



Excerpt from the book:

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

MOROCCO

	POPULATION 35,7 million		GDP PER CAPITA 3,007.2 USD
	POLITICAL SYSTEM Constitutional Monarchy		HUMAN DEVELOPMENT INDEX 123 rd rank among 187 countries
	GENDER INEQUALITY INDEX 113 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 81 st rank among 180 countries

Morocco is a source, transit and destination country for victims of trafficking for the purpose of sexual exploitation. The majority of prostitution takes place on the streets. While the Moroccan Penal Code makes activities related to prostitution illegal, traffickers, procurers, and sex buyers generally go unpunished. However, judges are said to show little tolerance for victims of the system of prostitution. Cases involving sex tourism are denounced and child marriages remain a widespread practice. Morocco is said to be a hub for the increasingly numerous and structured migrant trafficking networks, that promotes sexual exploitation and the selling of people for prostitution in Europe and the Persian Gulf.

Existing Laws

Officially, prostitution is criminalized under Articles 497-503 of the Moroccan Penal Code.

Prostituted persons and sex buyer are not punishable under the articles governing prostitution. However, according to the Penal Code (consolidated version dated July 5, 2018), they risk a one month to one year prison sentence for having sex without being married (for heterosexual persons).

Activities related to prostitution (procuring, knowledge of its existence, advertising, etc.) are liable to one to ten years prison sentences for the sexual exploitation of adults, and from two to ten years for child prostitution. Penalties may be raised to 20 years imprisonment for criminal conspiracy and life imprisonment if torture had been used. While these sentences are strict, they are rarely enforced. In addition to application of the law, the legislation itself complicates the fight against sexual exploitation and its criminalization.

Male prostitution is prohibited because homosexuality is illegal in Morocco.

According to the Penal Code (consolidated version dating July 5, 2018), homosexual people can be punished by six months to three years in prison. A Spanish NGO was expelled from Morocco for allegedly defending the rights of the LGBTI community. The project manager had been detained and deported, accused of using false documents, and send back to Algeciras.

Under the article on non-marital and homosexual sexual relations, children exploited in prostitution are condemned instead of being identified as victims. Indeed, the Moroccan Penal Code is not sufficiently precise on these issues and leaves the judges to decide based on their own interpretation. Their limited knowledge of gender issues and lack of training on these topics facilitate the application of unfair court rulings for women and girls in prostitution cases.

For many years, Morocco lacked any kind of law regarding human trafficking. In 2016, the country finally passed a law criminalizing the practice. Sexual exploitation is defined as “all forms of sexual exploitation, notably exploitation through prostitution (...) exploitation through (...) pornography, including by means of computer communication.” Sentences range from 5 to 30 years imprisonment but the legislation does not provide for penalties other than those for human trafficking in general (*Bulletin officiel*, November 15, 2016). This law, which reproduces the content of international treaties, remains insufficient and the mandates and powers of the commission responsible for monitoring the enforcement of the law remain rather unclear. Thus, the legislation should instead be broken down into decrees for better application. In addition, the law does not sufficiently protect victims, and traffickers are rarely prosecuted due to corruption.

Few victims dare to testify against traffickers and are often dissuaded by lengthy trials (*US Department of State*, June 2016). Different forms of trafficking must receive different penalties.

Prostituted Persons in Morocco

The Moroccan Ministry of Health estimates that there are around 50,000 prostituted women in Morocco (*Huffington Post Maroc*, May 25, 2015). A second study conducted by the Ministry of Health estimated that there were 19,000 women engaging in prostitution in the cities of Rabat, Fez, Tangiers, and Agadir (*Newsweek*, February 15, 2016). However, data from cities such as Marrakech or Casablanca, where a significant amount of sexual exploitation in travel and tourism occurs, was not included in this study. This explains the high difference in estimates. These studies also reveal that 1 in 4 prostituted women do not use condoms, either because they cannot afford them or because their sex buyers refuse to use them. They fear contracting certain sexually transmitted infections (STIs), including HIV/AIDS.

The number of people infected by HIV/AIDS among the entire Moroccan population was estimated to be 13,322 in 2017, of which 52% were diagnosed between 2012 and the end of June 2017, according to a fact sheet on the epidemiological situation of HIV/AIDS in Morocco created by the Ministry of Health (*Huffington Post Maroc*, July 13, 2015). According to Ministry data, three regions account for more than 50% of people infected by HIV/AIDS (Souss Massa, Casablanca-Settat, and Marrakech-Safi), revealing that 67% of new infections occur in the networks of key populations at the highest risk of infection (*Huffington Post Maroc*, July 20 2018).

There is a significant societal stigma in Morocco surrounding women who have extramarital sex, due to the country's culture and tradition. As a result, women who engage in prostitution are even more looked down upon, seen as "impure" and "depraved." They do not receive empathy, for what they live, nor understanding for the reasons that pushed them towards prostitution. The criminalization of extramarital sex demonstrates how deep-rooted this stigma is in Moroccan society, including through the Moroccan Penal Code. A married prostituted woman can be accused of adultery by her spouse, and incur one to two years in prison. On the other hand, if the husband forces his wife into prostitution, it is easier for him to deny the facts, and the wife is often the only person charged.

Many prostituted women try to forget about their situation by turning to alcohol and drugs. They often have a very poor self-image, which is reflective of society's judgment. They are then convinced that they do not deserve to fall in love or marry.

There are many reasons why women may feel the need to turn to prostitution. Some women have been raped and subsequently forced to leave their communities, and thus prostitution becomes the only way to provide for themselves. Other women are forced into it by family members. According to the *World Bank*, unemployment in Morocco is around 10%, but the doubles for youth aged 15-24, at 20%. Many young women cannot find a job, and thus turn to prostitution. The Ministry of Health found that 62-73% of prostituted women are widowed or divorced, and face precarious situations (*Huffington Post Maroc*, May 25, 2015). Many women who engage in prostitution suffer physical and sexual abuse at the hands of sex buyers. It is

difficult for them to get police support without being treated like criminals.

The Moroccan Penal Code (consolidated version dated July 5, 2018) condemns sexual relations between homosexual persons, with sentences of six months to three years in prison. Homosexual people are often subject to attacks, humiliation, and stoning by the population. Due to the stigmatization of homosexuality in Morocco, they have difficulty to find a job and must turn to prostitution. Thus, prostituted men face abuses related to their sexual identity.

Sex Tourism and Child Prostitution

Sex tourism is a prosperous industry in Morocco. The government refuses to acknowledge the presence of sex tourism in the kingdom, fearing damaging the country's reputation as a safe, family friendly, and cheap vacation destination. An Italian film crew tried to make a documentary on child prostitution in Morocco, before being expelled by the authorities and accused of investigating without authorization (*Huffington Post Maghreb*, September 29, 2016). The Moroccan government is trying to hide this reality occurring at the expense of children.

Yet, sex tourism remains a large issue within the kingdom, as evidenced by the large number of prostituted women in Marrakech, Agadir, Tangier and Casablanca, all major tourist hubs.

No official data exists on child prostitution in Morocco, and no official government study has been carried out on the subject. In fact, the term "pedophile" doesn't exist at all in Moroccan legislation. This disinformation on the part of the authorities, as well as the lack of institutional support, further complicates the fight against sexual exploitation of children.

Street children are more likely to be exploited, especially those who live in cities

like Marrakech. They are economically forced to engage in prostitution to support themselves and their families. Some families will not even allow their children to come home unless they bring money. Like with prostituted adults, social services are very limited. Only certain associations and organizations help children cope with these particularly traumatic experiences.

Child Marriage

The 2014 census reported that there were over 100,000 married girls under the age of 18 in Morocco (*Morocco World News*, October 14, 2015). The NGO *Girls Not Brides* estimates that 16% of girls are married before they turn 18. While Moroccan law sets 18 as the minimum age for marriage, it gives judges the ability to “reduce the age in justified cases” (*Bulletin officiel*, October 6, 2005). Parents encourage their daughters to get married before the legal age because they think it will give their daughters better lives and help them escape poverty. Judges will most often grant exceptions for economic reasons. However, child marriages usually have devastating consequences for girls, as they are made vulnerable to sexual abuse and rape from their husband. It increases their likelihoods of being trafficked or forced into prostitution, especially if they are left by their husband.

In more rural areas, the law is evaded altogether with the practice of *Al Fatiha*, a religious marriage ceremony that has no legal status and gives no rights to the bride. These marriages are very risky for girls. If they become pregnant and their husband leaves, the man does not have a legal obligation to the child.

Migrants and Prostitution

Morocco is not only a destination country for migrants and victims of human trafficking, it is also a transit country. In

2016, a network of Nigerian traffickers was dismantled and 23 people were arrested (*BBC News*, January 27, 2016). They brought young Nigerian women to Spain through Morocco to force them into prostitution.

In recent years, thousands of Sub-Saharan African migrants have come to Morocco in hopes of crossing over the Mediterranean Sea and getting to Spain. In 2017, the number of people attempting to get from Morocco to Europe tripled (*The Telegraph*, June 1, 2017). Many of these migrants end up being unable to make the journey to Spain. Moroccan legislation on migrants and refugees is quite weak. To relieve congestion in Tangier and Nador, informal camps were established in other cities, begetting forced displacement of migrants. Because these camps are sometimes located in the forests near cities, they are often attacked and destroyed. Working licenses were delivered to migrants through two operations but due to the strict criteria to obtain them, this action was strongly criticized by NGOs. In practice, a large proportion of migrants have not been able to secure a residence permit, and the lack of opportunities, one year later, does not allow for its renewal. Migrants find themselves once again without prospects for the future in the kingdom. Newly introduced socio-professional integration projects reserved for those who have a residence permit have nonetheless been developed. However, the government offers no support services to refugees, and migrants have to fend for themselves. Unlike migrants, refugees benefit from self-employment programs, as well as social assistance from the *United Nations High Commissioner for Refugees* (UNHCR).

The *UNHCR* estimated that 44% of migrants in Morocco are women. These women face threats of sexual violence,

both from their smugglers or traffickers during their journey to Morocco, and upon their arrival in Morocco. Some women who are raped on their journeys become pregnant, but there are very few services available to them in Morocco, because of the legislation concerning extramarital sexual relations. Only some associations implement help services for female migrants, as well as services for female Moroccan victims of violence. However, those services remain insufficient and none are intended specifically for migrant women. Although many migrant women have jobs such as street vending, domestic work, hairdressing, or tailoring to survive, many still remain targets for traffickers and procurers. Sometimes, traffickers use the women's babies as leverage.

There are several powerful Nigerian, Cameroonian, and Malian criminal networks throughout Morocco, who traffic women by forcing them into prostitution. Due to legislative and institutional shortcomings, very few manage to escape or testify against traffickers. The Moroccan government needs to be more aware of not just the trafficking that is happening within Morocco's borders, but also the traffickers that pass through the country before heading to Europe. The significant number of migrants and refugees in Morocco increases risks of sexual exploitation and trafficking for these populations.

Progress and Recommendations

Some progress has been made in the fight against prostitution in Morocco. In 2015, a policy was launched regarding tourism and child protection to promote responsible tourism and combat sexual exploitation. This public policy encourages the private tourism sector to fight sex tourism and child sex tourism. In the same year, the Moroccan government also

collaborated with Internet providers to stop the sexual exploitation of children online.

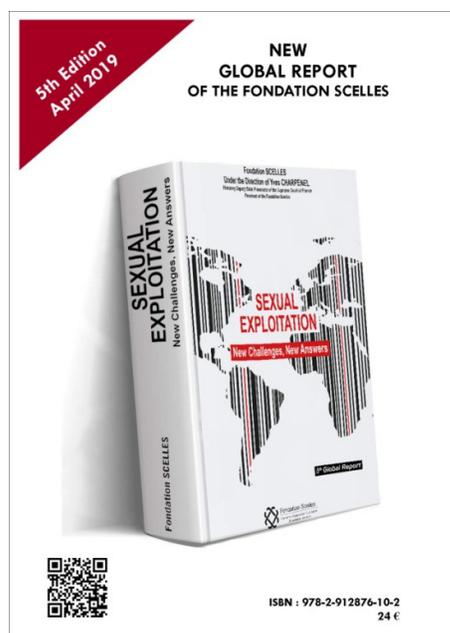
The Moroccan government seems to understand that to effectively combat this complex problem, the private and public sectors must work together.

There have also been several anti-trafficking trainings provided to judges and law enforcement officials. In 2016, the government investigated four individuals accused of child sex trafficking and child sex tourism, a very low number considering how rampant the problem is in the kingdom (*US Department of State*, June 2017). Finally, to fight against the root causes of child marriage, Morocco must invest in schools in rural areas. The education of these girls reduces the risk of getting married at a young age.

In conclusion, while the Moroccan government has made attempts to fight sexual exploitation, it must do more. The situation will remain unchanged unless the government starts prosecuting traffickers and exploiters. Prostituted persons must be given more support and the issues of prostitution and sex tourism must be publicly acknowledged by the government, otherwise no real progress can be made. In addition, the only way to end prostitution, child sexual exploitation in particular, is to prosecute those who are seeking it. Otherwise, foreign and local sex buyers will not be worried and prostituted people will continue to be victims of this phenomenon.

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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