Law No. 103-13 on combating violence against women

Reference: Law No. 103-13 (Dahir No. 1-18-19 of 22 February 2018)

Practice areas: Criminal law, Divorce and family law

> This is an unofficial explanatory note; only the Arabic text published in the Bulletin officiel is authoritative. Law No. 103-13, in force since September 2018, strengthens the protection of women against physical, sexual, psychological and economic violence. It creates new offences, increases certain penalties and allows the court to order protection measures for the victim.

Who this law applies to

The law protects women who are victims of violence, whether the perpetrator is a husband, former husband, fiancé, family member, employer or stranger. Some provisions, such as those on sexual harassment in public spaces, apply more broadly. It also concerns professionals who support victims.

Key rules

- The law defines violence against women and distinguishes several forms: physical, sexual, psychological and economic.
- It criminalises, among other things, forced marriage, sexual harassment (including in public spaces and by messages) and certain conduct intended to deprive a wife of her financial rights.
- Penalties are increased where the perpetrator is the husband, former husband, fiancé, a relative in the ascending line or a person with authority over the victim.
- The court may order protection measures: a ban on contacting or approaching the victim, removal of the perpetrator, informing the victim, referral to support services.
- Support units for women and children who are victims of violence operate within the courts and several public services.

Key deadlines and figures

- The law came into force in September 2018.
- Protection measures may be ordered during the proceedings and in the judgment.
- Breaching a protection measure is itself a punishable offence.

- A medical certificate obtained promptly after the events makes it easier to prove physical violence.

What this means in practice

A victim can file a complaint with the police, the gendarmerie or the public prosecutor, and be referred to the court's support unit. She can ask for the perpetrator to be prohibited from approaching or contacting her, independently of any ongoing family proceedings.

Violence can also be relied on in divorce proceedings, in particular to support a petition for divorce on grounds of harm or for discord (chiqaq), and when deciding arrangements for the children.

Reforms and recent developments

Enacted in 2018, Law No. 103-13 amended the Criminal Code and the Code of Criminal Procedure. Its application is the subject of institutional reports and debate on improving support for victims, in connection with the announced reform of the Family Code.

When to consult a lawyer

A victim may seek advice to understand her rights, prepare a complaint, request protection measures, join the proceedings as a civil party and obtain compensation, or coordinate criminal and family proceedings. In case of immediate danger, contact the police or gendarmerie first.

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