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Through the Eyes of Lawyers and Advocates: Navigating the Court System for Women Impacted by Domestic Violence in Morocco

Emily Atieh
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**Through the Eyes of Lawyers and Advocates: Navigating the Court System for Women
Impacted by Domestic Violence in Morocco**

Atieh, Emily
Brandeis University
Anthropology Major, Islamic and Middle Eastern Studies and Arabic Minors
SIT Morocco: Multiculturalism and Human Rights
Academic Director: Belghazi, Dr. Taieb
ISP Advisor: Eddouada, Dr. Souad
Rabat, Morocco

Submitted in fulfillment of the requirement for MOR, SIT Abroad, Fall 2021.

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Acknowledgements

I would like to express my sincerest gratitude to everyone who helped me throughout the course of this research project and in my academic pursuits during my time in Morocco. First and foremost, I would like to thank one of the most wonderful people I have ever met, Dr. Taieb Belghazi for his endless support, guidance, and kind words throughout the semester. My time in Morocco would not have been the transformative experience that it was without his ever-present sense of humor, sharp wit, and insightful comments. I would also like to extend a thank you to my very gracious advisor for this project, Dr. Souad Eddouada for all of her guidance throughout this process. Her insight into studying gender issues in Morocco was invaluable and I really appreciate the time that she spent advising this project. In addition, I would like to thank my wonderful Arabic professor Ahlam, who was not only one of the best Arabic professors that I have ever had, but also went out of her way to help me with this project by building my network of interviewees, double checking translation, and taking the time to make phone calls in Arabic. Lastly, I would like to extend my deep thanks and admiration to my fellow women studying Arabic, Aven and Natalie, for their constant love, support, and advice. I would not have been able to succeed without a network of such strong and wise women empowering me!

Abstract

How do Moroccan women impacted by domestic violence navigate criminal legal systems in Morocco? Is the progressive family law present in Morocco due to recent reforms fully implemented in court systems? How can systems be improved to better support women impacted by violence? This study originally sought to answer these questions by surveying lawyers at NGOs in the Rabat area who act as advocates for women impacted by domestic violence. As a result of their expansive knowledge of criminal legal systems and experiences aiding hundreds of women, lawyers are in a unique position to critique the criminal legal system and comment on changes that are needed to make the justice system more accessible to women. This research was cut short as a result of the COVID-19 pandemic, so as a result, this paper is limited to a literature review and my intended methodology, which I designed before leaving Morocco. In order to support further reform of family law and criminal legal systems it is imperative that research of this nature continues to be conducted to shed light on how women are affected by these policies in their daily lives.

Introduction

Violence against women in Morocco, and specifically domestic violence, is extremely widespread and one of the largest human rights issues prevalent in Morocco today. A 2011 national study conducted on the prevalence of violence against women reports that 62.8% of women in Morocco ages 18-64 had been impacted by some form of violence during the year preceding the study.¹ Of those acts of violence, 55% were committed by the husband of the person impacted by violence, with only 3% of this violence formally reported by the person impacted.² In addition, another survey found that of women who have experienced domestic violence, 68% expressed a distrust of the justice system.³ These extremely high rates of domestic violence, coupled with a lack of trust in justice systems, portray the fact that women impacted by this violence do not feel adequately supported or that they can trust the criminal legal systems in Morocco to provide them with justice. So how do women impacted by domestic violence navigate the criminal legal system in Morocco? What are the barriers that keep them from accessing the legal system or from finding justice in a system theoretically designed to protect them? How is family law interpreted in actual court proceedings versus what is codified in written law? This study seeks to answer these questions, but specifically through the eyes of lawyers and advocates for those impacted by violence, as they are in a unique position to critique the system as a result of their extensive experiences within it.

I have a background in sexual assault and domestic violence advocacy, which is why I care a lot about how those impacted by violence experience violence at all levels of society, including institutionally through justice systems. In addition, over the summer I interned for an

¹ “Morocco 13th Session of the Working Group on the Universal Periodic Review.” United Nations Human Rights Council. The Advocates for Human Rights and Global Rights, 2012.

² *Ibid.*

³ *Ibid.*

organization that lobbied for the passage of legislation in the state of Massachusetts to support those impacted by sexual and domestic violence. Through this experience, I learned a lot about how those impacted by violence navigate the criminal legal systems, and how they are at increased risk for experiencing institutionalized violence. While I was extremely interested in this issue in the context of the United States, I became interested in how Moroccan women also deal with this issue when our group visited the organization Tawaza, which helps women impacted by domestic violence and specifically provides them with legal aid. Through talking with the lawyers that work at Tawaza and advocate for women impacted by domestic violence, we learned that only 20% of the women that they represent have cases that are decided in their favor by the court. They discussed how the dominant patriarchal mentality makes it extremely difficult for women impacted by domestic violence to succeed in the legal recourse that they are pursuing. As a result of this discussion, I wanted to learn more about what lawyers and advocates have to say about the criminal legal system in Morocco. I believe that lawyers are in a unique position to comment on how family law is actually interpreted and implemented on a wide scale. Advocates and lawyers will be able to not only comment on a wide array of cases and the experiences of hundreds of women, but are also in a unique position to critique the criminal legal system, and suggest changes to law and processes that are currently in place.

When originally designing this research, my hope was to speak to lawyers in the Rabat area that support women impacted by domestic violence at NGOs. This research would have consisted of oral interviews with lawyers from multiple organizations that serve diverse populations of women. Based on my experiences talking to the lawyers at Tawaza, and from reading about the topic of violence against women in Morocco, I expected that this research would portray that many women impacted by domestic violence struggle to gain legal

protections and a sense of justice from court systems in Morocco, and that many have had very negative experiences accessing criminal legal systems that are intended to provide them with safety and accountability. Unfortunately, this research was cut short as a result of COVID-19 restrictions, and this paper is limited to only a literature review and my intended methodology. My hope is that this paper can act as a foundation for future research of this nature to occur. Collecting this information is a crucial human rights issue, as it can be used to understand what changes can be made to criminal legal systems to better protect those impacted by domestic violence.

Literature Review

Pertinent Legal Policy and Reforms

Reform to legal policy surrounding family law in Morocco has largely been driven by feminist movements seeking to improve the lives of women. Fatima Sadiqi in *Women's Rights in the Middle East and North Africa* and Kate Zoglin in *Morocco's Family Code: Improving Equality for Women* give a comprehensive overview of this history and these reforms. The first Moudawana, or code of law pertaining to family life, was enacted in 1957, and was largely based in Islamic law, unlike the penal code and institution, which were based in civil law.⁴ Sadiqi describes how the feminist movement focused on reforming this Moudawana, as it was “seen as the prime locus of legal and civil discrimination against women.”⁵ This Moudawana was reformed in 1993 as a result of pressure from NGOs, such as L’Union de l’Action Feminine, in

⁴ Sadiqi, Fatima. “Morocco,” in *Women's Rights in the Middle East and North Africa: Progress amid Resistance*, ed. Sanja Kelly and Julia Breslin (Lanham, MD: Rowman & Littlefield, 2010), 1-26, 1.

⁵ Sadiqi, “Morocco,” 2.

their million signatures campaign which called for changes to the code to support women's rights.⁶ The most recent reform to the Moudawana was undertaken in the early 2000s, but was catalyzed by the 2003 terrorist attacks in Casablanca, which led to "widespread antifundamentalist sentiment," and as a result, the reformed Moudawana was adopted in 2004.⁷ The new Moudawana was a huge leap forward for the rights of women in family law, and included several important reforms, such as "the right to self-guardianship, the right to divorce, and the right to child custody," as well as "placed new restrictions on polygamy, raised the legal age of marriage from 15 to 18, and made sexual harassment punishable by law."⁸ In addition, the 2004 Moudawana "introduced the principle that husbands and wives have equal rights and equal duties in the family."⁹ Zoglin breaks down divorce under the 2004 Moudawana very comprehensively, explaining how before, only the husband could initiate divorce, but that the reformed Moudawana added "a number of grounds for divorce" and "new procedures."¹⁰ Zoglin reports, "the Moudawana provides the following types of divorce: divorce by mutual consent, divorce in exchange for compensation, divorce based on irreconcilable differences, breach of the marital contract, non-respect of the condition of the marriage contract or harm, failure to provide financial support, absence, latent defect, and abandonment."¹¹ Zoglin also characterized divorce based on irreconcilable differences and by mutual consent as "a major improvement in the law."¹²

⁶ Zoglin, Katie. "Morocco's Family Code: Improving Equality for Women." *Human Rights Quarterly* 31, no. 4 (2009): 964–84. <http://www.jstor.org/stable/40389983>, 966.

⁷ Sadiqi, "Morocco," 2.

⁸ Sadiqi, "Morocco," 3.

⁹ Zoglin, "Morocco's Family Code: Improving Equality for Women," 970.

¹⁰ Zoglin, "Morocco's Family Code: Improving Equality for Women," 972.

¹¹ Zoglin, "Morocco's Family Code: Improving Equality for Women," 972-973.

¹² Zoglin, "Morocco's Family Code: Improving Equality for Women," 973.

In addition, the new Moroccan constitution, implemented in 2011, contains articles which are pertinent to women's rights and combatting violence against women. For example, Article 19 announces "equal civil, political, economic, social, cultural, and environmental rights for men and women," Article 20 "provides for the right to life," and Article 21 "provides for the right to personal security."¹³ Also relevant is Article 22, which "prohibits all violations of physical and moral integrity and dignity, as well as all cruel, inhuman, and degrading treatment, *under any circumstances, whether committed by State or private actors.*"¹⁴ These idealistic articles, if applied, would go far in combating violence against women and the violation of their rights which occurs when they have unequal access or treatment under the law.

Other legal reforms have been made in recent years which attempt to prohibit some forms of violence against women. For example, a 2014 penal code reform now prevents rapists from marrying the individual that they assaulted in order to avoid charges, which was allowable under the previous penal code.¹⁵ In addition, law 103.13 was passed in 2018 which combats violence against women. This law was the first of its kind in Morocco, and "criminalizes some forms of domestic violence, establishes prevention measures, and provides new protections for survivors."¹⁶ Human Rights Watch, as well as other organizations, have criticized the law for not doing enough to support those impacted by violence, as it contains many gaps, and does not provide any concrete procedures for police, prosecutors, or judges, nor does it fund women's shelters. It also requires filing for criminal prosecution for an individual to gain protection, which is a barrier many women impacted by violence cannot overcome.¹⁷ Mobilizing for Rights

¹³ "Morocco 13th Session of the Working Group on the Universal Periodic Review." United Nations Human Rights Council. The Advocates for Human Rights and Global Rights, 2012.

¹⁴ *Ibid.*

¹⁵ "Morocco Repeals 'Rape Marriage Law.'" *Al Jazeera*, January 23, 2014. <https://www.aljazeera.com/news/2014/1/23/morocco-repeals-rape-marriage-law>.

¹⁶ "Morocco: New Violence against Women Law." Human Rights Watch, February 26, 2018. <https://www.hrw.org/news/2018/02/26/morocco-new-violence-against-women-law#>.

¹⁷ *Ibid.*

Associates even goes so far as to say that the law does not “establish any specific services or provide concrete support for women survivors of violence.”¹⁸ In addition, spousal rape is still not criminalized under the Moroccan penal code or this new law, which Mobilizing for Rights Associates reports would be one way to “address the deficiencies in the current rape and sexual assault laws.”¹⁹

Implementation of Legal Reforms

Pertinent scholars of the Moudawana, such as Sadiqi and Zoglin, have widely critiqued the Moroccan state for its failure to fully implement the Moudawana, which in turn allows for the discrimination of Moroccan women under the court systems that are currently in place, and disproportionately affects women impacted by domestic violence. Even though the 2004 Moudawana is characterized by Sadiqi as being “considered one of the most progressive legal texts in the Arab world,” she states that “the implementation of that law is still problematic, and little headway is being made despite the sustained efforts of both women’s rights activists and the government.”²⁰ In addition, Sadiqi calls attention to the fact that while legal reforms, including the 2004 Moudawana and 2011 constitution reforms, have allowed the Moroccan government to project a “a modern and democratic image of Morocco at the international level,” these changes have not yet translated into “tangible gains for individual women in their daily lives.”²¹ While Zoglin also discusses how the Moudawana has failed to be fully implemented, she characterizes the implementation efforts radically differently than Sadiqi, stating that this

¹⁸ Žvan Elliott, Katja. “‘It’s Too Much!’: Victims of Gender-Based Violence Encounter the Moroccan State.” *International journal of Middle East studies* 52, no. 1 (2020): 49–66, 50.

¹⁹ Žvan Elliott, “‘It’s Too Much!’: Victims of Gender-Based Violence Encounter the Moroccan State,” 49.

²⁰ Sadiqi, “Morocco,” 4.

²¹ *Ibid.*

failure is largely because of time, which is why “its complete impact has not been felt yet.”²² Zoglin optimistically states that “Moroccans are engaged in the process and are trying to adapt to the new rules,” even going so far as to state that “they accept the new code even if they remain attached to certain traditions.”²³ In contrast, Sadiqi characterizes the implementation of Moudawana reforms in Morocco as being met with resistance and reluctance, stating that “it is still very poorly understood in rural and sometimes even urban areas” and that many male judges “are reluctant to apply it,” as well as “resist the application of the law.”²⁴ While Zoglin’s optimism concerning attitudes toward the Moudawana and its implementation may be due to the fact that her article was written just a few years after the Moudawana was passed, in 2009, her characterization is still shockingly different from that of Sadiqi’s, whose report was written only one year later, in 2010. For context, more recent reviews of the implementation of the Moudawana continue to characterize it as Sadiqi does, having largely failed in implementation due to the resistance of those in charge of its implementation. For example, the U.S. Country Report for Morocco on Human Rights Practices from 2020 stated that “implementation of family law reforms remained a problem,” as “the judiciary lacked willingness to enforce them, as many judges did not agree with their provisions.”²⁵ In addition, they cited corruption among court clerks, a lack of knowledge among lawyers, as well as corruption and refusal to enforce laws among police officers as barriers to Moudawana implementation. In regard to domestic violence cases, they reported that overall “the government generally did not enforce the law” and that “successful prosecutions remained rare.”²⁶

²² Zoglin, “Morocco’s Family Code: Improving Equality for Women,” 974-975.

²³ Zoglin, “Morocco’s Family Code: Improving Equality for Women,” 975.

²⁴ Sadiqi, “Morocco,” 10.

²⁵ “2020 Country Reports on Human Rights Practices: Morocco.” U.S. Department of State. Bureau of Democracy, Human Rights, and Labor, March 30, 2021.

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/morocco/>.

²⁶ *Ibid.*

One other aspect of Moudawana implementation that Zoglin breaks down comprehensively, and is worth mentioning, is the fact that “its provisions are not always as specific as in Morocco's other codes, which are based on civil law traditions,” instead of religious.²⁷ Because of the need for political compromise, parliament left grey areas in some of the language, making it extremely vague in some sections. As a result of this, judges have much freer will in implementing the Moudawana, which often causes unequal and unfair treatment under the law. Zoglin comments that “this social reality constitutes a major obstacle to the application of the Code and reinforces the ideological nature of judicial rulings, which tend to rely upon religion rather than the law.”²⁸

Other Barriers to Accessing Legal Systems and Gaining Justice

Beyond the failure of the state to fully implement the Moudawana and other laws related to women, family, and violence, there are a multitude of barriers for women to access legal systems and gain favorable outcomes, specifically if they are impacted by domestic or sexual violence. Being impacted by violence makes an individual more at risk for experiencing other forms of violence, such as institutionalized violence, when actors of the state, such as police, judges, or lawyers, fail to protect their rights, such as bodily and mental safety, fair treatment under the law, and access to justice.

For example, sexist ideologies, victim-blaming, and the stigmatization of violence present in society often cause male judges, court officials, and police to disregard women that come forward to report instances of violence. Sadiqi states that “although women enjoy equal

²⁷ Zoglin, “Morocco’s Family Code: Improving Equality for Women,” 970.

²⁸ Zoglin, “Morocco’s Family Code: Improving Equality for Women,” 979.

testimony rights in most civil and criminal cases, the court gives their testimony half the weight of a man's when it comes to family matters."²⁹ She adds that "women often have difficulty providing evidence of domestic violence, as they usually lack witnesses and their word is not given much weight by the authorities."³⁰ Further, NGOs report that law enforcement often do not respond to domestic violence issues because they view domestic violence as a "private matter," but when they do, ask questions with "sarcasm" and imply that the women themselves are at fault for provoking the violence.³¹ Similarly, judges and prosecutors often victim-blame women by accusing them of provoking the violence, as well as "do not listen to them and are unfairly biased in favor of the perpetrators."³²

The penal code also stipulates a high standard of evidence to prove the result of an act of violence, such as a physical injury. Often, the individual "must obtain a medical certificate establishing the severity of the injuries and have eyewitness testimony."³³ This is often incredibly difficult or even impossible for some women impacted by domestic violence, as many aspects of abuse can be non-physical. As a result of this, police often do not respond to and courts rarely prosecuted perpetrators involved in low-level misdemeanors, only responding to what they consider a high-level misdemeanor.³⁴ This allows a large number of perpetrators to escape the law, as well as portrays a privileging of physical violence *that leaves visible marks* by the state that ignores all other tactics of domestic violence, including verbal, psychological, or sexual abuse, among others.

²⁹ Sadiqi, "Morocco," 5.

³⁰ Sadiqi, "Morocco," 11.

³¹ "Morocco 13th Session of the Working Group on the Universal Periodic Review." United Nations Human Rights Council. The Advocates for Human Rights and Global Rights, 2012.

³² *Ibid.*

³³ *Ibid.*

³⁴ "2020 Country Reports on Human Rights Practices: Morocco." U.S. Department of State. Bureau of Democracy, Human Rights, and Labor, March 30, 2021. <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/morocco/>.

In addition, the 2004 Moudawana mandates reconciliation processes for all couples undergoing divorce.³⁵ These reconciliation processes have the potential to be extremely problematic for those impacted by domestic violence, as the person impacted could be subjected to even more harm by the perpetrator or even pressured into staying in an abusive marriage. This practice is in no way trauma-informed, as it forces women to interact with perpetrators without their consent in order to obtain a divorce.

Other Research and Independent Study Projects

While there is a lot of information on the family and penal law codes in Morocco as they pertain to domestic and sexual violence, there is a lack of comprehensive narrative information about the impact of these processes, both from women impacted by violence and the lawyers and advocates that work directly with them. Most of the information being collected and disseminated about this issue stems from domestic and international NGOs, as they are tasked with supporting women impacted by violence in Morocco, while largely remaining unfunded by the Moroccan government.

Some independent research has been conducted, including a study by Katja Zvan Elliott entitled *“It’s Too Much!”: Victims of Gender-Based Violence Encounter the Moroccan State*. Her research details the experiences of women impacted by gender-based violence and social workers in the rural area of El Hajeb in Morocco. She states that “these stories expose a much less visible and less discussed reality of how poverty and non-literacy influence the dealings of street-level bureaucrats with their constituents, of poor infrastructure, and of withering

³⁵ “Morocco 13th Session of the Working Group on the Universal Periodic Review.” United Nations Human Rights Council. The Advocates for Human Rights and Global Rights, 2012.

bureaucracy, and also of how women themselves nonetheless manage their lack of human and social capital to access justice.”³⁶ In this way, Zvan Elliott explores the real-life implications of the implementation of Moroccan legal reforms and family law on women living in rural Morocco. The stories of her interlocutors “expose a much less discussed reality of weak laws that are disconnected from the lived realities, particularly of low-income populations, poor infrastructure, and decaying bureaucracy.”³⁷ These narratives highlight how recent legal reforms are seldom implemented, specifically in rural areas, and that women impacted by violence are marginalized by a state that’s infrastructure and bureaucratic systems are perpetuating violence and oppression.

Several Independent Study Projects by other SIT students have touched on topics relating to this one, including Abigale Belcrest’s research on Moroccan women’s experiences with the family court systems,³⁸ Nancy Hoggatt’s research on how NGOs and the Moroccan state attempt to combat domestic violence in Morocco,³⁹ Alexa Potter’s research that compiled narratives of women impacted by domestic violence,⁴⁰ and Adair Kleinpeter-Ross’s research that also compiled narratives of women impacted by domestic violence that sought help at an NGO in Kenitra.⁴¹ While these research projects do occasionally touch on various parts of the criminal legal system and their impact on women who have experienced violence, none of these studies report that their interlocutors had an overwhelmingly negative experience accessing justice systems. These results may be because these researchers did not predominantly focus on this topic, had a sample size of only 2-4 women, or because they conducted these studies mostly in

³⁶ Zvan Elliott, “‘It’s Too Much!’: Victims of Gender-Based Violence Encounter the Moroccan State,” 53.

³⁷ Zvan Elliott, “‘It’s Too Much!’: Victims of Gender-Based Violence Encounter the Moroccan State,” 56.

³⁸ Belcrest, Abigale. “Her Day in Court: Exploring Women’s Experiences Within the Moroccan Family Court System.” SIT Abroad, 2014.

³⁹ Hoggatt, Nancy. “The Efforts of NGOs, International Institutions, and The Moroccan State for Combating Domestic Violence in Morocco.” SIT Abroad, 2017.

⁴⁰ Potter, Alexa. “Domestic Violence in Morocco: A Collection of Narratives.” SIT Abroad, 2015.

⁴¹ Kleinpeter-Ross, Adair. “Domestic Violence in Morocco.” SIT Abroad, 2013.

Rabat and the surrounding area, which is urban. Regardless, their research breaks into the vital work of discussing issues of violence against women in Morocco and compiling the personal narratives needed to expose how the lives of women are impacted by family law.

Methodology

When I first designed this research project, I wanted to gain insight specifically from advocates and lawyers that are familiar with the criminal legal system here in Morocco and have helped a large number of women impacted by domestic violence. While previous research and ISPs have been conducted to collect the stories of those impacted by domestic violence, I felt that there was a gap in talking directly to lawyers and advocates who are in the best position to critique and change the criminal legal system that they are a part of. As a result of this goal, I decided that my research participants should be lawyers that advocate for women impacted by domestic violence at local NGOs through legal counsel and representation. During the ISP period I had limited ability to travel as a result of SIT's restricted independent travel policy due to COVID-19, so I decided to specifically focus on Rabat-based organizations that I could easily access by train or taxi. As a result of this, I planned to have my research locations be these Rabat-based organizations, as I thought this would be the most convenient location for the lawyers that I was hoping to interview. If I was connected to any lawyers based beyond the geographical area of Rabat, I planned to interview them over zoom, although conducting virtual interviews seemed less ideal for a myriad of reasons (tech issues, difficulty communicating, awkwardness, etc.).

One of the first steps of this research project, beyond doing a comprehensive literature review, was to write my IRB application and think about the ethicality of this project, including how I would protect the integrity and confidentiality of my research participants. In terms of ethical concerns, I of course wanted to respect the sensitivity of this topic and the confidentiality of those impacted by violence. I did not want to ask these lawyers for specifics about the women that they have represented, but instead wanted to ask about larger scale trends that they have noticed while doing legal advocacy work. Nonetheless, I decided to ask every lawyer participating in this research for signed consent and drafted a comprehensive consent form that I would have available in English, French, and Arabic (see attached English version in the appendix). They would either be able to fill this out in person, or electronically if we were meeting over zoom. The consent form includes an explanation of the purpose and procedures of the study, as well as covers risks and confidentiality. In terms of confidentiality, my consent form explains that the results of this project will be coded in such a way that the respondent's identity will not be attached to the final form of the study. I wanted to ensure that the confidentiality of participants was protected by removing all data that could link a person to their responses. If necessary, I could have also split a person's response into two fictional people in the study to further anonymize the data and ensure that their identity was protected. In this final paper, I was planning to list which organizations I worked with and the positions or work experience of the lawyers, but to change their names and all other identifiable information about them.

After I had planned my research project, including completing a literature review, writing and submitting my IRB, designing my methodology, and drafting my interview questions and consent form, I needed to do the outreach and communication necessary to build a network of lawyers to actually interview. I started by reaching out to contacts that I had created through SIT,

as well as organizations that my advisors recommended that I contact. I started by drafting email outreach in English and Arabic explaining my project and requesting interviews. I reached out to organizations such as Union de L'Action Feminine, La Ligue Democratique pour les Droits de la Femme, Tawaza, La Voix de la Femme Amazigh, Mobilizing for Rights Associates, and many others to request that they put me in contact with any lawyers that they may work with that provide legal counsel to women impacted by domestic violence. After sending numerous rounds of outreach to organizational emails, personal emails, and personal WhatsApp numbers, I was still having difficulty getting a response to my interview requests. At this point, I was just about to pivot my outreach strategy from written communication, which had not worked at all, to oral, and started planning calls to organizations to request interviews and in-person drop-in visits. During this time, I was also trying to reach out to students at Mohammed V University and ask for translation help for these in-person interviews. I was in the middle of negotiating reciprocal exchanges with translators, as well as trying to find individuals that had a schedule that lined up with mine and an interest in helping with a project of this nature. In the middle of this, we received word that Morocco was suspending all incoming and outgoing flights and had to very quickly leave Morocco and return home before all flights were suspended. As a result of this, I was unable to do outreach over the phone or in-person while in Morocco. Since I have been home, I have continued email communication, but that has still failed to yield any results. Because our research period was cut short by about two weeks due to this speedy departure from Morocco, I have been unable to schedule or conduct any interviews with lawyers at this point in time.

This research project evolved greatly over the course of the research period, largely because of the unforeseen circumstances of being sent home in the middle of the research period.

While I intended for this research to include at least 5-8 oral interviews with lawyers from the Rabat areas specializing in representing women impacted by domestic violence, I was unable to conduct any interviews, and was forced to limit this paper to a literature review and an overview of my methodology. This limitation obviously had a deep impact on the scope and depth of this research, as I am unable to analyze new qualitative information from lawyers about criminal legal systems in Morocco.

Conclusion

Based on the research and statistics presented in this paper, I expect that if conducted, this research would highlight that many women impacted by domestic violence struggle to gain legal protections and do not feel protected or supported by state systems. While I understand that not every woman impacted by domestic violence has a negative experience with justice systems, it is clear that overwhelmingly, being impacted by violence puts an individual at a much greater risk of experiencing institutionalized violence from the state. In general, more research to fully understand the impact that criminal legal systems have on women impacted by domestic violence in Morocco is necessary to gain a fuller picture of these systems and what changes can be made to improve them. As Žvan Elliott eloquently states, “Women’s identity in Morocco, as elsewhere, is neither universal nor static; rather, it is contextual.”⁴² By creating a fuller picture of how women are impacted by justice systems, we are contextualizing their lived experiences and raising awareness of the issues that they face. My hope is that this paper can act as a foundation for future research on this topic to be conducted, as understanding how these policies actually

⁴² Žvan Elliott, “‘It’s Too Much!’: Victims of Gender-Based Violence Encounter the Moroccan State,” 52.

impact women is the first step in catalyzing the changes necessary to better support women impacted by domestic violence.

Limitations of the Study

The largest limitation to this study was the fact that SIT students were sent home early this semester, due to Morocco cancelling all incoming and outgoing flights because of concerns over the new omicron variant of COVID-19. As I was forced to leave Morocco two weeks early, right when I was attempting to schedule in-person interviews with lawyers and advocates, I have no research of my own to present, and had to limit this paper to cover only the research of other scholars and previous SIT students, as well as my proposed methodology. This abrupt departure from Morocco had huge implications on my research process, as I was right in the middle of reaching out to organizations, negotiating with translators, and attempting to schedule interviews. I was forced to move home and completely shift gears, as I was unable to complete in-person interviews from home. While this was obviously a huge drawback, I am hoping that this paper will act as a foundation for this research to be conducted in the future. As I have now done the background research, designed the methodology, written interview questions and a consent form, gone through the IRB process, and have built the network of contacts needed to pursue this research project, it is potentially something that could be completed in the future.

In addition, the time constraints placed on this research project were a limitation that would have greatly impacted the scope and depth of the project, if completed. Four weeks under the best of circumstances is an extremely short amount of time to design and conduct research of this nature. Even if we had not been sent home from Morocco two weeks early, I still expect to have struggled with the time constraints of four weeks. Reaching out to organizations over email

and whatsapp proved extremely difficult, as no one answered my request for an interview. In hindsight, it would have been more useful to call or even just show up at organizations, which I was poised to do just as I was sent home. In addition, negotiating the schedules of student translators also proved to be time-consuming and difficult, and I expect that this would have also hindered my ability to conduct many interviews over a four-week period.

In the same vein, one of the other limitations to this research was my lack of Arabic and French skills. While I have a working knowledge of both languages, my skill level and vocabulary in no way allowed me to communicate about such complicated topics, such as family law, court proceedings, and domestic violence. As a result of my limited language abilities, I had to spend a large portion of time translating emails, documents, and other pieces of key communication. I also spent a lot of time reaching out to multiple translators in an attempt to find someone that had a schedule that lined up with mine and that had an interest in assisting with a project of this nature. In addition, I had to rely on others when it came to calling and communicating with organizations in Rabat, as they mostly use only Arabic and French. The culmination of all of these barriers ended up taking a lot of my time and delayed the scheduling of interviews, which in turn was one of the causes of the limited scope of this research project.

Finally, and most importantly, I would like to address my own positionality and identities that inherently affect how I view these issues. My positionality as a young, white, American woman obviously affects how I perceive and think about women's issue and violence against women because of my background and unique lived experience. I am obviously an outsider, and a Western one, and I in no way want to dominate the narrative of how Moroccan women experience and live these issues every day. I think it is important to acknowledge that my perception of these issues is inherently different, and I will always be an outsider looking in

when discussing how these issues affect Moroccan women. That being said though, I found solidarity in talking with Moroccan women about these issues and knowing that they too struggle in certain ways because we are women living in a world dominated by a patriarchal structure. In addition, I expect that my identity as a woman would have granted me access to female-only spaces to talk about extremely sensitive issues, such as sexual and domestic violence, in a way that male students would not have been able to access.

In addition, I understand the inherent power dynamic that is at play because I am a white, Western individual researching women's issues in Morocco. I want to be very careful about how I present the narrative of my experiences researching gender issues in Morocco. I do not want to play into this trend of Western individuals generalizing Islamic countries as being "oppressive" towards women, as I know that this narrative is largely informed by colonialism and racism. I know that the ideology that women are "oppressed" and "need saving" in Islamic countries has often been a justification for colonialist and neocolonialist policies. For example, Lila Abu-Lughod discusses this issue in her seminal paper *Do Muslim Women Really Need Saving* through her discussion of the War on Terrorism and American intervention in Afghanistan.⁴³ When I would tell people I was going to study in Morocco, the first thing they would often say to me is "women are treated like second-class citizens there." Obviously, this type of generalization is not only extremely harmful, but in my opinion, is rooted in colonialism, racism, and Islamophobia. While I think it is unfair to make these generalizations and want to be extremely careful about how I portray and talk about gender issues in Morocco, we cannot ignore the fact that sexist and misogynistic policies and attitudes exist in Morocco, as they do in every country

⁴³ Abu-Lughod, Lila. "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others." *American Anthropologist* 104, no. 3 (2002): 783–90. <http://www.jstor.org/stable/3567256>.

in the world. We must research and advocate for gender equality in all forms, including within our court systems, as it is one of the most critical human rights issues in our world today.

Recommendations for Further Study

First and foremost, the research methods outlined in this paper should be completed in order to analyze the responses of lawyers with regard to their experiences advocating for women impacted by violence in the Moroccan court systems. Ideally, they would be able to give unique insight into not only how family law is interpreted in comparison to how it is codified, but also make suggestions for initiatives to improve how women are impacted by criminal legal systems in Morocco, whether that be through policy change, educational endeavors, better access to resources, more funding, etc.

In addition, I think it would be worthwhile to expand on this research and do a comparative analysis of what lawyers in urban areas have to say about the experiences of women impacted by domestic violence navigating court systems in comparison to rural areas. This research was planned to encompass only organizations that aided women impacted by domestic violence in the Rabat area, and therefore would only analyze the responses of lawyers that serve urban populations, but it would likely be worthwhile to see if there is a difference in how lawyers perceive court systems to function in rural areas.

Another area in which this research could be expanded would be exploring how the intersection of gender and race or ethnicity affects how women impacted by violence navigate criminal legal systems in Morocco. I am specifically thinking about how Amazigh or Black migrant women are treated during court proceedings. The intersection of their gender with being

Black or Amazigh means that they have an experience unique from other Moroccan women, and likely puts them at a higher risk of experiencing institutionalized violence because of this intersection of their identities.

Finally, I think that it would be pertinent to explore how the COVID-19 pandemic has affected domestic violence cases in Morocco, specifically in relation to how court systems are functioning. When Morocco imposed a strict lockdown in 2020, rates of domestic violence skyrocketed, as reported by organizations such as the Tahadi Association for Equality and Citizenship in Casablanca, which reported women calling domestic violence hotlines at “two to three times the usual rate.”⁴⁴ Despite this, Morocco’s chief prosecutor Mohammed Abdennabaoui suggested that domestic violence cases had actually lowered, pointing to the fact that “courts in Morocco received 40% fewer domestic violence complaints than normal during the first month of lockdown.”⁴⁵ Activists, such as Stephanie Bordat of Mobilizing for Rights Associates, states that this is misleading, as a decline in reporting does not mean a decrease in violence, but rather that women “don’t have access to justice.”⁴⁶ Further research could be done into the effects of COVID-19 pandemic on how women impacted by domestic violence navigate the court system, including their access to it and their experiences attempting to proceed with a case.

⁴⁴ Mitchell, Anna. “In Morocco, Domestic Abuse Remains Behind Closed Doors.” U.S. News & World Report, June 18, 2020.
<https://www.usnews.com/news/best-countries/articles/2020-06-18/coronavirus-pandemic-fuels-surge-in-domestic-abuse-in-morocco>.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

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Appendix

Potential Interview Questions:

- How long have you been a lawyer? Can you tell me a little bit about yourself and your experience as a lawyer?
- What are the women that you represent asking for (divorce, child custody, alimony, etc.)?
- What has been your overall experience representing these women? Do a majority of them feel that they can gain a favorable outcome from the Moroccan court system?
- Why do you think it is important to represent women impacted by domestic violence? Why do you do *this* work in particular?
- In your opinion, are there reforms to family law that are essential to improving the condition of women impacted by violence in Morocco?
- In your opinion, what needs to be done to better support women impacted by domestic violence in criminal legal systems here in Morocco (policy change, education, cultural change)?
- Is there a difference between codified/written law and how it is carried out/enacted in the Moroccan court system? Can you give examples?
- What do you think are the biggest barriers to women impacted by domestic violence in terms of accessing legal services?
- Do you think policy change or cultural change is more important to better help those impacted by domestic violence in navigating criminal legal systems?

School for International Training Consent Form
Multiculturalism and Human Rights - Rabat

Project Title: Through the Eyes of Lawyers and Advocates: Navigating the Court System for Women Impacted by Violence in Morocco

Researcher: Emily Atieh

Purpose: You are being asked to participate in a research study conducted by *Emily Atieh* from Brandeis University. The purpose of this study is to understand how women impacted by domestic violence move through legal systems within Morocco. This study will contribute to my completion of my Independent Study Project.

Research Procedures

Should you decide to participate in this research study, you will be asked to sign this consent form once all your questions have been answered to your satisfaction. This study consists of an *interview* that will be administered to individual participants. You will be asked to provide answers to a series of questions related to your experience as a lawyer representing women impacted by domestic violence. *With your permission you will be audio taped.*

Time Required

Participation in this study will require 2-3 hours of your time.

Risks

I do not perceive any risks or more than minimal risks from your involvement in this study

Benefits

There are no direct benefits to participating in this study, but there are benefits to research on this topic as a whole. Women's rights are human rights, and this information can be used to promote advocacy for women impacted by violence, as well as to understand what changes can be made to criminal legal systems in the future to better protect those impacted by domestic violence.

Confidentiality

The results of this research will be documented as an ISP paper that will be published online and will also be presented orally to the SIT MOR students and staff. The results of this project will be coded in such a way that the respondent's identity will not be attached to the final form of this

study. The researcher retains the right to use and publish non-identifiable data. While individual responses are confidential, aggregate data will be presented representing averages or generalizations about the responses as a whole. All data will be stored in a secure location accessible only to the researcher. Upon completion of the study, all information that matches up individual respondents with their answers will be kept in a secure location by the researcher.

Participation & Withdrawal

Your participation is entirely voluntary. You are free to choose not to participate. Should you choose to participate, you can withdraw at any time without consequences of any kind. You may also refuse to answer any individual question without consequences.

Questions about the Study

If you have questions or concerns during the time of your participation in this study, or after its completion or you would like to receive a copy of the final aggregate results of this study, please contact me, Emily Atieh, by sending me an email at emilyatieh@brandeis.edu.

Giving of Consent

I have read this consent form and I understand what is being requested of me as a participant in this study. I freely consent to participate. I have been given satisfactory answers to my questions. The investigator provided me with a copy of this form. I certify that I am at least 18 years of age.

I give consent to be (*video/audio*) taped during my interview. _____ (initials)

Name of Participant

Name of Participant (Signed)

Date

Name of Researcher (Signed)

Date