Reflexions on the Role of New Media in the Prevention of Violence against Women

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Abstract

After a brief overview of Morocco’s international obligations, I look at the political, legal, economic, and social status of women in Morocco before examining violence against them in the private space and violence perpetrated by the State from both a de jure and de facto perspective. I argue that the new media can improve women’s lives and gender relations, promote social change at the individual, institutional, country, and broader social levels. The internet is an effective tool to attract young people to think about social change. Today, according to research, more girls use the internet than their mothers, and they use it differently from boys: they do not zap from one website to another, they spend more time on one website, and they return emails more than boys. Today, preventing violence against women and increasing women’s access to justice is a primary concern of the Moroccan civil society. Using modern technologies to debate violence against women and to exchange experiences is necessary to sensitive men and women to the dangerous consequences of violence and to adopt efficient strategies and methods to prevent it.

Keywords: Gender, women, violence, rights, state, civil society, new media, Internet
0. Introduction: Legal Provisions

Violence against women is widespread in society, and it is often perpetrated by the husband, brother, father, or another male relative. This is referred to as domestic violence. Violence is a weapon used by men for subordinating women. As long as the present system of domination remains, and legal and social inequality continues, both men and the State will feel legitimated to pursue violence against women.

In this article, I highlight gender-based violence in Morocco and the legal provisions, both penal and civil, of the Moroccan State, which discriminate against women or which, without being discriminatory as such, become so through their application. Unequal power relations between men and women have led to the domination of and discrimination against women, which in turn leads to violence against women.

In 2008, Morocco withdrew all its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in a speech made by King Mohammed VI, with the aim to enhance the legal position of women on the basis of the principle of equality opportunity and the application of international instruments and declarations ratified by Morocco. This decision may be regarded as an important indication that Morocco is committed to gender equality and to combating violence against women.

Morocco has also ratified other international accords relating to human rights which protect women from violence, \textit{inter alia}: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child and its two Optional Protocols; the Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Constitution of Morocco, which was amended in 2011, recognizes the primacy of international law to which Morocco adheres over domestic legislation.

Considerable endeavours have been made by the State to improve the situation of women in Morocco in recent years. Significant measures to
reduce gender inequity within the legal system produced reforms in the country's criminal code, labour code, and family law in 2004. The latter, also known as the *Mudawana*, is based on the Malikite School of Islamic law and on internationally recognised human rights; it governs the status of women under civil law. The new family law now fosters the principle of gender equality and substantiates joint responsibility of both spouses for the family (Ennaji & Sadiqi 2012). Women's political representation has also improved. The government includes 8 women Ministers and “Secrétaires d’Etat”. The adoption of a gender approach in all ministries is a testimony to the commitment of the government to combat discrimination against women, and to improve their representation in politics. As a result of the quota system, 60 women MPs have been elected from the national lists, while another 20 secured their seats after competing in local and youth lists, and 3428 women were elected in the municipalities (Ennaji, 2016).

Under the new labor code, women can start their own business and sign trade agreements without the consent of their husbands. The code stipulates that there shall be no discrimination against women in employment and wages, and considers sexual harassment a serious crime for the first time. Significant demographic changes have also led to the improvement of women's health, such as a decrease in fertility rates and a rise in the age of women contracting their first marriage (average 26 years).

The *Dahir* (royal decree) of 1958 concerning nationality and the Penal Code of Morocco have been recently revised. The new penal code allows a wife to directly sue her husband without the authorization of the court, unlike in the previous provisions. According to the new Nationality Code passed in 2007, a Moroccan mother can pass on Moroccan nationality to her children with a non-Moroccan father automatically, unlike in the 1958 law which required residence in Morocco and a formal application for granting Moroccan nationality to the child. This new code puts an end to the suffering of thousands of Moroccan women married to non-Moroccans.

The recent legislative reforms will, in the long run, have a very positive effect on gender relations. Nevertheless, these changes will only

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1 See this link for more information: https://punchng.com/80-women-elected-moroccos-parliament/
become truly significant if they lead to a change in the mentalities of all Moroccans, and if they benefit the daily lives of Moroccan women of all ages. This remains a major challenge, for Morocco is a Muslim society where modernity and tradition compete – not to mention a country in transition toward democratization, integration into the global economy, and urbanization.²

Despite these positive changes, women still face violence in private and public spheres alike, as well as societal discrimination in many walks of life. Gender discrimination persists, and inequalities between Morocco’s urban and rural populations in terms of access to education, employment, and health care are flagrant. Additionally, the national legislation of Morocco continues to contain numerous provisions concerning equality between men and women, which are contradictory to CEDAW, as well as other sources of international law to which Morocco has obligations.

The preamble to the new Constitution of Morocco makes a reference to human rights as universally recognized; the Constitution explicitly mentions equality between women and men. Article 19 of the Constitution guarantees that women and men enjoy equal political rights. A woman can vote and be elected. In all other areas, equality between men and women can be deduced by reading the laws in conjunction with Article 6 of the Constitution which provides that all Moroccans are equal before the law. Thus, legal discrimination against women continues to persist in many provisions of the new Family Code, which deals with topics generally regarded as belonging to the private sphere such as marriage, divorce, alimony, child custody and inheritance; this legal discrimination acts as a powerful mechanism of control over women’s political, social, civic, and cultural activities (see Ennaji, 2010; Sadiqi, 2009).

Despite some important reforms, several laws still discriminate against women, especially regarding polygamy, which has been heavily restricted, but not banned. To be polygamous, the husband must get the approval of the judge, as well as that of his first and future wives. The first wife can go to the judge to ask for a divorce if she feels wronged by her husband’s remarriage. Although the practice of polygamy is

declining – there were 700 polygamous families in 2008 in the whole country (Ennaji forthcoming) – polygamy continues to be a threat to women, as it undermines a woman’s dignity, perpetuates notions of male dominance, and above all, creates domestic environments where women become vulnerable to abuse because they are in the difficult position of agreeing to their husbands’ marriage or asking for divorce. Likewise, inheritance still obeys shari’a law, which means that women inherit only half of what men can inherit (see Ennaji, 2018).

1. Violence against Women

The new Penal Code has responded to most of the demands of the Moroccan women’s NGOs. Article 418 stipulates that murder, injury, and beating are no longer excusable even in cases of adultery. Rape and sexual harassment are also considered serious offences. Article 475 of the Criminal Code stated that “... When a nubile minor is kidnapped or seduced and marries her kidnapper, he can only be sued by persons qualified to demand that the marriage be annulled, and can only be condemned after the marriage has been annulled. If the marriage is not annulled, the kidnapper cannot be sued for kidnapping”. It has been reported that a rapist who marries his victim will not be prosecuted for the crime. Following the suicide of Amina al-Filali, 16, who was forced to marry a man who had raped her, this article was abrogated in 2014 and a rapist is now simply sent to jail.

Since the promulgation of the new family law, violence against women has been largely in the news and on top of the Moroccan social and political agendas, mainly due to the work of women’s NGOs (Sadiqi, 2009). Headed by a woman, the Ministry of Social Development, Family, and Solidarity, has adopted a new strategy to combat violence against women, guaranteeing gender equality.3 In 2007, a unit for women victims of violence was created in a few hospitals and police stations across the country.4

3 The Minister, Nouzha Skalli, who was speaking at a G8 conference on violence against women on 10 Sept 2009, stressed "the empowerment and emancipation of women" as a way of combating gender-based discrimination and all forms of violence against women (Maghreb Arab Press).

Nevertheless, domestic and sexual violence continue to be considered a private matter. It thereby does not represent a human rights violation or a crime that needs serious investigation and analysis. Violence against women continues to be surrounded by silence. As a consequence, violence against women is underestimated (Ennaji, 2011).

Domestic violence is a form of behaviour which is in accord with patriarchal systems. Family and domestic violence includes higher female mortality, wife battering, rape, and early marriage. These practices are commonly integrated into values and beliefs. Some women accept domestic violence in violation of their basic human rights due to ignorance, social prejudices, incorrect interpretations of religious texts, and low self-esteem (Sadiqi & Ennaji, 2006).

According to a survey carried out in 2000 by the “Association Démocratique des Femmes du Maroc”, (ADFM), domestic violence against women is still considered a private social phenomenon. Many respondents (45.3%) believe that it is justifiable for a husband to beat up his wife in case she commits adultery or disobeys her husband. Thus, violence against women is widespread in the country. A 2009 government survey asked women between the ages of 18 to 65 whether they had experienced various forms of violence, including physical and psychological. Approximately 63% answered yes.5

The lack of cooperation of law enforcement officials, poverty, illiteracy, and the absence of facilities to protect and shelter these women lead the latter to avoid reporting violence. All these factors foster domestic violence which seldom gets reported due to fear or shame.6 According to the Ministry of Social Development, Family and Solidarity, there were over 28 000 cases of violence against women between 2012 and 2016. One main problem with the prosecution of domestic violence under the general assault provisions of the Penal Code is the issue of proving evidence. Besides a medical certificate, the testimony of a


witness to the assault is required to prove and punish physical assault. This condition also prevents women from reporting cases of domestic violence, as domestic violence often does not involve the presence of eyewitnesses.

Law enforcement officials continue to have the old mindset that regards domestic violence against women as a private issue. In most cases, women are blamed for these violations. Under these circumstances, most women report domestic violence to NGOs while most of the physical violence committed by strangers is reported to the police and hospitals.7

On the other hand, according to article 496 of the Penal Code, anyone who hides a married woman from her husband is subject to imprisonment from 2 to 5 years. In this context, whoever assists a woman who has suffered domestic violence and left her home without her husband’s permission may fall under this law. This law obviously prevents NGOs from opening shelters for battered women who have fled their conjugal domiciles without the consent of their spouses. In August 2013, the Moroccan parliament repealed articles 494-496 through pressures from feminist organizations.

In conformity with the new legal reforms, the police force is pressured to fulfil its duty in an adequate way, and other government units have been trained to curb violence. Even the courts have begun to take the problem more seriously. The State has taken on the responsibility of public prosecutor and will register complaints against the perpetrator in cases of violence.

Section 4 of the 2003 labour law specifies the recruitment and employment conditions regarding domestic workers. Despite these changes, the status of domestics is still not well defined, because the labour code applies only to salaried men and women.

According to ADFM, one of four wage earning women in urban areas is employed as a maid who often is under the age of twelve. These young girls work under appalling conditions, are deprived of their basic rights and are over-exploited, as they work between 10 and 14 hours a day (cf. Ennaji, 2013; Schneider, 1999). The government has recently

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7 Survey by ADMF/UNIFEM, Potentiel de changement de la position des femmes dans le cadre des relations familiales, 1999.
taken measures to reduce the exploitation of maids, and a new law has been enacted to guarantee their social security. It took effect on October 2, 2018.\textsuperscript{8}

According to the 2001 survey conducted by the Moroccan League for the Protection of Children and UNICEF, 45\% of domestic workers under the age of 18 were between the ages of 10 and 12, and 26\% were under the age of 10. In 2002, the legal age for work was raised from 12 to 15. Underprivileged parents oblige their daughters to work as maids so that they can benefit from their earned wages. These young girls are sent by their families from rural areas to work as maids in urban homes.\textsuperscript{9} Over 80\% of the child maids are illiterate and over 75\% are from rural areas.\textsuperscript{10}

These domestic workers are particularly vulnerable to exploitation. They are usually lonely, with hardly any opportunity to see their relatives or meet new people and consequently no one to turn to for assistance. These young girls are often beaten up by their employers. Many cases reached courts and media. In 2009, a judge and his wife battered their maid, Zineb, aged 12. The wife was sentenced to three years in jail, and her husband suspended from his job (see the Moroccan Arabic daily \textit{Al Massae} of 30 Oct. 2009).

A recent government survey carried within the city of Casablanca has showcased that eight out of ten cases of violence against maids who come to the centres are perpetrated by their employers.\textsuperscript{11} Although there are no estimates as to how many children are employed in domestic service due to the hidden nature of the work, United Nations agencies and most NGOs underline the prevalent abuse of young girls working as household maids, which is one of the major issues confronting Moroccan children.\textsuperscript{12}

\textsuperscript{8} See this source: https://www.hrw.org/news/2016/08/01/morocco-new-law-advances-domestic-workers-rights
\textsuperscript{11} “Statistical survey of girl domestics under 18 years of age in the administrative district of Casablanca” (Ministry of Economic Forecasting and the Plan, Regional Delegation of Greater Casablanca, with the support of UNICEF and UNFPA).
\textsuperscript{12} Ibid
Since 2002, the “Secrétariat d'Etat Chargé de la Protection Sociale, de la Famille et de l'Enfance” worked with government departments and Moroccan women's NGOs to fight against violence in general, and violence against domestic workers in particular. While reforms to criminal legislation have allowed some protections for women against violence, violent practices against women in the public and private spheres continue to occur, including sexual harassment, and violence against domestic workers.

An anti-sexual harassment law was enacted on September 12, 2018 after five years of efforts to get it passed. The law offers a variety of protections for women who report harassment or violence in Morocco, bans forced marriage, and imposes fines and even short prison sentences against anyone convicted of sexual harassment in the public sphere. It is the first time that Moroccan women will have legal mechanisms to seek justice from such misconduct. Bassima Hakkaoui, the country’s current minister for women’s issues, told the official Maghreb Arabe Presse (MAP) news agency that it is “one of the most important texts strengthening the national legal arsenal in the area of equality of the sexes.”

Moroccan women's NGOs worry that the problem will be implementation and how to eradicate the root causes of violence against women. They endeavour to break the silence surrounding violence and other mistreatments undergone by women using radio and television campaigns. Several Moroccan and international NGOs advocate for the prevention of violence against women and for the protection of women victims. Centres like Solidarité Féminine, Initiatives, Bayti, Annajda, Chourouk, Annakhil, and many others provide support services, shelter, legal aid, and information (Ennaji, 2010).

2. Using New Media to Combat Violence against Women

The new media can improve women’s lives and gender relations, promote social change at the individual, institutional, country, and broader social levels. The internet is an effective tool to attract young people to think about social change. Today, according to research, more

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girls use the internet than their mothers, and they use it differently from boys: they do not zap from one website to another, they spend more time on one website, and they return emails more than boys (Fairlie, 2015).

Mass media, particularly television and radio, play an essential role in fighting violence against women. Television has influenced millions of people and raised their awareness about women’s rights. Television interviews have been held with numerous activists and with many women who have suffered from violence. Mass media have been effective in mobilizing women to fight for their rights. They have been instrumental in breaking the silence about violence and in sensitizing the public to the dangers of violence against women. For instance, the ADFM’s recent national campaign against gender-based violence has been heavily televised. The programmes called Moukhtafoun and Ikhit lebyad, broadcasted on the TV channel 2M, are well known television talk shows aimed, among other things, to sensitize the public about the hazards of violence against women and children.

Information and communication technologies (ICTs) are typically convenient, fast and simple to use; they reduce the time and distance between people, and bring about change in social relations. They are constantly used by NGOs to disseminate information and to offer other forms of support to survivors of violence against women as well as to people and organizations working to combat it.

Mobile phones are a key instrument in awareness-raising and prevention of violence, as most men and women own them. They are providing organisations and advocates with new ways to reach their communities. Many women NGOs use text messaging, Facebook, YouTube, and WhatsApp and other new media to create awareness about violence against women in Morocco. They undertake advocacy activities geared towards addressing gender concerns within the ICT policies and programmes. The main objective is to develop strategies to find integrated solutions to end violence against women and girls, paying particular attention to ICT policies and interventions.

ICTs can improve women’s lives and gender relations, promote social change at the individual, institutional, country, and broader social levels (Goodman & Epstein, 2007).
In 2008, The UN Development Fund for Women launched an Internet campaign in an effort to end violence against women and to urge decision-makers to place ending violence against women high on the global agenda.

ICT is a weapon in the fight against gender-based violence. ICTs such as the Internet, multimedia, and wireless technologies are transforming economic and social interactions, as well as cultures (see Kathambi Kinoti, 2008).14

Digital technologies have an impact on the portrayal of gender roles and relations. The Internet has allowed for a diversity of input from across the social spectrum. Nevertheless, women's presence on the Internet is less visible than men's. ICTs can and do facilitate both the perpetuation of gender stereotypes and the positive transformation of gender roles.

Women are asked to take control of ICTs and consciously use them to change power relations between men and women, and to combat violence against women. ICTs can help raise awareness about the way new media are connected to violence and provide simple strategies on how incidences of violence against women can be minimized online. They can also generate a discourse around the connections between new media and gender-based violence in online and offline spaces, as well as build a community that will continue to strategize around eliminating violence against women through and in ICT spaces.

As in other arenas, women need to assert their participation and their right to be present in dignity on the ICT space. Morocco’s Internet users increased by 17.9% in 2016 to reach 17 million people, accounting for a penetration rate of 50.4%, according to the country’s national telecom regulator ANRT (Agence National de Réglementation des Télécommunications). The number of people surfing the Internet via smartphones reached 15.8 million compared to 1.23 million people favoring ADSL Internet, the Rabat-based agency pointed out in a report. Since its launch in June 2015 and until December 31, 2016, the

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4-G mobile reached close to 2.8 million customers. In 2017, the number of Internet users increased by 33%.¹⁵

In Morocco, women’s NGOs make only a partial use of computers and the Internet. Some do not master technologies, because they are insufficiently trained or aware of the benefits of new ICTs. Technology is still male-dominated, expensive, and inaccessible to most Moroccans; yet ICT knowledge and skills are required. However, women express a strong desire to learn and use new media. Hence, training them on ICTs is crucial to gain practical skills, to improve communication capacities, to share experiences and information, and to network with other women locally, regionally, and internationally. According to Pourmehdi (2015), 75% of schooled girls and women use the Internet mainly for sending and receiving emails, and 88% for research and finding information.

Women's rights advocates are already occupying spaces for the articulation of women's issues and the advancement of their rights. There are numerous women’s websites and blogs expanding the information, education, and awareness-raising space via the Internet. Hundreds of women have told their stories of domestic and public violence. In other words, the use of ICTs and new media is crucial for the potential transformation of power relations, towards a vision and reality of gender equality.

Nevertheless, there exist many obstacles to the use of ICTs in Morocco. It is not just the exorbitant price of computers, Internet, telephone lines and technical services that are a barrier to adopting ICTs; frequently such services do not even exist. Women’s lack of skills and knowledge in ICTs is also an obstacle.

Language plays a significant role in the barriers to using new media. For example, there are few ICT training materials available in Arabic and none in Berber, and women’s NGOs had never heard of many different types of software that could facilitate their work. Those who have access to new media are in real need of any resources concerning gender and ICT in Arabic. They also want to learn about all aspects of ICTs: how to facilitate online discussions; how to promote their

websites; and how new media - websites, blogs, games, smart phones - have been used to address the violence issue among youth.

At any rate, ICTs and new media provide practical information about combating violence against women. It is no longer easy for a case to slip through the cracks and be ignored. With this kind of access of information, each case of abuse is made into an individual case that can easily be given attention and shared through social media.

3. The Situation on the Ground

As mentioned above, women are the most frequent victims of violence in Morocco, including widespread domestic violence. However, women rarely approach the Moroccan police for assistance, especially in the rural areas, because the police are often perceived as an institution that violates human rights and is biased against women, rather than an institution that upholds the law and protects human rights.

In light of the new reforms enacted since the implementation of the new family code, the Moroccan family courts and women’s NGOs are engaged in activities to try and encourage women to report more to police, but such measures may involve significant time to permeate to local levels. Whilst the Moroccan government has shown some zeal in appointing hundreds of new female police officers, it will take time to train them and integrate them (see Ennaji, 2011).

Today, preventing violence against women and increasing women’s access to justice is a primary concern of the state and civil society. Progress has been achieved in education and employment given the increasing presence of women in education and the work place. Nevertheless, more efforts are badly needed to eradicate illiteracy among women in particular in the rural areas. Concerning employment, although women appear to be economically active compared to other countries in the region, women frequently occupy low-level jobs (Sadiqi & Ennaji, 2010). Additionally, women are still under-represented in government, which means that new measures must be taken to make up for this deficit in order to promote women in decision making positions, since politics is an area of utmost importance for women’s empowerment.

The road to ending violence against women is long and arduous. The key to lasting crime prevention is education and programmes set up to
offer women a way out. To combat the problem, many government and non-government organisations have added domestic violence to their agendas.

Thus, important initiatives have been taken over the past four years. While this progress can only be commended, there are, however, many gaps that continue to persist. Greater attention must be paid to the barriers that currently prevent women and girls in Morocco from lodging complaints in relation to domestic violence. These factors include: traditional social beliefs concerning the inferiority of women; the social unacceptability of denouncing the husband; the (lack of) specific legislation on violence against women; the lack of sensitivity on the part of law enforcement officials; poverty; inadequate structures to shelter and help women; the difficulty for women to obtain a judicial divorce on the grounds of harm, and the obstacles to proving and punishing physical assault in the domestic sphere, which perpetuates the message that domestic violence is to a certain degree acceptable.

The State has yet to develop a comprehensive policy and legislative response to the problem of domestic violence. This legislation should be drafted in such a way that it covers both physical and psychological violence and that it provides for protective mechanisms including restraining orders. There is also the necessity of training law enforcement officials and members of the judiciary in relation to the investigation, prosecution and punishment of cases of family-based violence.

The State must make provision for sufficient financial resources for policies, actions and measures to adequately address violence against women in view of its eradication. Although Morocco has officially validated CEDAW, it should take further steps in protecting women’s human rights by ensuring the implementation of the family and penal codes. The persistence and tolerance of all forms of male violence against women is a fundamental obstacle to the achievement of full equality between women and men in all areas of life. With this in mind, the equal participation of women in decision-making remains a fundamental prerequisite for positive change and the abolition of violence.

At the level of education and training, it is essential to develop equality curricula at levels of formal education in which respect for human
rights and zero-tolerance violence against women are an integral part of these programmes directed towards young people. The need to increase public awareness is paramount both at the local and the national levels.

It is equally crucial to enhance the empowerment of women and foster their attaining decision-making positions. Promoting economic opportunities for women through bank facilities and skills training will give them the tools and economic independence they need to avoid or escape violence.

4. Conclusion

In light of the new reforms enacted since the implementation of the new family code, the Moroccan authorities are engaged in activities sensitizing women to report more to the police, but such measures may involve significant time to permeate to local levels. Whilst Moroccan Ministry of Interior has shown a reforming zeal in announcing its intention to appoint thousands of new female officers, it will take time to train them and integrate them.

Today, preventing violence against women and increasing women’s access to justice is a primary concern of the Moroccan civil society. The Ministry of Social Development, Family, and Solidarity supports gender responsive measures to prevent violence against women. Other ministries have introduced gender mainstreaming and gender-oriented budgets, whereby the gender approach is to be applied to any project or sector including the financial domain. The nationality codes have contributed to the promotion of women’s rights and to their protection from discrimination and violence.

However, women are still far from fully enjoying human rights on an equal footing with men, as they continue to suffer from discriminatory laws and practices, due to many factors, including the predominance of patriarchy and the persistence of a conservative mindset. Using all sorts of modern technology (radio, television, internet, smart phones, SMS messages, forums, etc.) and new media to debate violence against women and to exchange experiences is necessary to sensitive men and women to the dangerous consequences of violence and to the strategies and methods to prevent it. Thus, it is worthwhile supporting community-based training and information campaigns to change harmful norms and behaviours that perpetuate violence against women.
and reinforce its social acceptability. NGOs, particularly those with experience addressing violence against women, are to be represented on national councils and government bodies to highlight the link between violence against women and poverty, and to ensure law enforcement.

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The Moroccan Arabic daily *Al Massae* of Friday 30 October.