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In Morocco, Her Body is Not Her Choice

by Arielle Kafker

Hajar Raissouni is a writer for Akhbar Al Yaoum, an independent Moroccan newspaper. The twenty-eight-year-old was arrested on August 31, 2019 on charges of engaging in premarital sex and having an abortion. [1] She was apprehended outside her gynecologist's office alongside her fiancé, doctor, nurse, and a medical secretary, all of whom faced ancillary charges.[2] Raissouni claimed she was visiting her gynecologist because of a blood clot.[3] On September 30, 2019, a court convicted Raissouni and sentenced her to one year in prison for violating statutes on extramarital sex and prohibited abortion.[4] Officials interrogated Raissouni during her pre-trial detention and forced her to submit to a medical examination because of the alleged abortion.[5] Details of her private life were also shared with the public. Raissouni's conviction is a microcosm

of Morocco's systematic violations of sexual and reproductive rights.[6]

Morocco criminalizes abortion except when a pregnancy is life-threatening to the mother.[7] Pregnancies resulting from rape and incest must be carried to term according to the law.[8] Additionally, sex before marriage is expressly prohibited: thousands of people were tried for premarital sex in 2018.[9] These prohibitions are codified in Articles 454 and 490, respectively, of Morocco's penal code.[10] Shortly after Raissouni's arrest, hundreds of women signed a manifesto proclaiming their participation in illicit premarital sex and abortion; they also took to the streets in solidarity with Raissouni and in protest of the anti-premarital sex laws.[11]

Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which Morocco ratified in 1979, guarantees the right to physical and mental health.[12] The United Nation's Economic and Social Council clarified the full scope of Article 12 in Agenda item three of its meeting in the Spring of 2000: it "may be understood as requiring measures to improve...sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information." [13] A country that surveils medical offices to ensure they are not providing abortions is actively inhibiting access to reproductive health services. [14] The law forces hundreds of women to seek dangerous "back-alley" abortions every day.[15] Not only is Morocco in violation of the ICESCR, but it is leaving women with only hazardous options for terminating pregnancies.

Morocco's laws on premarital sex and abortion also contravene the premise of the Convention to End All Forms of Discrimination Against Women (CEDAW), of which Morocco is a State Party.[16] Part I Article I of CEDAW asserts that "marital status" cannot be a vehicle for discrimination.[17] Regulating sex solely amongst those who are unmarried is therefore a prohibited practice. Furthermore, Article 12 states: "state parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning." [18] Equality between

the sexes cannot exist in healthcare when men have complete agency over their medical care and women do not. Morocco must better integrate family planning and women's healthcare generally as protected rights. Monitoring doctors' offices restricts forms of care women seek: when a woman is put in jail because she sought treatment for a blood clot, all women become too afraid to seek medical care for any reason. Though Morocco's policy does not directly inhibit women's access to medical services unrelated to abortion, it is the inevitable consequence of surveilling gynecological offices and penalizing women they suspect of engaging in premarital sex or abortion. To combat the diminishing of women's health—as Morocco is obligated to do under CEDAW—it must enact policies, stopping its surveillance of medical offices and its punishment of women exercising their bodily autonomy.

Morocco is also in violation of international law for its treatment of Hajar Raissouni. Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Morocco ratified in 1993, are obliged to stop torture within their borders.[19] According to the CAT, torture is defined as a public official inflicting, or consenting to, severe pain or suffering.[20] When Raissouni was taken into custody, she was brought to a hospital for a forced gynecological exam.[21] A procedure as invasive as a gynecological exam would likely result in both physical and emotional pain and suffering when done without consent.[22] This examination was intentionally executed at the bequest of the Moroccan government because it occurred while Raissouni was in the custody of the State.[23] The alleged purpose of the exam was to gain information: to discover whether an illegal abortion had occurred, which is inherently discriminatory because it stems from legislation discriminating on the basis of sex.[24]

Once the exam was complete, Raissouni was returned to detention, where she was questioned about her sexual and reproductive behaviors.[25] The information gathered by law enforcement was disseminated to the public.[26] Both are invasions of privacy that contravenes Article 12 of the Universal Declaration of Human Rights, which guarantees a right to privacy.[27] The Article espouses a general right to privacy, and specifically, that a person's reputation is protected.[28] In publicizing such socially taboo allegations, Raissouni's reputation was harmed.[29] Additionally, the

International Covenant on Civil and Political Rights (ICCPR), which Morocco ratified in 1979, protects the right to privacy inclusive of reputation.[30] The ICCPR allows exceptions only when the interference is as unintrusive as possible and when there is a legitimate necessity; neither circumstance was met in this case. [31] Morocco has historically illegally interfered with the protected right to privacy of journalists through surveillance.[32]

On October 16, 2019, King Mohammed VI issued a pardon to Raissouni, and she was released from jail. [33] The state should be held accountable in terms of reparations for Raissouni, as well as for enacting policy ending the discrimination in women's healthcare provision.

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GAVEL AND MOROCCAN FLAG VIA FLICKR USER, MARCO VERCH PROFESSIONAL PHOTOGRAPHER AND SPEAKER, LICENSED UNDER CREATIVE COMMONS 2.0

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Combatting Femicide in France

by Adrian Lewis

“Femicide” is defined in France as the death of a woman at the hands of her partner or ex-partner.[1] More than 130 women were killed by their partners in 2019, exceeding the government’s count of 121 victims of femicide the previous year.[2] Though not the highest among western European countries, France’s rate of femicide is higher than that of many neighboring countries, including Spain, Italy, the Netherlands, and the UK.[3] A steady increase of domestic violence deaths in recent years has sparked outrage and calls for legislative change to combat the growing trend.[4] As a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), France’s failure to adequately address violence against women is a violation of its obligations under Article 12 of the Convention, as elaborated in CEDAW General Recommendation 19, which requires states to take all appropriate measures to ensure women have equal access to healthcare and related services, including those that protect against a known or suspected threat of physical violence.[5]

Illustrative of the worsening trend was the September 2019 murder of a 27-year old mother of three from northern France.[6] She was in the process of separating from her 37-year old husband when, following an apparent dispute, he stabbed her fourteen times as their three young children looked on. Law enforcement had been called to the woman’s home only the previous week, after she reported to police that her