamentary consideration in November 2021, despite the Minister of Justice’s earlier announcement of comprehensive Penal Code reforms. As of the time of this report, those reforms remain pending.** Evidence shows that the 2016

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<sup>70</sup> Human Rights Committee, Concluding observations on the sixth periodic report of Morocco, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 21.

<sup>71</sup> Human Rights Committee, Concluding observations on the sixth periodic report of Morocco, (Dec. 1, 2016), U.N. Doc. CCPR/C/MAR/CO/6, ¶ 22.

proposals, even if they had been adopted, would have failed to meet the urgent and widespread need for accessible, safe, and legal abortion services in Morocco.<sup>72</sup>

57. Women experience critical barriers to access safe and legal abortion. Morocco's Penal Code permits abortion only under narrowly defined circumstances, namely when it is performed by a doctor or surgeon to protect the health or life of the pregnant woman, and even then, only with the consent of the husband or under notification of a Chief Medical Officer in cases of imminent danger to the woman's life.<sup>73</sup> According to interviews with women, NGO representatives and service providers, legal abortions are rare.<sup>74</sup>
58. Because of the described restrictions on exercising the right of voluntary termination of a pregnancy, women are at risk of criminalization. Women who seek or obtain an abortion risk prosecution and face prison sentences ranging from six months to two years, along with monetary fines.<sup>75</sup> Individuals who assist in procuring abortions can face between one and five years of imprisonment.<sup>76</sup>
59. Health professionals in Morocco face legal and professional risks for providing abortion services, including punitive professional sanctions as disbarment. The current legal framework also mandates health professionals to breach patient confidentiality if summoned to testify in court regarding knowledge of an abortion.<sup>77</sup> Professionals also report a lack of publicly available guidance or official directives for health providers on the provision of legal abortion services that compounds the highly restrictive legal conditions to access or procure an abortion.<sup>78</sup> An interviewed physician noted that that medical personnel are not only prevented from helping women but are also subject to oversight and intimidation, effectively silencing the medical community.<sup>79</sup>
60. The criminalization of abortion directly undermines the quality and consistency of care that women can access when seeking (primarily clandestine) abortions. Women interviewed reported receiving conflicting information and encountering arbitrary and inconsistent practices

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<sup>72</sup>Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 14, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>73</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOUMADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Article 453.; See also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf)

<sup>74</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 12, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>75</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 9,59, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>76</sup> Moroccan Penal Code, Dahir N° 1-59-41 DU 28 DU JOUMADA II 1382 of Nov. 26, 1962 (amended on the official bulletin n° 2640 on June 5, 1963), Article 431.; See also, [https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20\(as%20amended\).pdf](https://features.hrw.org/features/african-union/files/Morocco%20-%201962%20Penal%20Code%20(as%20amended).pdf)

<sup>77</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 9, 36, 46, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>78</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 9, 34, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>79</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 10, 33, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

regarding gestational limits and procedural requirements. These inconsistencies forced them to contact multiple providers in search of someone willing to perform the procedure, resulting in significant delays.<sup>80</sup> A woman shared that she approached four different doctors over a four-month period, all of whom refused to help, ultimately leaving her no choice but to carry the pregnancy to term.<sup>81</sup>

61. The lack of access to safe and legal abortion in Morocco drives many women to resort to clandestine procedures, often carried out in unsafe conditions and without reliable information. The Moroccan Family Planning Association (AMPF) estimates that the abortion rate in Morocco ranges from 30 to 40 per 1,000 women aged 15 to 49.<sup>82</sup> Of these abortions, 72% are unsafe.<sup>83</sup> The AMPF further estimates the number of abortions performed in Morocco at between 280,000 and 370,000 annually, or 700 to 1,000 abortions per day.<sup>84</sup>
62. In numerous cases, women have made repeated attempts to self-induce abortion using harmful and ineffective methods, including herbal remedies, unregulated pharmaceuticals, or physical trauma. Several women reported experiencing physical and psychological abuse at the hands of individuals who performed these procedures.<sup>85</sup>
63. The criminalization of abortion further discourages many from seeking post-abortion medical care, even in emergencies.<sup>86</sup> Those who do seek hospital treatment for complications frequently face substandard care, mistreatment by healthcare workers, and, in some cases, interrogation by police regarding their sexual relationships outside of marriage.<sup>87</sup>
64. Additionally, Morocco's Penal Code criminalizes consensual sexual relations outside of marriage, imposing sentences of one month to one year for such offenses, and one to two years for adultery.<sup>88</sup> These laws disproportionately impact women and create a climate in which

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<sup>80</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 12-13, 35, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>81</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 12, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>82</sup> Association Marocaine de Planification Familiale (AMPF), *Grossesses non-désirées et avortement à risque au Maroc* (Dec. 2021), 3-4, accessed June 23, 2025, <https://ampf-ypeer.com/tynex/grossesses-non-desirees-et-avortement-a-risque-au-maroc/>

<sup>83</sup> Association Marocaine de Planification Familiale (AMPF), *Grossesses non-désirées et avortement à risque au Maroc* (Dec. 2021), 3-4, accessed June 23, 2025, <https://ampf-ypeer.com/tynex/grossesses-non-desirees-et-avortement-a-risque-au-maroc/>

<sup>84</sup> Association Marocaine de Planification Familiale (AMPF), *Grossesses non-désirées et avortement à risque au Maroc* (Dec. 2021), 27, accessed June 23, 2025, <https://ampf-ypeer.com/tynex/grossesses-non-desirees-et-avortement-a-risque-au-maroc/>

<sup>85</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 12, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>86</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 47, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>87</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 48, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>88</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 63, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

accessing sexual and reproductive health care can expose women to legal consequences.<sup>89</sup> Restricted services include access to contraceptives, prenatal care, and support for survivors of gender-based violence.<sup>90</sup> Amnesty International has documented cases of women who were prosecuted for extramarital sexual relations after being denied access to abortion services, forcing them to carry pregnancies to term. In some cases, unmarried pregnant women who seek care in hospitals are criminalized.<sup>91</sup>

65. Women also lack protection of their reproductive autonomy when families or intimate partners force them into having clandestine abortions.<sup>92</sup> Reporting a rape that results in pregnancy compels women to disclose their pregnancy to authorities and in some cases, women are forced to carry such pregnancy, thereby obstructing their ability to seek abortion services confidentially.<sup>93</sup> **In spite of some reports, as of June 25, 2025, the laws on abortion have not been amended to allow abortion in cases of rape.**<sup>94</sup> The criminalization of abortion and the inadequate response to domestic violence discourage these women from reporting the abuse to authorities.<sup>95</sup>

## VI. SUGGESTED QUESTIONS FOR MOROCCO

### 66. Status of covenant within domestic legal framework:

- What steps has Morocco taken to ensure that lawyers, judges, other legal practitioners and legislators have adequate information and resources to implement the supremacy, applicability and justiciability in domestic courts of international human rights conventions to which Morocco is a party and in national laws?

### 67. Discrimination and violence based on sexual orientation and gender identity

- What steps has Morocco taken to decriminalize “homosexuality” and sexual relations between consenting adults of the same sex?
- What steps has Morocco taken to prevent hatred, discrimination and violence by State and non-State actors against people because of their sexual orientation or gender identity?
- What steps has Morocco taken to include protections and include justice for all individuals who have experienced rape, regardless of their gender or sexual identity?

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<sup>89</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024),8, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>90</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024),10, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>91</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 53, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>92</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024),11, 29, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>93</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024), 11, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

<sup>94</sup> Information on file with the authors (2025).

<sup>95</sup> Amnesty International, *My life is Ruined: The Need to Decriminalize Abortion in Morocco* (May 2024),47, accessed June 23, 2025, <https://www.amnesty.org/en/documents/mde29/7506/2024/en/>

- What measures has Morocco taken to remove criminalization of same sex nonconsensual relations to make it safer for individuals to report their abuse?

## 68. Equality between men and women and practices that are harmful to women

### *Early Marriage*

- What steps has Morocco taken to ban child marriage entirely in the Family Code?

### *Polygamy*

- What steps has Morocco taken to ban polygamy entirely in the Family Code?

### *Discrimination in Family Law*

- What steps has Morocco taken to eliminate discrimination between men and women in access to divorce?
- What steps has Morocco taken to provide that mothers to exercise legal guardianship over children on an equal basis with fathers?
- What steps and legislation have Morocco taken to provide equal inheritance distribution for women?

## 69. VAW:

- What steps has Morocco taken to expand Law 103-13 beyond minor Penal code and Code of Penal procedures amendments to provide a comprehensive state response to VAW that integrates prevention, protection, criminalization, and concrete compensation and services for women victims of violence?
- What specific civil remedies are currently available to women victims of violence such as civil protection orders and orders removing the violent offender from the home, that are a separate, stand-alone Civil (not Penal) remedy that women can obtain without launching a criminal complaint?
- What reforms has Morocco made to the Penal Procedure Code to create a clear regulatory framework to effectively address the reporting, investigation, and prosecution phases of VAW cases?
- What steps has Morocco taken to clarify rules of evidence in VAW cases and ensure adequate evidence collection by law enforcement, rather than placing the burden on victims?
- What steps has Morocco taken to establish clear roles, obligations and procedures for law enforcement, justice sector, and public health systems personnel in VAW cases? What internal and external accountability mechanisms exist in case of non-performance?
- How has Morocco addressed the current requirement that women victims of rape demonstrate physical injury to prove an assault was “against her will”?

- What steps has Morocco taken to amend its definition of rape from “against her will” to “without her consent”?
- What measures has Morocco taken to abolish the risk that rape victims and victims of violence in non-marital relationships can be prosecuted for illicit sexual relations themselves?
- What steps has Morocco taken to criminalize marital rape?
- What steps has Morocco taken to decriminalize consensual adult sexual relations outside of marriage?
- What measures has Morocco implemented to eliminate the 21-day incapacity period necessary for a woman to bring an assault charge and reform procedures necessary to obtain a medical certificate?

#### **70. Voluntary termination of pregnancy**

- What steps has Morocco taken to decriminalize abortion, including revoking all laws and policies and ending practices that criminalize or obstruct seeking, obtaining, providing or assisting with obtaining abortion-related information, goods, medication or services? Please describe
  - What concrete steps has the State party taken since the 2015 royal directive to reform its abortion legislation and after the draft bill approved in 2016 was withdrawn without replacement ?
  - What particular steps have been taken to decriminalize sexual relations outside of marriage, and to amend the Penal Code and Code of Penal Procedure to ensure effective protection for all women from sexual and gender-based violence, including all forms of mistreatment in healthcare contexts?
- What steps has Morocco taken to ensure that all women have timely access to comprehensive sexual and reproductive health information and services, including safe abortion and post-abortion care, that are available, accessible, affordable and of good quality?
  - How does the State party ensure that women receive accurate, non-discriminatory, and consistent information regarding the legal grounds for abortion, including gestational limits and procedural requirements?
- What steps has Morocco taken to eliminate legal and procedural barriers such as unreasonable gestational limits, grounds-based restrictions, or requirements for third-party authorization that hinder access to abortion services?
- What mechanisms are in place to monitor and address reports of physical or psychological abuse, mistreatment by medical professionals, and police interrogation of women seeking post-abortion care?
- What mechanisms exist to protect women from being coerced into abortions by family members or intimate partners, and how does the State party ensure confidential, trauma-informed services for survivors of rape or domestic violence?