**EuroMed Rights**

submission to the UN Special Rapporteur on Violence AGainst Women’s thematic report on rape as a grave and systematic human rights violation and gender-based violence against women

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***Cases of Italy, Jordan, Morocco and Spain***

*Who we are*

A network of more than 80 human rights organisations, institutions and individuals based in 30 countries in the Euro-Mediterranean region. Created in 1997 in response to the Barcelona Declaration and the establishment of the Euro-Mediterranean Partnership, EuroMed Rights stands by universal human rights principles and strongly believe in the value of cooperation and dialogue across and within borders.

*EuroMed Rights’ Working Group on Women’s Rights and Gender Justice*

As one of the few platforms in the Euro-Mediterranean region, EuroMed Rights brings together northern and southern women’s rights organisations on an equal footing in its Women’s Rights and Gender Justice Working Group (GWG). Established in 2004, the GWG works towards influencing EU, UN and governmental efforts to promote gender equality and combat VaW, as well as supporting feminist civil society in the region.

The current focus of the GWG is on enhancing the legal environment for combatting violence against women through the harmonization of national laws with international standards, such as the CEDAW and Istanbul Convention, and the subsequent implementation of these laws. In addition, given the current context of populist movements promoting an anti-feminist, “moral” discourse and increasing backlashes against women’s rights, the GWG aims to build and promote a rights-based counter-narrative and undertake solidarity actions with women’s rights defenders.

*Working group members and partners who provided their inputs*

* **The Italian National Network of Women’s Centres and Shelters - D.i.Re**
* **Sisterhood is Global Institute – SIGI**
* **Moroccan Association of Human Rights – AMDH**
* **Morocco Association of Women Democrats - ADFM**
* **The International Association of Solidarity and Cooperation - SUDS**

**Questionnaire on criminalization and prosecution of rape**

**Definition and scope of criminal law provisions**

1. *Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant articles of the Criminal code and the Criminal procedure code.*

**ITALY**

Article 609 bis of the Penal Code refers to sexual assault, stating the following:

“Whoever, by force or by threat or abuse of authority, forces another person to commit or suffer sexual acts is punished with imprisonment from six to twelve years. The same punishment will be given to whoever induces another person to commit or suffer sexual acts by: 1) abusing the conditions of physical or mental inferiority of the victim at the time of the event, 2) misleading the victim hiding own identity. In less serious cases, the penalty may be reduced by no more than two thirds.”

Other relevant provisions are : art. 609 ter, 609 quater, 609 quinques, art. 609 sexies, 609 septies, 609 octies of the Penal Code. Art. 472, 362, 392 Code of criminal procedure. There is no official translation of these articles available.

**JORDAN**

The provisions of law which relate to rape in Jordan are the following:

* Title VII Offences against Public Ethics and Morality
* Chapter I: Offences against Honour
	+ Article 292: Rape

1. Any person who has forced sexual intercourse with a female, other than his wife, shall be sentenced to at least five (5) years of temporary hard labour.

2. The sentence shall not be less than seven (7) years if the victim is less than fifteen (15) years of age.

* Article 293: Rape of a Vulnerable Female

Any person who has forced sexual intercourse with a female, other than his wife, who cannot defend herself due to a physical disability, a cognitive impairment, or as a result of any form of deception, shall be sentenced to temporary hard labour.

* Article 294: Sexual Intercourse with a Female under Fifteen (15) or Twelve (12) Years of Age

1. Any person who has sexual intercourse with a female that is under fifteen (15) years of age shall be sentenced to temporary hard labour.

2. The sentence shall not be less than five (5) years if the victim is less than twelve (12) years of age.

* Article 295: Sexual Intercourse with a Female between Fifteen (15) and Eighteen (18) Years of Age

1. Any person who has sexual intercourse with a female who has reached fifteen (15) years of age, but is less than eighteen (18) years of age, and is an ascendant, whether legitimate or not, step-father, the husband of the paternal grandmother, or the caregiver of the girl, shall be sentenced to temporary hard labour.

2. The same penalty shall be imposed if the perpetrator of the act is a clergyman, or a director of a public office, or an employee therein, who commits such an act by abusing the power or privileges granted to him.

* Article 302: Abduction

Any person who abducts, by using a ruse or coercion, another person, whether male or female, and escapes with the abducted person to any place, shall be sentenced to:

1. A prison sentence of two (2) to three (3) years, if the abducted person is a male and has not reached fifteen (15) years of age;

2. Temporary hard labour, if the abducted person is a female;

3. Hard labour for a period of no less than five (5) years, if the abducted person was a married female who has reached, or not, fifteen (15) years of age;

4. Hard labour for a period of no less than ten (10) years, if the abducted person, male or female, was raped or attacked;

5. Hard labour for a period of no less than ten (10) years, if the abducted person was a married female, who has not reached fifteen (15) years of age, and who was sexually assaulted.

* Article 305: Unwanted Sexual Contact

A prison sentence for a period not exceeding one year shall be imposed upon any person who engages in unwanted sexual contact with:

1. Another person, male or female, under fifteen (15) years of age; or,

2. A woman or a girl, who has reached fifteen (15) years of age, but without their consent.

**MOROCCO**

Under section VI of the Moroccan Penal Code, entitled “Attacks on Morals”, article 486 defines rape in the following way:

« Rape is the act by which a man has sexual relations with a women against her will. It is punishable by five to ten years’ reclusion. However, if the rape is committed against a minor (a woman under the age of 18 years), a woman with disabilities, a person recognised as having mental disabilities, or a woman who is pregnant, the sentence is imprisonment for ten to twenty years.”

Article 488 provides for more severe penalties if a woman loses her virginity as a result of rape or an “attack on morals”.

The Article, however, does not penalise either rape between spouses or marital rape.

**SPAIN**

The Spanish legal code contains the following provisions which relate to sexual assault:

* Article 178. Anyone who attempts to violate the sexual freedom of another person, with violence or intimidation, shall be punished as a perpetrator of sexual assault with a prison sentence of one to four years.
* Article 179. When the sexual aggression consists of carnal access through the vagina, the anus or the mouth, or the introduction of objects through one of the first two routes, the person responsible shall be punished, as a prisoner of rape, with a prison sentence of six to twelve years.
* Article 180 1. The aforementioned conduct shall be punishable by a prison sentence of four to ten years for the assaults referred to in Article 178, and of twelve to fifteen years for those referred to in Article 179, when any of the following circumstances apply:
	+ 1.a. When the violence or intimidation exercised is of a particularly degrading or humiliating nature.
	+ 2.a When the acts are committed by the joint action of two or more persons.
	+ 3.a When the victim is particularly vulnerable due to their age, illness or situation and, in any event, when they are under thirteen years of age.
	+ 4.a When, in order to carry out the crime, the perpetrator has taken advantage of a relationship of superiority or kinship, due to being an ascendant, descendant or sibling, by nature or adoption, or similar, with the victim.
	+ 5.a When the author makes use of weapons or other equally dangerous means, susceptible of producing death or any of the injuries foreseen in Articles 149 and 150 of this Code, without prejudice to the penalty that may correspond for the death or injuries caused.

**CHAPTER II** is concerned with sexual abuse and includes the following additional Articles:

* Article 181. 1. Anyone who, without violence or intimidation and without consent, performs acts that infringe upon the sexual freedom or indemnity of another person shall be punished, as a person responsible for sexual abuse, with imprisonment of one to three years or a fine of eighteen to twenty-four months.
* 2. For the purposes of the previous section, non-consensual sexual abuse shall be considered to be that which is carried out on minors under thirteen years of age, on persons who are deprived of their senses or whose mental disorder is abused.
* 3. The same penalty shall be imposed when consent is obtained by the person responsible for a situation of manifest superiority that restricts the freedom of the victim.
* Article 182 1. In all the cases contained in the previous article, when the sexual abuse consists of carnal access through the vagina, the anus or the mouth, or the introduction of objects through one of the first two routes, the person responsible shall be punished with a prison sentence of four to ten years.
* Article 183. 1. Anyone who, through deceit, commits sexual abuse with a person over thirteen years of age and under sixteen years of age shall be punished with imprisonment of one to two years, or a fine of twelve to twenty-four months.
* 2. When the abuse consists of carnal access through the vagina, the anus or the mouth, or the introduction of objects through one of the first two routes, the penalty shall be imprisonment for two to six years.

**CHAPTER III** covers sexual harassment to provide further protections in:

* Article 184. 1. Anyone who requests favours of a sexual nature, for himself or for a third party, in the context of a continuous or habitual employment, teaching or service relationship, and with such behaviour provoking an objective and seriously intimidating, hostile or humiliating situation for the victim, shall be punished, as the author of sexual harassment, with arrest for six to twelve weekends or a fine of three to six months.
* 2. If the person guilty of sexual harassment has committed the act by taking advantage of a situation of superiority at work, in education or in the hierarchy, or by expressly or tacitly announcing that he or she will cause the victim harm related to the legitimate expectations that the victim may have in the context of the aforementioned relationship, the penalty shall be arrest for twelve years.

*2- Based on the wording of those provisions, is the provided definition of rape:*

 *a) Gender-specific, covering women only*

**ITALY:** No

**JORDAN:** Yes

**MOROCCO:** Yes

**SPAIN:** No

1. *Gender neutral, covering all persons*

**ITALY:** Yes

**JORDAN**:No (only in the case of art. 305 Unwanted Sexual Contact)

**MOROCCO:** No

**SPAIN:** Yes

1. *Based on the lack of consent of victim*

**ITALY:** No

**JORDAN:** Yes

**MOROCCO:** Yes

**SPAIN:** No

1. *Based on the use of force or threat*

**ITALY:** Yes

**JORDAN:** Yes

**MOROCCO:** Yes

**SPAIN:** Yes

1. *Some combination of the above*

**ITALY:** No

**JORDAN:** Yes

**MOROCCO:** Yes

**SPAIN:** Yes

1. *Does it cover only vaginal rape?*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** Yes

**SPAIN:** No

1. *Does it cover all forms of penetration? If yes, please specify.*

**ITALY:** Yes, it only mentions “sexual acts”.

**JORDAN**: Yes, butthere is no specific mention of the forms of penetration.

**MOROCCO:** No.

**SPAIN:** Yes, in Article 179; when the sexual aggression consists of carnal access through the vagina, the anus or the mouth, or the introduction of objects through one of the first two routes, the person responsible shall be punished, as a prisoner of rape, with a prison sentence of six to twelve years.

1. *Is marital rape in this provision explicitly included?*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** No

**SPAIN:** No

1. *Is the law silent on marital rape?*

**ITALY:** Yes

**JORDAN***:* No

**MOROCCO:** Yes

**SPAIN:** Yes

1. *Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?*

**ITALY:** Yes

**JORDAN:** No

**MOROCCO:** No

**SPAIN:** Yes

1. *Is marital rape excluded in the provisions, or is marital rape not considered as a crime?*

**ITALY:** No

**JORDAN:** Yes, marital rape is excluded

**MOROCCO:** Marital rape is not considered a crime.

**SPAIN:** No

*3-* *Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it.*

**ITALY**

No.

**JORDAN**

Articles 292 and 293 say: *Any person who has forced sexual intercourse with a female, other than his wife.. shall be sentenced to*…..**292**

*Any person who has forced sexual intercourse with a female, other than his wife ….shall be sentenced to*….**293**, recognizing the existence of marital rape but excluding it from the penalties system, therefore excluding criminalization of the perpetrator if married to the victim (and therefore live together in a conjugal-sexual relationship).

**MOROCCO**

Sexual relations out of wedlock are criminalised in Morocco under article 490 of the Penal Code.

**SPAIN**

Article 180 1. states that the aforementioned conduct shall be punishable by a prison sentence of four to ten years for the assaults referred to in Article 178, and of twelve to fifteen years for those referred to in Article 179, when any of the following circumstances apply 4.a When, in order to carry out the crime, the perpetrator has taken advantage of a relationship of superiority or kinship, due to being an ascendant, descendant or sibling, by nature or adoption, or similar, with the victim.

*4-* *What is the legal age for sexual consent?*

**ITALY**

14 years old, but 13 between minors with a maximum of 4-years age difference.

**JORDAN**

16 years old.

**MOROCCO**

18 years old.

**SPAIN**

14 years old.

*5-* *Are there provisions that differentiate for sexual activity between peers? If so, please provide them.*

**ITALY**

Yes – the legal age limit is 13 for consensual sex between minors with a maximum of 4 years age difference.

**JORDAN**

No - sexual relationships are only legally allowed between husband and wife.

**MOROCCO**

No – under the Moroccan Penal Code, sexual relations out of wedlock are criminalised. The Moroccan Penal Code distinguishes between:

* Sexual relations between persons of different sexes not bound by a marriage act which are considered as "debauchery".
* Adulterous relations by virtue of articles 491 and 492 of the Penal Code.
* Same-sex sexual relations are criminalised under Article 489 of the Penal Code, which stipulates: "Anyone who commits an indecent or unnatural act with an individual of his or her sex shall be punished by imprisonment for six months to three years and a fine of 200 to 1,000 dirhams, unless the act constitutes a more serious offence".

*6-* *Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape.*

**ITALY**

5 to 10 years imprisonment in basic cases which is increased by aggravated circumstances.

**JORDAN**

In the case of the perpetration of rape, the sanction is5 years of temporary hard labour, which rises to 7 years if the victim is less than 15 years of age. If the victim is less than 12 years of age, the sanction should amount to minimum 5 years.

Article 300 provides that if there are aggravating circumstances to the rape, the penalties for the crimes provided for in Articles 292, 293, 294, 296 and 298 shall be increased by one-third (1/3) to one-half (1/2) if the accused is one of the persons mentioned in Article 295 above (an ascendant, whether legitimate or not, step-father, the husband of the paternal grandmother, or the caregiver of the girl, clergyman, or a director of a public office, or an employee therein, who commits such an act by abusing the power or privileges granted to him).

Article 301 further specifies that, again in relation to aggravating circumstances, the penalties for the crimes provided for in the Articles of this Chapter shall be increased by one-third (1/3) to one-half (1/2):

a. Iftwo persons committed the crimein order to overcome any resistance by the victim, or if the victim was successively attacked by the perpetrators.

b. If the female victim contracted a venereal disease, or if the female victim lost her virginity as a result of the crime.

Finally, the law states that the sentence shall not be less than 10 years of hard labour if the victim dies after the commission of one of the abovementioned crimes, provided that the perpetrator did not intend to cause such an outcome.

**MOROCCO**

The crime of rape is punishable by 5 to 10 years of prison. If the crime is committed against a minor under the age of 15, the sanction increases to between 10 to 20 years. If the perpetrator is an ascendent relation, guardian or “servant” (domestic worker) of the person raped, or if they are an official or minister of a cult, the offence is accompanied by an aggravating circumstance and the term of imprisonment is increased from ten to twenty years in the first case, and from twenty to thirty years in the second.

If the victim is a young minor, has disabilities or is pregnant, the perpetrator risks a sentence of 10 to 20 years imprisonment. The punishment also varies according to the victim's family situation and whether or not she is a virgin; article 488 provides for more severe penalties if a woman loses her virginity as a result of rape or “assault on morality”. In the case of rape, the penalty is 10 to 20 years in prison, as compared to 5 to 10 years if the victim was no longer a virgin at the time when the crime was committed.

**SPAIN**

From 4 to 12 years depending on how the rape was perpetrated. The relevant Articles which state the criminal sanctions are cited in the response to the first question in this submission.

*7-* *What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?*

**ITALY**

The Italian legal system identifies two potential paths for victims of violence to pursue in order to request compensation for damages. One is in the civil court, the other is by filing as a civil claimant in the case brought against the offender in the criminal court. At the end of proceedings, the criminal law Judge may issue a generic sentence for damages, to be paid in civil proceedings; awarding damages in full there and then, or referring the case to a separate civil lawsuit, for which the victim must shoulder the expense. To the extent to which damages have been ascertained, the Judge can issue a provisional sentence effective immediately, with the option (or burden) for the victim to resort to the Civil Judge for definitive quantification of the damages (article 539 of the Criminal Procedural Code). This involves further trial expenses for the victim, who must embark on a second lawsuit and await the outcome, clearly drawing out the timeframe involved. In most cases, women who are victims of violence, following a lengthy wait for the result of the criminal judgment, do not enter a civil suit for definitive ascertainment of damages suffered, not least because the perpetrator has often disposed of any assets in the meantime, or the guarantees for ensuring the compensation is actually obtained no longer apply (i.e. resignation from work, registering property in the name of others, amongst others).

Victims of sexual violence can ask for access to the Victim Compensation Fund, established in pursuance to Council Directive 2004/80/EC. It has recently been updated but is still clearly insufficient.

**JORDAN**

Psychological rehabilitation, reconciliation with the family in the event that they blame the victim for the rape, and forms of monetary compensation.

**MOROCCO**

Reparation for victims of rape and/or sexual violence follows general rules laid down in the Code of Criminal Procedure. There are no specific provisions relating to victims of rape. If the perpetrator is prosecuted, victims can seek compensation. In this case, the Court can award compensation either directly or on the basis of a medical expertise. Unfortunately, as the State does not have a fund supporting victims of rape and sexual assault, the majority of victims do not receive any reparation. Judicial decisions on damages are often not enforced due to the perpetrator’s flight or insufficient financial capacity. Women victims of rape and/or sexual violence face impunity.

**SPAIN**

Law 4/2015, of 27 April, on the Statute of the Victim of Crime Article 15. Restorative justice services. 1. Victims shall have access to restorative justice services, under the terms that are determined by regulation, with the aim of obtaining adequate redress material and moral damage resulting from the offence, when the following conditions are met requirements: (a) the offender has acknowledged the essential facts on which his responsibility; (b) the victim has given his consent, after having received information comprehensive and unbiased on its content, possible outcomes and procedures to make them effective; (c) the offender has given his consent; (d) the mediation procedure does not pose a risk to the safety of the victim; and there is a danger that its development may cause further material or moral damage for the victim; and (e) is not prohibited by law for the offence committed.

**Aggravating and mitigating circumstances**

*8- Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they?*

1. *Is rape by more than one perpetrator an aggravating circumstance?*

**ITALY:** It is a specific crime punished with harsher criminal sanctions

**JORDAN:** Yes

**MOROCCO:** Yes

**SPAIN:** Yes

1. *Is rape of a particularly vulnerable individual an aggravating circumstance, or the imbalance of power between alleged perpetrator and victims? (for example, doctor/patient; teacher/student; age difference).*

**ITALY:** Yes

**JORDAN:** Yes

**MOROCCO:** Yes

**SPAIN:** Yes

1. *Is rape by spouse or intimate partner an aggravating circumstance?*

**ITALY:** Yes

**JORDAN:** No

**MOROCCO:** No

**SPAIN:** No

*9- Does the law foresee mitigating circumstances for the purposes of punishment? YES/NO If yes, please specify.*

**ITALY**

Yes, in less serious cases, the defining circumstances of which are not specified.

**JORDAN**

No (not anymore after the abrogation of art. 308 in 2017 of the “marry your rapist” law).

**MOROCCO**

No – However, law 103-13 relating to violence against women does not recognise marital rape for instance.

**SPAIN**

No.

*10-* *Is reconciliation between the victim and the perpetrator allowed as part of a legal response? YES/NO. If so, at what stage and what are the consequences?*

1. *Regardless of the law, is reconciliation permitted in practice? YES/NO and what is the practice in this regard?*

**ITALY**

No.

a. Yes, with different “creative” solutions on the part of courts.

**JORDAN**

No (not anymore after the abrogation of art. 308 in 2017 of the “marry your rapist” law).

**MOROCCO**

No.

a. Yes.

**SPAIN**

Yes.

*11-* *Is there any provision in the criminal code that allows for the non-prosecution of perpetrator? YES/NO If yes, please specify.*

* 1. *if the perpetrator marries the victim of rape? YES/NO*
	2. *if the perpetrator loses his “socially dangerous” character or reconciles with the victim? YES/NO*

**ITALY**

No

a. No

b. No

**JORDAN**

Yes

a. No (not anymore after the abrogation of art. 308 in 2017 - “marriage with rapist”)

b. No

**MOROCCO**

a. No

b. No. However, law 103-13 stipulates personal safety measure in its provisions: in particular prohibition of the perpetrator of violence from coming into contact with the victim as well as the follow-up of adequate psychiatric therapy.

**SPAIN**

No

a. No

b. No

**Prosecution**

*12- Is rape reported to the police prosecuted ex officio (public prosecution)? YES/NO*

**ITALY:** No, except in aggravated circumstances or if connected to another crime prosecuted ex officio.

**JORDAN:** No

**MOROCCO:** Yes

*13- Is rape reported to the police prosecuted ex parte (private prosecution)? YES/NO*

**ITALY:** Yes

**JORDAN:** Yes

**MOROCCO:** No

*14- Are plea bargain or “friendly settlement” of a case allowed in cases of rape of women? YES*/*NO*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** Yes

**SPAIN:** No

*15- Are plea bargain or “friendly settlement” of a case allowed in cases of rape of children? YES/NO*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** Yes

**SPAIN:** No

*16- Please provide information on the statute of limitations for prosecuting rape.*

**ITALY**

The victim has 1 year within which to request the prosecution of the crime.

**JORDAN**

n/a

**MOROCCO**

In general terms, the Code of Criminal Procedure stipulates a statute of limitations of 15 years for crimes, 5 years for felonies and 1 year for misdemeanors.

**SPAIN**The statute of limitations for a person to report sexual abuse or rape perpetrated against them as a child begins when said person reaches the age of thirty and runs for at least 10 years.

 *17- Are there provisions allowing a child who was the victim of rape to report it after reaching adulthood?   YES/NO*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** No

**SPAIN:** The statute of limitations for a person to report sexual abuse or rape perpetrated against them as a child begins when said person reaches the age of thirty and runs for at least 10 years.

 *18- Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?  YES/NO If yes, please specify.*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** Yes

**SPAIN:** No

 *19- Are there rape shield provisions aimed at preventing judges and defense lawyers from exposing a woman’s sexual history during trial? YES/NO*

**ITALY:** Yes, but they are rarelyapplied**.**

**JORDAN:** No

**MOROCCO:** No.
**SPAIN:** Yes, but they are not very well respected.

*20- Are there procedural criminal law provisions aimed to avoid re-victimizations during the prosecution and court hearings? YES/NO. If yes, please specify.*

**ITALY**

Yes and no - Article. 472 c.p.p, for example, exists to prevent questions being asked which pertain to a person’s sexual history during judicial proceedings. But these measures are so rarely applied that they become completely ineffective.

**JORDAN**

No.

**MOROCCO**

No.

**SPAIN**

Yes, Law 4/2015, the Statute on the Victims of Crimes, makes explicit reference to the need to avoid secondary victimisation at all costs.

**War and/or conflict**

*21- Is rape criminalized as a war crime or crime against humanity? YES/NO*

**ITALY:** No (ordinary criminal law applies in these contexts)

**JORDAN:** No

**MOROCCO:** No

*22- Is there a statute of limitations for prosecuting rape in war or in conflict contexts? YES/NO*

**ITALY:** Yes, 1 year (as per the answer to question 16)

**JORDAN:** No

**MOROCCO:** No

*23- Is there explicit provisions excluding statutes of limitation for rape committed during war and armed conflict? YES/NO*

**ITALY:** No

**JORDAN:** No

**MOROCCO:** No

*24- Has the Rome Statute of the International Criminal Court (ICC) been ratified? YES/NO*

**ITALY:** Yes (Law 20.12.2012 n. 237)

**JORDAN:** Yes

**MOROCCO:** No

**SPAIN:** Yes

**Data**

*25- Please provide data on the number of cases of rape that were reported, prosecuted and sanctioned, for the past two to five years.*

**ITALY[[1]](#footnote-2)**

**Number of cases of rape (sexual violence) reported:**

2014 (4.257);

2015 (4.000);

2016 (4.046);

2017 (4.634);

2018 (4.887)

**Number of cases of rape (sexual violence) prosecuted:**

2016 (2.932 out of 5.755);

2017 (3.116 out of 5.824)

**Number of cases of rape (sexual violence) sanctioned (final judgment):**

2015 (1.501);

2016 (1.357);

2017 (1.568)

**JORDAN**

**Reported:**

2017 (145);

2018 (140);

2019 (172)

**MOROCCO**

In Morocco, it is difficult to access information in terms of statistics and data, particularly on sexual violence. The few accessible statistics are those of the Public Prosecutor's Office which confirm the omerta around sexual violence and rape in Morocco and the rarity of complaints and cases investigated. The Reports of the King's Prosecutor General on the implementation of criminal policy and the functioning of the Public Prosecutor's Office reveal that the number of cases relating to rape in **2017** and **2018** were around **1641** and **1138** respectively. Paradoxically, cases concerning acts relating to individual liberties - which are criminalised under Moroccan law, including sexual relations outside wedlock and adultery - were on the rise in 2017. It should be noted that these provisions are often used against women.

Furthermore, the second national survey on the prevalence of violence against women conducted in 2019 by the High Commissioner for Planning (HCP), confirms what is reported by women's rights organisations and national and international institutions: women victims of violence continue tend not to denounce acts of violence, including rape. According to the results of the HCP survey, less than 3% of women victims of sexual violence have filed a complaint with the police or another competent authority. Only 8% of victims of domestic violence file a complaint compared to 11.3% for non-spousal violence. This second HCP survey reconfirmed the structural trend of violence against women as well as its wide social acceptance, which explains the low number of rape complaints.

**SPAIN[[2]](#footnote-3)**

**Sexual assault with penetration / sexual abuse with penetration reported:**
2015 (1239) / (383);

2016 (1249) / 544);

2017 (1382) / 731);

2018 (1700) / 1044);

2019 (1878) / NA;

3rd trimester of 2020: (1281) / NA

**Number of cases of rape / sexual assault without penetration / sexual abuse with penetration sanctioned:**

2017 (27) / (360) / (956)

2018 (32) / (354) / (1011)

**Other**

26- Please *explain any particular and additional barriers to the reporting and prosecution of rape and to the accountability of perpetrators in your legal and social context not covered by the above.*

**ITALY**

Judicial stereotyping is a cross-cutting issue in cases of violence against women. As a consequence, their right to a fair and just trial is disproportionately affected. There is an extensive misunderstanding surrounding the expectation of a woman’s behaviour, which implicitly allows the idea that victims bear partial responsibility for the violence. Authorities dealing with situations of violence against women risk, especially in cases of sexual violence, show a propensity to blame women victims thereby exposing them to secondary victimisation. Trials can be a traumatizing experience for survivors.

**JORDAN**

Culture of silence, culture of shame, risk of violent reaction from the perpetrator and/or from family, community, husband, fear of stigmatization and for her own honor and reputation to be damaged and her physical integrity to be put at risk.

**MOROCCO**

One of the obstacles that can lead to the non-reporting of cases of rape is socio-cultural in nature: a women’s virginity is valued as a symbol of her honor, and that of her entire family, and therefore a woman who has been raped may be conceived of as a source of shame for the family more than a victim. In this case, the family is obliged to resort to an amicable compromise by agreeing to the marriage of the woman victim with her rapist, even if it means divorce at a later date. According to the results of the 2019 High Commissioner for Planning’s survey, victims of rape and/or sexual violence are less likely to lodge a complaint because of the social stigma associated with sexual violence and the risk of prosecution for illegal sexual acts if they cannot prove non-consent. According to the survey, the main reasons why victims do not lodge a complaint include "the resolution of the conflict by consent, the intervention of the family, fear of the perpetrator's revenge, feelings of shame or embarrassment, particularly in the case of sexual violence". In addition, the difficulty in accessing justice services, the high costs associated with these services, the complexity and slowness of the legal process, the inappropriate and often poor reception in police and gendarmerie stations, are all additional barriers which hamper women rape survivors’ access to justice.

**SPAIN**

The Spanish penal code requires the concurrence of one of the commissioning means to get to denominate as a violation the attack to the sexual freedom with carnal access, which supposes the creation of a very subtle line between the intimidating violation and the sexual abuse by prevalence. This regulation is not in line with international legal standards, and specifically European standards, which Spain ratified five years ago through the Istanbul Convention. Therefore, it is concluded that national legislation, despite having undergone an intense metamorphosis, still today requires a review and reformulation of the crime of rape aimed at its consideration around the lack of consent of the victim as a defining element. This year, the Spanish government proposed a draft law redefining rape on an “only yes means yes” basis, which would be in line with the Istanbul Convention.

1. Data made available by ISTAT (https://www.istat.it) [↑](#footnote-ref-2)
2. Data made available by EP DATA ESPANA: <https://www.epdata.es/datos/denuncias-delitos-agresion-abuso-sexual-datos-graficos/251> [↑](#footnote-ref-3)