



Home Office

Country Policy and Information Note

Morocco: Sexual Orientation and Gender Identity

Version 1.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 10 July 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state and/or non-state actors due to the person's actual or perceived sexual orientation and/or gender identity.

1.2 Points to note

1.2.1 This note provides policy guidance on the general situation of gay men, lesbians, bisexuals and transgender persons. They are referred collectively as 'LGBT persons', though the experiences of each group may differ.

1.2.2 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

2.2.1 LGBT persons in Morocco form a particular social group (PSG) within the meaning of the Refugee Convention. This is because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although LGBT persons in Morocco form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

a. General points

- 2.3.1 Decision makers must establish whether or not the person, if returned to Morocco, will live freely and openly as a LGBT person. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why the person will do so.
- 2.3.2 If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. Decision makers should also consider if there are individual or country specific factors that could put the person at risk even if they choose to live discreetly because of social or religious pressures.
- 2.3.3 But if a material reason why the person will live discreetly is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well-founded.
- 2.3.4 For further guidance, see the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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b. State treatment

- 2.3.5 Same-sex sexual acts are prohibited by article 489 of the Moroccan Penal Code. The penalty on conviction can result in between 6 months and 3 years' imprisonment and a fine. Other articles of the penal code may also be applied – notably articles 490, which criminalises sex between unmarried persons, and 491 which criminalises adultery (see [Criminal/Penal Code](#)).
- 2.3.6 Up-to-date official statistics to quantify the number of cases where prosecutions are sought or not; persons convicted or acquitted; sentences handed down etc. are not available (see [Official statistics on use of the law](#)).
- 2.3.7 Although cases involving prosecutions appear to be reported across a variety of both national and international media outlets, these are relatively few in number and do not appear to contradict the commonly held view that the law is used rarely (see [Use of the law generally](#) and [Demography](#)).
- 2.3.8 It also appears as though the law, when used, involves cases of men involved in same-sex sexual acts; it is rarely, if ever, used against women involved in same-sex sexual acts with women (see [Use of the law generally](#), [Use of the law against men](#) and [Use of the law against women](#)).
- 2.3.9 There is limited concrete evidence of LGBT persons being denied access to services on account of their sexual orientation or gender identity (see [Access to services](#)).
- 2.3.10 Outside use of article 489 of the penal code, the evidence does not suggest the Moroccan state persecutes LGBT persons. Given the law is used rarely, it does not amount to a real risk to LGBT persons in general.

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c. Societal treatment

- 2.3.11 In Morocco, social attitudes and norms appear to be based on conservative values, with a strong emphasis in traditional Islamic morality and conventional gender roles. However, those traditional and religious values are not shared by all, particularly the younger generation. The LGBT community, and those broadly supportive of it, have challenged those values in recent years (see [societal norms](#)).
- 2.3.12 Sources appear slightly divided on the issue of whether a person could be openly gay. Several sources suggest it is simply not possible; others suggest the existence of a nascent, albeit limited, gay community particularly in the larger cities; others – notably the LGBT advocacy organization Aswat (meaning “voices” in Arabic) – suggest it depends on a variety of factors, including: wealth, class/status, contacts, education; and where they live (see [Gay ‘scene’ or ‘community’](#)).
- 2.3.13 In response to a May 2016 survey on whether the public thought being LGBT should be considered a crime, there was an almost equal response of positive and negative attitudes (see [Public opinion](#)).
- 2.3.14 It is difficult for an LGBT person to be accepted by their family as such. Sources point to a lack of acceptance; harassment; intimidation and alienation (see [Family treatment](#)).
- 2.3.15 The media appears to be reporting more neutrally on issues relating to the LGBT community, which may be having an impact on how the group is treated more generally (see [Media attitudes](#)).
- 2.3.16 In general, the level of discrimination faced by LGBT persons in Morocco by society in general and/or their family is not sufficiently serious by its nature and repetition as to amount to persecution or serious harm.
- 2.3.17 However, decision makers must consider whether there are particular factors relevant to the specific person which might make the treatment serious by its nature and repetition. For example, previous physical attacks which are reasonably likely to continue on return; those who have previously been arrested and/or prosecuted under the penal code, including those who report incidents to the police which has exposed them to that risk.
- 2.3.18 Each case must however be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 2.3.19 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 A person’s reluctance to seek protection does not necessarily mean that effective protection is not available. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.4.2 However, the majority of sources point to the existence and potential use of provisions in the penal code (article 489 in particular) acting as a de facto deterrent to a person seeking state protection when there is a real risk of a threat, or an incident involving violence perpetrated by non-state actors. It has also been reported that police offer a quasi-impunity to persons and

groups who have been harassing homosexuals (see [Criminal/Penal Code, Law in practice](#) and [Police responses to reports of anti-LGBT violence](#)).

- 2.4.3 As a result, the state appears able but unwilling to offer effective protection and the person is unlikely to be able to avail themselves of the protection of the authorities.
- 2.4.4 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and, specifically in relation to sexual orientation and/or gender identity claims, the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.5 Internal relocation

- 2.5.1 Where the person fear's is of persecution or serious harm by the state, internal relocation is not a reasonable option.
- 2.5.2 Where it is from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation.
- 2.5.3 Morocco is a large country with freedom of movement. It is likely to be reasonable for a person to move to one of the larger cities, such as Casablanca. However, decision makers must also consider a range of factors in addition to those in the Asylum Instruction (see below), including but not limited to: the person's gender, wealth, class/status, contacts, education; and where they live.
- 2.5.4 Internal relocation will not be a reasonable option if it depends on the person concealing their sexual orientation and / or gender identity in the proposed new location for fear of persecution.
- 2.5.5 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and, specifically in relation to sexual orientation and/or gender identity claims, the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.6 Certification

- 2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Same-sex sexual acts are prohibited by Article 489 of the Moroccan Penal Code. The penalty on conviction can result in between 6 months and 3 years' imprisonment and a fine. Other articles of the penal code may also be applied against LGBT persons.
- 3.1.2 However, in practice, the law is rarely used – especially in respect of women.
- 3.1.3 Social attitudes and norms are based on conservative values, with a strong emphasis in traditional Islamic morality and conventional gender roles. However, these views are not shared by all.
- 3.1.4 LGBT persons may face discrimination and abuse from within their family and/or society in general. This is, in itself, not normally sufficiently serious by its nature and repetition as to amount to persecution or serious harm.
- 3.1.5 However, decision makers must consider the specific facts of the individual case and whether there may be other factors – in particular the use (or potential use) of the provisions in the penal code to prosecute a person for same-sex sexual activity, even where the person is seeking protection from violence directed towards them.
- 3.1.6 Where this is the case, the state appears able but unwilling to offer effective protection.
- 3.1.7 Whether internal relocation is reasonable will require case-specific assessment. It may be possible to move to one of the larger cities, such as Casablanca, but this is also dependant on a range of person-specific factors.
- 3.1.8 Internal relocation will not be a reasonable option if it depends on the person concealing their sexual orientation and / or gender identity in the proposed new location for fear of persecution.
- 3.1.9 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

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Country information

Updated: 28 June 2017

4. Demography

4.1 LGBT community in Morocco

- 4.1.1 There are no census data on the size of the LGBT population in Morocco¹.
- 4.1.2 A May 2015 paper written by a PhD student (Bella Pori), stated that surveys in the USA have put the percentage of gay people in Morocco at around 3-4% of the overall population, with the PhD student concluding that 'If one percent of Moroccans are gay, that leaves 330,000 gay people in the country, the vast majority of whom are not open about their sexuality'.²
- 4.1.3 For a discussion of the size of the LGBT populations in other countries based on data obtained through various surveys, see the country policy and information note on [Uganda: Sexual orientation and gender identity](#).

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5. Legal context

5.1 Constitution

- 5.1.1 Morocco's 2011 constitution includes in the preamble that

'[...] the Kingdom of Morocco [...] reaffirms that which follows and commits itself:

'To ban and combat all discrimination whenever it encounters it, for reason of sex, or color, of beliefs, of culture, of social or regional origin, of language, of handicap or whatever personal circumstance that may be'³

- 5.1.2 The section specific to Fundamental Freedoms and Rights includes, in particular:

- Article 20 providing the right to life.
- Article 21 providing that 'All have the right to the security of their person and of their kin [proches], and to the protection of their assets'
- Article 22 providing that
'the physical or moral integrity of anyone may not be infringed, in whatever circumstance that may be, and by any party that may be, public or private.'

'No one may inflict on others, under whatever pretext there may be, cruel, inhuman, [or] degrading treatments or infringements of human dignity ...

'The practice of torture, under any of its forms and by anyone, is a crime

¹ No source – internet search on 4 May 2017 via Google, Google Scholar, RefWorld, ecoinet and Twitter

² Bella Pori and Professor Paul Martin, 'Thesis – "Love is Not a Crime": Goals of the Gay Movement in Morocco', 10 May 2015, https://academiccommons.columbia.edu/.../Human_Rights_Thesis_Final_Draft.doc. Accessed: 4 May 2017.

³ The Constitute Project, 'Morocco's Constitution of 2011' [in English] (page 3), 28 March 2017, https://www.constituteproject.org/constitution/Morocco_2011.pdf?lang=en. Accessed: 4 May 2017.

punishable by the law’

- Article 23 providing for certain legal provisions in the event of arrest.
- Article 24 providing that ‘any person has the right to the protection of their private life’⁴

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5.2 Legislation

5.2.1 In their annual ‘Freedom in the World’ report for 2016, Freedom House reported that ‘same-sex sexual relations are illegal, though they are generally tolerated in tourist areas.’⁵

5.2.2 The US Department of State, in the 2016 edition of their annual ‘Country Report on Human Rights Practices’ covering events in 2015 (‘the 2016 USSD report’) noted that ‘The government deems LGBTI orientation or identity illegal’⁶ and that ‘The penal code criminalizes consensual same-sex sexual activity with a maximum sentence of three years in prison.’⁷ The 2017 USSD report (covering events in 2016) repeated this⁸.

See also [Criminal/Penal Code](#).

5.2.3 The 2016 USSD report (covering events in 2015)⁹ and the 2017 USSD report (covering events in 2016)¹⁰ added that ‘antidiscrimination laws do not apply to LGBTI persons’.

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5.3 Criminal/Penal Code

5.3.1 Article 489 of the Moroccan Penal Code of 1962 specifies that “any person who commits a lewd and unnatural act with an individual of the same sex may be sentenced to six months to three years of imprisonment and fined 200-1000 Moroccan dirhams [c. £16-80¹¹].”¹²

Note: The source also indicates that the minimum fines were increased in 1982 which may account for other sources citing a lower fine.

⁴ The Constitute Project, ‘Morocco’s Constitution of 2011’ [in English] (page 9), 28 March 2017, https://www.constituteproject.org/constitution/Morocco_2011.pdf?lang=en. Accessed: 4 May 2017.

⁵ Freedom House, ‘Freedom in the World 2016 – Morocco’ (Section F), 29 June 2016, <https://freedomhouse.org/report/freedom-world/2016/morocco>. Accessed: 27 November 2016.

⁶ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

⁸ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

⁹ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 2b), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹⁰ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

¹¹ European Commission, InfoforEuro currency converter, http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/index_en.cfm. Accessed: 7 June 2017.

¹² Moroccan Penal Code (translated from French), 5 June 1963, http://www.wipo.int/wipolex/en/text.jsp?file_id=190447. Accessed: 28 November 2016.

- 5.3.2 Sodomy Laws – a database of global anti-gay legislation – also cited section 489 of the Penal Code and referred to a penalty of between 6 months and 3 years' imprisonment and additional fines from 120 to 1000 Dirhams¹³. In an April 2013 report, Amnesty International described the offence as above. They also noted the fine was 120 to 1,000 dirhams but added the caveat 'unless the facts of the case constitute aggravating circumstances.'¹⁴
- 5.3.3 A Huffington Post article of March 2016 described article 489 of the Code as stating "Whoever commits abnormal sexual acts with a person of the same sex shall be punished with imprisonment for a period of 6 months to 3 years and a fine from 120 to 1000 Dirhams [US\$12-100], unless the act is a more serious offense."¹⁵
- 5.3.4 Several sources, Abdelaziz Nouaydi – a lawyer and a university teacher based in Rabat, who has served as a defence lawyer in cases where persons were accused of homosexuality¹⁶ – as well as the Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH)¹⁷ and Professor Dialmy¹⁸, who were interviewed by the Danish Immigration Service in their October 2016 fact-finding mission, referred also to section 490 which criminalises sexual relations between two persons who are not married; and section 491 which criminalises adultery.
- 5.3.5 The 2016 USSD report (covering events in 2015), noted that 'the penal code does not criminalize hate crimes.'¹⁹

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5.4 Potential changes to the penal code

5.4.1 Human Rights Watch noted that

'On June 9 [2016], the Council of Government approved and sent to Parliament a draft overhaul of the penal code that maintains the punishments, which include prison terms, for prohibited consensual intimate relations between adults, including homosexuality (article 489), sex outside marriage (article 490) and adultery (article 491). The draft law increases the fines that accompanies the prison term that a judge can impose under article

¹³ Sodomy Laws, Morocco, updated 2004, <http://www.glapn.org/sodomylaws/world/morocco/morocco.htm>. Accessed: 28 November 2016.

¹⁴ Amnesty International, 'Making Love a Crime: Criminalization of Same-Sex Conduct in Sub-Saharan Africa' (page 88), April 2013, <http://www.amnesty.org/en/library/asset/AFR01/001/2013/en/9f2d91b7-bc0e-4ea7-adae-7e51ae0ce36f/af010012013en.pdf>. Accessed: 17 February 2014.

¹⁵ Huffington Post, 'My Morocco, Why Are You So Homophobic?', 28 March 2016, http://www.huffingtonpost.com/hicham-tahir/my-morocco-why-are-you-so_b_9557152.html. Accessed: 5 December 2016.

¹⁶ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p27), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁷ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁸ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p29), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁹ US Department of State, 'Country Reports on Human Rights Practices for 2015 – Morocco' (section 2b), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

489, to a maximum of 20,000 Dirhams (US\$2,000).²⁰

- 5.4.2 CPIT found no corroborating information on progress of this proposed change²¹.
- 5.4.3 The UN Human Rights Council's May 2017 draft report of the working group on the Universal Periodic Review contained around ten linked conclusions and recommendations aimed at adopting anti-discrimination laws and repealing provisions in the criminal code relating to prosecution of same-sex sexual activity²². Morocco's response to this report is due in September 2017²³.
- 5.4.4 The report of the Office of the United Nations High Commissioner for Human Rights, as part of the May 2017 Universal Periodic Review process also noted that 'The Human Rights Committee [in December 2016] recommended that Morocco decriminalize homosexuality, free anyone who is in detention solely for having had consensual sexual relations'²⁴

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6. Law in practice

6.1 Use of the law generally

- 6.1.1 In an October 2013 'response to information request', the Research Directorate of Immigration and Refugee Board of Canada ('the Canadian IRB'), based on a May 2010 article in Reuters and the 2012 USSD report, reported that convictions for homosexuality in Morocco were "rare" or "infrequently enforced"²⁵.
- 6.1.2 An undated 'composite of information on Gay Rights in Morocco, compiled by Asylum.org' originally accessed in May 2014, though still available on the Refugee Legal Aid Information website, noted that 'while homosexual activity is illegal, the law is only sporadically enforced.'²⁶
- 6.1.3 Recent USSD reports have included a small section in which they noted that 'individuals engaged in same-sex sexual activity were prosecuted ...:

²⁰ Human Rights Watch, 'Morocco: 2 Jailed for Homosexuality', 28 July 2016, <https://www.hrw.org/news/2016/07/28/morocco-2-jailed-homosexuality>. Accessed: 27 November 2016.

²¹ No source – internet search on 27 November 2016 via Google, Google Scholar, RefWorld, ecoinet and Twitter

²² UN Human Rights Council, 'Draft report of the Working Group on the Universal Periodic Review' (recommendations 6.70-6.80), 4 May 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_l.4.pdf. Accessed: 6 June 2017.

²³ UN Human Rights Council, 'Draft report of the Working Group on the Universal Periodic Review' (II. Conclusions and/or recommendations, page 3), 4 May 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_l.4.pdf. Accessed: 6 June 2017.

²⁴ UN Human Rights Council, 'Report of the Office of the United Nations High Commissioner for Human Rights – UN compilation on Morocco' (para 18), 20 February 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_mar_2_e.pdf. Accessed: 6 June 2017.

²⁵ Research Directorate, Immigration and Refugee Board of Canada; Response to Information Request (MAR104621.FE), 28 October 2013, <http://irb-cjsr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455292&pls=1>. Accessed: 28 November 2016.

²⁶ Refugee legal Aid Information, 'Morocco LGBTI Resources', undated, <http://www.refugeelegalaidinformation.org/morocco-lgbti-resources>. Accessed: 16 May 2014

- on at least two occasions during the year (2014 report, covering events in 2013)²⁷
 - at least once during the year (2015 report, covering events in 2014)²⁸
 - at least once during the year (2016 report, covering events in 2015)²⁹
 - at least once during the year (2017 report, covering events in 2016)³⁰
- 6.1.4 The report of the Office of the United Nations High Commissioner for Human Rights, as part of the May 2017 Universal Periodic Review process also noted that ‘in 2015, it had received information about four men who had been convicted of sodomy and sentenced for imprisonment after a trial that seemed to have been unfair.’³¹
- 6.1.5 The same report added ‘The media had reported the arrest of 20 individuals in 2015 because of sexual relations between persons of the same sex.’³²
- 6.1.6 A summary of stakeholder’s submissions to the UN Human Rights Council as part of the May 2017 Universal Periodic Review process reported that Amnesty International ‘indicated that Morocco continued to imprison people under laws criminalizing same-sex sexual relations between consenting adults. Between May and June 2015, five men were sentenced to prison by “indecentry”’³³
- 6.1.7 The ‘Erasing 76 Crimes’ blog, which ‘focuses on the human toll of 76+ countries’ anti-LGBTI laws and the struggle to repeal them’³⁴, reported that ‘In the first three months [of 2016], [LGBTI advocacy organization] Aswat recorded 19 cases of prosecution for “homosexual perversion”’³⁵.
- 6.1.8 In a March 2017 report, following an October 2016 interview, the Danish Immigration Service noted that the National Council of Human Rights

²⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2013 – Morocco’ (section 6), 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220369>. Accessed: 22 December 2016.

²⁸ US Department of State, ‘Country Reports on Human Rights Practices for 2014 – Morocco’ (section 6), 25 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236614>. Accessed: 22 December 2016.

²⁹ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

³⁰ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

³¹ UN Human Rights Council, ‘Report of the Office of the United Nations High Commissioner for Human Rights’ (para 17), 20 February 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_mar_2_e.pdf. Accessed: 6 June 2017.

³² UN Human Rights Council, ‘Report of the Office of the United Nations High Commissioner for Human Rights’ (para 17), 20 February 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_mar_2_e.pdf. Accessed: 6 June 2017.

³³ UN Human Rights Council, ‘Report of the Office of the United Nations High Commissioner for Human Rights - Summary of stakeholders’ submissions on Morocco’ (para 15), 20 February 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_mar_3_e.pdf. Accessed: 6 June 2017.

³⁴ 76Crimes, ‘About’, undated, <https://76crimes.com/about-2/>. Accessed: 27 November 2016.

³⁵ 76Crimes, ‘Arrest of 2 girls highlights Morocco’s anti-LGBT persecution’, 10 November 2016, <https://76crimes.com/2016/11/10/arrest-of-2-girls-highlights-moroccos-anti-lgbt-persecution>. Accessed: 27 November 2016.

(Conseil National des Droits de l'Homme – CNDH) informed them that 'To the best knowledge of the Council, there have been four or five cases where a person has been brought to court accused of a homosexual criminal offence in 2015. The Council followed the development of those cases.'³⁶

- 6.1.9 In the same report Abdelaziz Nouaydi – a lawyer and a university teacher based in Rabat, who has served as a defence lawyer in cases where persons were accused of homosexuality³⁷ – is recorded as having estimated 'between 10 and 20 cases of homosexuality charges which have been brought before Moroccan courts of justice in 2015 and 2016.' Although he 'emphasized that he is not in possession of any statistical data describing the extent of these cases.'³⁸

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6.2 Official statistics on use of the law

- 6.2.1 Al-akhbar, in a news article of 21 May 2013, citing what it then described as 'the latest figures from the Ministry of Justice', noted there were 81 trials involving accusations of homosexuality in 2011³⁹.
- 6.2.2 In an October 2016 interview with Mustapha El Bouazaoui, Consular and Social Affairs at the Ministry of Foreign Affairs and Cooperation⁴⁰ as part of the Danish Immigration Service's March 2017 report, he stated that 'At present, the Government does not have sufficient data regarding the extent of [convictions and penalties under article 489] in Morocco.'⁴¹
- 6.2.3 As stated above, Abdelaziz Nouaydi emphasised to the Danish Immigration Service that he was not in possession of any statistical data [regarding homosexuality cases before the courts]⁴²
- 6.2.4 CPIT found no recent official statistics on arrests, convictions or penalties imposed for offences under articles 489, 490 or 491 of the penal code⁴³.

See also [Criminal/Penal Code](#).

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³⁶ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p19), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

³⁷ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p27), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

³⁸ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p18), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

³⁹ Al-akhbar, 'Morocco jails two men for homosexuality', 21 May 2013, <http://english.al-akhbar.com/node/15868>. Accessed: 17 February 2014

⁴⁰ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p18), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁴¹ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p27), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁴² Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p18), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁴³ No source – internet search on 30 March 2017 via Google, Google Scholar, RefWorld, ecoinet and Twitter

6.3 Use of the law against men

- 6.3.1 A June 2015 Agence France-Press (AFP) article, reported in the Express Tribune, noted that ‘Two Moroccan men who kissed in public were arrested by authorities’ and that ‘The interior ministry said the pair were arrested for “an obscene act”’.⁴⁴
- 6.3.2 The UK’s gay magazine ‘Attitude’⁴⁵ also reported on this incident on their website. They claimed that ‘A clamp down on homosexuality in Morocco has become further heightened this week after two men were jailed, and around 20 men and trans people were arrested.’⁴⁶
- 6.3.3 The 2016 USSD report (covering events in 2015) also covered what it described as one widely publicized case in which
[...] authorities sentenced two men to three months in prison and a fine of 500 dirhams (\$50) for the crime of “breach of public modesty” and “homosexuality.” Authorities arrested them for publicly kissing in the proximity of Hassan Tower in Rabat, allegedly in connection with a protest in the same location by French LGBTI group “Femen” the previous day. The men’s attorneys contested the charges, stating that the men were not connected to the protests, and authorities could not show that they engaged in “indecent behavior.”⁴⁷
- 6.3.4 In their annual ‘Freedom in the World’ report for 2016, Freedom House reported that ‘In May 2015, three men were sentenced to three years in jail for allegedly engaging in same-sex sexual acts. In June [2015], two other men were convicted for a photograph in which they were holding each other; they were sentenced to four months in jail.’⁴⁸
- 6.3.5 They added that ‘according to rights groups, the latter were subject to abuse while in custody, and protesters harassed their families after the Moroccan government revealed their identities publically.’⁴⁹
- 6.3.6 In December 2016, the “Erasing 76 Crimes” blog – citing two French language articles (via [Le Site Info](#) and [Infos LGBT](#)) – reported that ‘Police in Sidi Ali Ben Hamdouch, in the Meknès region of Morocco, recently arrested three men on charges of homosexuality and wearing “clothes that resemble those of women.”’⁵⁰ The same report added that ‘Police also reportedly assaulted them verbally and physically in order to humiliate them in public before taking them to police custody.’⁵¹

⁴⁴ Express Tribune, ‘Morocco arrests two men who kissed in public’, 4 June 2015, <http://tribune.com.pk/story/897686/morocco-arrests-two-men-who-kissed-in-public>. Accessed: 5 December 2016.

⁴⁵ Attitude, ‘About Attitude’, undated, <http://attitude.co.uk/about-attitude>. Accessed: 21 December 2016.

⁴⁶ Attitude, ‘More gay men arrested and jailed in Morocco’, 21 June 2015, <http://attitude.co.uk/more-gay-men-arrested-and-jailed-in-morocco>. Accessed: 21 December 2016.

⁴⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

⁴⁸ Freedom House, ‘Freedom in the World 2016 – Morocco’ (Section F), 29 June 2016, <https://freedomhouse.org/report/freedom-world/2016/morocco>. Accessed: 27 November 2016.

⁴⁹ Freedom House, ‘Freedom in the World 2016 – Morocco’ (Section F), 29 June 2016, <https://freedomhouse.org/report/freedom-world/2016/morocco>. Accessed: 27 November 2016.

⁵⁰ 76Crimes, ‘3 arrests in Morocco for clothes that are “too feminine”’, 21 December 2016, <https://76crimes.com/2016/12/21/3-arrests-in-morocco-for-clothes-that-are-too-feminine>. Accessed: 21 December 2016.

⁵¹ 76Crimes, ‘3 arrests in Morocco for clothes that are “too feminine”’, 21 December 2016,

- 6.3.7 Specific cases, including those outlined above, were recorded by various sources and noted in the Danish Immigration Service's March 2017 report '[Morocco: Situation for LGBT Persons](#)'⁵²

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6.4 Use of the law against women

- 6.4.1 On 14 December 2016, Pink News reported that two teenage girls (aged 16 and 17) who faced prison after being accused of "hugging and kissing" on a rooftop had been acquitted⁵³. The Guardian carried a similar article⁵⁴.
- 6.4.2 The 'Erasing 76 Crimes' blog also reported on this, reporting that 'On [9 December 2016], a court in Marrakesh, Morocco, dismissed charges against two girls who had been arrested and jailed in late October after being spotted kissing on a rooftop.'⁵⁵ The same source added that 'Arrests for homosexuality are common in Morocco. But this is the first case involving women.'⁵⁶
- 6.4.3 A March 2017 blog article also commented on this case and added 'While the story of the teenage girls' kiss attracted international attention, women are rarely charged under the law prohibiting homosexual activity in Morocco.'⁵⁷
- 6.4.4 CPIT could find no other examples of articles 489, 490 or 491 of the penal code being applied to women⁵⁸.

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7. Other state attitudes and treatment

7.1 State attitudes

- 7.1.1 Although not explicitly referencing the state/authorities as the actor(s), in the section sub-titled 'Rule of Law' of their annual 'Freedom in the World' report for 2016, Freedom House reported that 'the Moroccan LGBT (lesbian, gay, bisexual, and transgender) community faces harsh discrimination.'⁵⁹
- 7.1.2 Similarly, again not explicitly referencing the state/authorities as the actor(s),

<https://76crimes.com/2016/12/21/3-arrests-in-morocco-for-clothes-that-are-too-feminine>. Accessed: 21 December 2016.

⁵² Danish Immigration Service, 'Morocco: Situation for LGBT Persons', March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁵³ Pink News, 'Teenage girls who faced jail in Morocco for 'hugging and kissing' are acquitted', 14 December 2016, <http://www.pinknews.co.uk/2016/12/14/teenage-girls-who-faced-jail-in-morocco-for-hugging-and-kissing-are-acquitted>. Accessed: 21 December 2016.

⁵⁴ The Guardian, 'Morocco judge acquits girls accused of homosexuality', 9 December 2016, https://www.theguardian.com/world/2016/dec/09/morocco-acquits-teenage-girls-trial-homosexuality?CMP=Share_iOSApp_Other. Accessed: 21 December 2016.

⁵⁵ 76Crimes, 'Arrest of 2 girls highlights Morocco's anti-LGBT persecution', 11 December 2016, <https://76crimes.com/2016/12/11/jailed-for-kissing-2-moroccan-girls-win-in-court/>. Accessed: 21 December 2016.

⁵⁶ 76Crimes, 'Arrest of 2 girls highlights Morocco's anti-LGBT persecution', 11 December 2016, <https://76crimes.com/2016/12/11/jailed-for-kissing-2-moroccan-girls-win-in-court/>. Accessed: 21 December 2016.

⁵⁷ Teen Vogue, 'What It's Like to Be Gay in Morocco', 21 March 2017, <http://www.teenvogue.com/story/what-its-like-to-be-gay-in-morocco>. Accessed: 1 April 2017.

⁵⁸ No source – internet searches on 21 December 2016 and 1 April 2017 via Google, Google Scholar, RefWorld, ecoinet and Twitter

⁵⁹ Freedom House, 'Freedom in the World 2016 – Morocco' (Section F), 29 June 2016, <https://freedomhouse.org/report/freedom-world/2016/morocco>. Accessed: 27 November 2016.

in the section sub-titled 'Discrimination and violence based on sexual orientation and gender identity' the UN Human Rights Committee raised its concern by 'reports of the advocacy of hatred, discrimination and violence against people because of their sexual orientation or gender identity.'⁶⁰

- 7.1.3 The Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) informed the Danish Immigration Service, as part of their October 2016 fact-finding mission, that 'Although the Government on the one hand tolerates the existence of a homosexual community, on the other hand, it offers quasi-impunity to persons and groups who have been harassing homosexuals or even lynching homosexuals, in the public space.'⁶¹
- 7.1.4 The National Council of Human Rights (Conseil National des Droits de l'Homme – CNDH) – whom the Danish Immigration Service interviewed during the same mission – stated that that 'It is neither the courts or tribunals nor the Government that are driving this opposition [to LGBT persons – instead it is a fraction of the community].'⁶²

See also [societal treatment](#).

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7.2 Public statements by politicians and government officials

- 7.2.1 In June 2015, the IB Times noted a report by the Moroccan Health Ministry which called for the decriminalisation of homosexuality. It reported that 'The ministry said decriminalisation would help combat sexually transmitted diseases such as HIV, as members of the LGBT would feel less afraid to seek treatment.'⁶³
- 7.2.2 A March 2016 US News article described homosexuality as being 'reprimanded', however it went on to add:

'Yet, times may be changing in Morocco, a country with its own contradictions in how it treats sexuality. Last November, the country's tourism minister, Lahcen Haddad, called for the decriminalization of homosexuality. That declaration broke a widespread taboo and deepened divides between political parties and the Islamic-dominated government, which had planned to toughen sanctions against gays.'⁶⁴
- 7.2.3 In December 2016, reporting on the case of two teenage girls who faced potential imprisonment under Article 489 of the Criminal Code, Middle East

⁶⁰ UN Human Rights Council, 'Concluding observations on the sixth periodic report of Morocco' (para. 11). 1 December 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MAR/CO/6&Lang=En. Accessed: 21 June 2017

⁶¹ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p21), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁶² Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p19), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁶³ International Business Times, 'Morocco: Anger at Maroc Hebdo magazine cover asking 'shall we burn homosexuals?', 12 June 2015, <http://www.ibtimes.co.uk/morocco-anger-maroc-hebdo-magazine-cover-asking-shall-we-burn-homosexuals-1505818>. Accessed: 21 December 2016.

⁶⁴ US News, 'In Morocco, a Struggle Over Sexuality', 3 March 2016, <http://www.usnews.com/news/best-countries/articles/2016-03-03/in-morocco-a-struggle-over-sexuality>. Accessed: 4 December 2016.

Eye noted in response that no political parties called for decriminalising homosexuality, and cited Driss Lachgar, general secretary of the USFP (Socialist Union of Popular Forces), as having said that “...the fight to make homosexuality legal is not a priority for party leaders.”⁶⁵

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7.3 Actions by the police

7.3.1 The 2016 USSD report (covering events in 2015), noted that

‘Civil society organizations reported that authorities disrupted an increased number of events during the year. For example, police forcibly dispersed a May 16 event organized by prominent lesbian, gay, bisexual, transgender, and intersex (LGBTI) advocacy organization Aswat (“voices” in Arabic) to celebrate International Day Against Homophobia and Transphobia, entitled “The Penal Code: Is Love a Crime?” Reportedly, authorities arrested one member of Aswat. The Cervantes Institute in Rabat cancelled another Aswat event scheduled for the following day after the institute’s management received “pressure” not to permit the event to proceed.’⁶⁶

7.3.2 Freedom House noted that ‘In June [2016], two other men were convicted for a photograph in which they were holding each other; they were sentenced to four months in jail. According to rights groups, [they] were subject to abuse while in custody.’⁶⁷

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7.4 Police responses to reports of anti-LGBT violence

7.4.1 The Danish Immigration Service noted in a March 2017 report (based on interviews in Morocco between 9–18 October 2016) that

‘[...] according to [National Council of Human Rights (Conseil National des Droits de l’Homme – CNDH)] a LGBT person who fears for his or her security can request for and obtain police protection. If the person in question is experiencing abuse at a police station, it is rather due to the lack of discipline and respect for the law on the part of the individual police officer than a direct consequence of the person’s sexual orientation. According to the representatives of the Council, a homosexual individual who fears for his or her life is more likely to be actively protected against harassment and violence by the police than by people in the streets.’⁶⁸

7.4.2 However, according to the Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) – whom the Danish Immigration Service interviewed for the same report – ‘it is not possible for LGBT persons to ask for and obtain efficient protection from the police,

⁶⁵ Middle East Eye, ‘Homosexuality in Morocco: Girls’ trial sparks debate on decriminalisation’, 11 December 2016, <http://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation-homosexuality-1742436101>. Accessed: 21 December 2016.

⁶⁶ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 2b), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

⁶⁷ Freedom House, ‘Freedom in the World 2016 – Morocco’ (Section F), 29 June 2016, <https://freedomhouse.org/report/freedom-world/2016/morocco>. Accessed: 27 November 2016.

⁶⁸ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p19), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

neither when an LGBT person fears for his or her security nor when a person has already been a victim of unfair treatment either at home or in the public space, due to Article 489 of the Penal Code which criminalises homosexuality.⁶⁹

- 7.4.3 The same source further noted that ‘Although the Government on the one hand tolerates the existence of a homosexual community, on the other hand, it offers quasi-impunity to persons and groups who have been harassing homosexuals or even lynching homosexuals, in the public space.’⁷⁰
- 7.4.4 Aswat – (‘Voices’ in Arabic), an independent nonprofit organisation fighting for gender and sexuality issues and against any discrimination based on sexual orientation, identity and gender⁷¹ – told the Danish Immigration Service in an interview for the same report that ‘it is almost impossible to obtain protection with the authorities because of the law that criminalises homosexuality.’⁷²
- 7.4.5 Abdelaziz Nouaydi – a lawyer and a university teacher based in Rabat, who has served as a defence lawyer in cases where persons were accused of homosexuality – told the Danish Immigration Service in an interview for the same report that ‘homosexuals prefer to face homophobic assaults rather than to show up at a police station and ask for protection where they might risk being arrested for homosexuality.’⁷³
- 7.4.6 The 2017 USSD report (covering events in 2016), noted that ‘in March [2016] observers filmed a mob in Beni Mellal attacking two men presumed to be gay. The mob attacked the men in their home before making them undress and walk through the city’s streets to a police station, where the two were arrested and charged with homosexuality. Authorities later arrested several of the men involved in the attack. The court sentenced the attackers to between three and six months and gave suspended sentences to the two individuals accused of homosexual acts.’⁷⁴

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8. Social norms and ‘presence’ of LGBT community

8.1 Societal norms

⁶⁹ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p23), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁷⁰ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p21), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁷¹ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p23), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁷² Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p26), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁷³ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p28), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁷⁴ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

- 8.1.1 A 'Global Post' report entitled, 'Lesbians in Morocco: Should we stay or should we go', dated 22 June 2012, stated:

'In Morocco, often considered one of the most liberal Muslim countries, affection between women is common. Girls loop arms, stroll hand-in-hand and sit cuddled together. But when this affection becomes romantic and women want to live openly as lesbians, Morocco's acceptance abruptly stops.

"'Lesbianism is not a good thing. Our God does not allow us to do something like this. It is haram," said Hasnae Krimi, 22, a linguistics student at Rabat's Mohammed V University, who believes that sickness and natural disasters are increasing as a warning to reject homosexuality. Most people in this Islamic country respond in similar fashion: Homosexuality is haram, prohibited by God.'⁷⁵

- 8.1.2 The same article added

'Behind the law against homosexuality is religion, said Dr. Abdessamad Dialmy, a professor of gender studies at the Rabat's Mohammed V University and one of the leading researchers of sexuality in Morocco. "For the majority of Moroccans, homosexuality is a sin because it is rejected by Islam," he said. "If you have sex outside marriage, it is less condemnable than sex among the same sex. The first one is only a sin, not abnormal. Homosexuality is seen as a sin and abnormal."

[...]

'The societal pressure to get married, Dialmy said, is extreme. Marriage is often the central life event for men and women. "It is not a choice," he said, adding that homosexual women often end up marrying men, sometimes gay men, and keep their true feelings suppressed or secret.'⁷⁶

- 8.1.3 The undated information available on the Refugee Legal Aid Information website (originally accessed in May 2014) also reported that homosexuality '[...] still contravenes traditional Islamic morality and traditional gender roles, and as such is stigmatized and viewed as immoral. Cross-dressing is also considered to be taboo.'⁷⁷
- 8.1.4 A February 2016 article on Your Middle East argued that 'The digital revolution has brought to the Arab world the dream of democracy and personal freedom and is fundamentally changing the Arab mind, in spite of the strong tug of tradition and religion, which has always, in many ways, prevented progress towards societal change and cultural revival.'⁷⁸
- 8.1.5 In an April 2016 article, the BBC cited Samir Bargachi, president of Kif Kif, as suggesting that those in Morocco protesting against LGBT persons was

⁷⁵ Global post.com, 'Lesbians in Morocco: Should we stay or should we go', 22 June 2012, <http://www.globalpost.com/dispatch/news/regions/africa/morocco/120621/morocco-LGBT-gay-lesbian>. Accessed: 22 December 2016.

⁷⁶ Global post.com, 'Lesbians in Morocco: Should we stay or should we go', 22 June 2012, <http://www.globalpost.com/dispatch/news/regions/africa/morocco/120621/morocco-LGBT-gay-lesbian>. Accessed: 22 December 2016.

⁷⁷ Refugee legal Aid Information, 'Morocco LGBTI Resources', undated, <http://www.refugeelegalaidinformation.org/morocco-lgbti-resources>. Accessed: 16 May 2014

⁷⁸ Your Middle East, 'Morocco's silent cultural revolution', 4 February 2016, http://www.yourmiddleeast.com/culture/moroccos-silent-cultural-revolution_38562. Accessed: 15 April 2017.

because “‘They think they are 'saving' traditional values”.⁷⁹

- 8.1.6 A December 2016 article in Middle East Eye suggested that ‘Within an ultra-conservative society, where religion rules, social status means everything and being gay is a crime, often the aggressors feel it is their role to maintain moral standards within the culture.’⁸⁰
- 8.1.7 In an October 2016 interview with the Danish Immigration Service, the Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) described the situation for LGBT persons as being ‘[...] characterised by a stigmatising and conservative politico-religious discourse attempting to discredit LGBT persons.’⁸¹
- 8.1.8 The same source added that ‘Aggressions may be caused by if a person dresses that is considered to incompatible with prevailing norms, due to the fact that two persons of the same sex live together or simply being seen in a situation with a person of the same sex.’⁸²
- 8.1.9 As part of the same fact-finding mission, Mustapha El Bouazaoui (Consular and Social Affairs at the Ministry of Foreign Affairs and Cooperation⁸³), informed the Danish Immigration Service that the public view was ‘currently rather conservative as far as social values and conduct are concerned’⁸⁴ and that ‘Moroccan politicians are confronted with the necessity to adapt the religious factor to existing international human rights conventions.’⁸⁵
- 8.1.10 The National Council of Human Rights (Conseil National des Droits de l’Homme – CNDH) also informed the Danish Immigration Service as part of the same fact-finding mission that ‘the issue of homosexuality and transsexuality must be seen in the context of individual liberty and must be examined with a point of departure in today’s context of profound socio-political changes and the current change of value systems.’⁸⁶
- 8.1.11 Aswat also informed the Danish Immigration Service as part of the same fact-finding mission that ‘A person may be judged by his or her physical appearance based on stereotypical norms (the way a person dresses and

⁷⁹ BBC, ‘Moroccans divided over video of homophobic attack’, 8 April 2016, <http://www.bbc.co.uk/news/blogs-trending-35971433>. Accessed: 5 December 2016.

⁸⁰ Middle East Eye, ‘Homosexuality in Morocco: Girls’ trial sparks debate on decriminalisation’, 11 December 2016, <http://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation-homosexuality-1742436101>. Accessed: 21 December 2016.

⁸¹ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁸² Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁸³ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p18), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁸⁴ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p18), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁸⁵ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p18), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁸⁶ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p19), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

walks in the street, etc.) or by the choices of the way a person lives his or her private life (being surprised in an emotional or sexual act).⁸⁷

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8.2 Gay 'scene' or 'community'

8.2.1 According to undated information originally accessed in May 2014, though still available on the Refugee Legal Aid Information website 'There is a degree of tolerance in cities where there are more holiday resorts.'⁸⁸

8.2.2 A June 2014 Al Jazeera article about gay pride march by Moroccans in Paris noted that 'Not only is it difficult for Moroccans to advocate for LGBT rights, but it's also challenging to show secular pride in Morocco.' However, it also quoted Rabat-based democracy activist, Bilal Jouhari as having said that "Secularism exists but not formally, and the liberal minority might suffer from it, but there is always a way to have a secular life, especially in the cities"⁸⁹

See also [pro-LGBT marches/gay pride](#).

8.2.3 In a June 2015 article, the BBC cited Samir Bargachi, president of Kif Kif, as saying that 'the visibility of gay people in Morocco has increased in the last few years, but many still face huge challenges in the country.'⁹⁰

8.2.4 A February 2016 article on Your Middle East argued that the digital revolution was fundamentally changing the Arab mind, and that one of the ways this had manifested itself was with 'gay practice', it noted

'Gay culture has existed in Morocco since the dawn of history and was always tolerated by society, as long as it is kept secret. However, thanks to the digital revolution, gays and lesbians are coming out of the closet to display openly their sexual identity, without fear of any retribution. Also, Tangier, Marrakesh, Essaouira, and Agadir have become gay nests alongside the traditional Tangier gay community which thrived thanks to foreigners, some of them very prominent on the public scene such as the late French writer Jean Genet and the late American writer Paul Bowles. Moroccan gays are not only coming out of the closet, but they are also writing about their sexual identity, such as Moroccan-French novelist Abdellah Taia, who published a book on his sexual orientation.'⁹¹

See also [societal norms](#).

8.2.5 A March 2016 blog published on the Huffington Post site, stated that 'In today's Morocco, you can't be different. It is too risky to be gay. We are not allowed to love. Today, we can't even feel safe at home. It's not just your

⁸⁷ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p24), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁸⁸ Refugee legal Aid Information, 'Morocco LGBTI Resources', undated, <http://www.refugeelegalaidinformation.org/morocco-lgbti-resources>. Accessed: 16 May 2014

⁸⁹ Al Jazeera, 'Moroccans' gay pride march aims to carve out new space from a distance', 26 June 2014, <http://america.aljazeera.com/articles/2014/6/26/morocco-gay-pride0.html>. Accessed: 4 May 2017.

⁹⁰ BBC, 'Moroccans divided over video of homophobic attack', 8 April 2016, <http://www.bbc.co.uk/news/blogs-trending-35971433>. Accessed: 5 December 2016.

⁹¹ Your Middle East, 'Morocco's silent cultural revolution', 4 February 2016, http://www.yourmiddleeast.com/culture/moroccos-silent-cultural-revolution_38562. Accessed: 15 April 2017.

streets anymore.⁹²

- 8.2.6 Based on an unofficial translation of a June 2016 interview with the Hirschfeld Eddy Foundation (HES), Aswat explained that ‘The situation of the LGBTQI community in Morocco depends on various factors (social class, education level, region in which they live ...).’⁹³
- 8.2.7 A March 2017 blog article cited Abdellah Taïa, whom it described as a rare, openly gay Moroccan author and filmmaker, as having said that ‘there is an underground gay community in Morocco, even one that is not so discreet.’⁹⁴
- 8.2.8 The same article cited a 26-year-old man from Agadir who described ‘[...]a downtown scene in Marrakech, where gay men whom he says are prostitutes come out at night. But in his smaller, coastal town of Agadir, [he] says, “You won’t see gay people in the streets.... For me, the worst part of that is that gay people can’t live safely in Morocco — definitely they can’t.”’⁹⁵
- 8.2.9 The Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) informed the Danish Immigration Service as part of their October 2016 fact-finding mission that ‘The only safe public space in the Moroccan society is the university milieu where intellectuals are known for being rather tolerant.’⁹⁶
- 8.2.10 However, during the same mission, Aswat distinguished between three groups constituting the LGBT community in Morocco

‘First, people who are wealthy and thereby benefit from a certain financial independence or who have power that de facto protect them against homophobic aggression and contempt or, at least, they benefit by protection in case they are arrested by the police. Secondly, people from the middle class and the working class attempting to conceal their sexual orientation and who are victims of contempt and aggression enacted by individuals or groups. Within the middle class, those who express their gender identity the most are also those who are the most exposed to violence. [...]

‘Most people who are engaged in LGBT issues belong to the middle or the working class and are aware of the risk that they might run due to their activities. They hide their personal identity as anonymity constitutes a survival strategy in an environment which is hostile to anyone who transgresses gender and sexuality taboos.’⁹⁷

⁹² Huffington Post, ‘My Morocco, Why Are You So Homophobic?’, 28 March 2016, http://www.huffingtonpost.com/hicham-tahir/my-morocco-why-are-you-so_b_9557152.html. Accessed: 4 December 2016.

⁹³ The Lesbian and Gay Federation in Germany (Lesben- und Schwulenverband in Deutschland e. V. (LSVD)), interview with Human Rights Organization “Aswat” on the current situation of LGBTQI in Morocco, 2 June 2016, <http://www.lsvd.de/ziele/buergerrechte/lsvd-the-lesbian-and-gay-federation-in-germany.html>. Accessed: 15 April 2017.

⁹⁴ Teen Vogue, ‘What It’s Like to Be Gay in Morocco’, 21 March 2017, <http://www.teenvogue.com/story/what-its-like-to-be-gay-in-morocco>. Accessed: 1 April 2017.

⁹⁵ Teen Vogue, ‘What It’s Like to Be Gay in Morocco’, 21 March 2017, <http://www.teenvogue.com/story/what-its-like-to-be-gay-in-morocco>. Accessed: 1 April 2017.

⁹⁶ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁹⁷ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p24), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

8.2.11 Aswat also explained that:

[...] the LGBT ‘scene’ in Morocco is organising itself discreetly in order to protect the physical security of its members. For example, the members control the way they are walking in the streets, they are careful with how they dress and they avoid showing emotional gestures in public in order not to attract other people’s attention. LGBT persons prefer to meet in private homes or in certain cafés that are known to tolerate the presence of homosexuals. There are no cafés or restaurants in Rabat with an open ‘gay’ identity.

‘Due to the lack of a secure public space for homo and transpersons, the internet is perceived as a space of freedom. As an example of such a secure space, the interlocutor referred to apps, such as Grindr, which is used to organize meetings between homosexuals or the Akaliyat magazine (‘Minority’) which is currently in the process of being transformed into an association that cooperates with Aswat in order to reveal cases of violence due to homosexuality.’⁹⁸

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8.3 Pro-LGBT marches/gay pride

8.3.1 In June 2014, Al Jazeera reported on ‘Moroccan’s gay pride march’ which took place in Paris⁹⁹.

8.3.2 CPIT found no examples of gay pride or pro-LGBT marches taking place in Morocco¹⁰⁰.

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9. Societal treatment

9.1 Societal attitudes

9.1.1 According to undated information originally accessed in May 2014, though still available on the Refugee Legal Aid Information website, claimed that ‘According to the UNHCR report, Morocco: Treatment of Homosexuals, Moroccan society does not even “suspect” that lesbians exist.’¹⁰¹

9.1.2 The 2016 USSD report (covering events in 2015) noted ‘Sexual orientation and gender identity constituted a basis for societal violence, harassment, blackmail, or other actions, generally at a local level, although with reduced frequency. There were reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity.’¹⁰²

⁹⁸ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p26), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

⁹⁹ Al Jazeera, ‘Moroccans’ gay pride march aims to carve out new space from a distance’, 26 June 2014, <http://america.aljazeera.com/articles/2014/6/26/morocco-gay-pride0.html>. Accessed: 4 May 2017.

¹⁰⁰ No source – internet searches on 21 December 2016 and 1 April 2017 via Google, Google Scholar, RefWorld, ecoinet and Twitter

¹⁰¹ Refugee legal Aid Information, ‘Morocco LGBTI Resources’, undated, <http://www.refugeelegalaidinformation.org/morocco-lgbti-resources>. Accessed: 16 May 2014

¹⁰² US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

- 9.1.3 An April 2016 article in Morocco World News, cited a Spanish-based LGBT association as arguing that “‘homophobia is lived every day in Moroccan streets. Homosexuals are forced to conceal their sexual orientation and many suffer from attacks by those around them, including their families.’”¹⁰³
- 9.1.4 In December 2016 Middle East Eye cited Ismael Bakkar, a MALI (Alternative Movement for Individual Freedoms) activist as having said “‘The situation for the LGBT community is horrifying [...] There’re two types of homophobia: the public’s opinion and the state’s. In order to live as safely as they can, many gays are staying off radar. Every day, they have to hide who they are.’”¹⁰⁴
- 9.1.5 The same article also cited another gay man (Ahmed, although this is not his real name) as saying that “‘No gay person can live freely in Morocco [...] ‘However, I sort of get by and live my life in spite of those issues.’”¹⁰⁵.
- 9.1.6 The National Council of Human Rights (Conseil National des Droits de l’Homme – CNDH) informed the Danish Immigration Service as part of their October 2016 fact-finding mission that “[...] the current opposition to LGBT persons and their human rights is primarily driven by a fraction of the population, those who are vividly engaged in the defence of traditional values. It is neither the courts or tribunals nor the Government that are driving this opposition.”¹⁰⁶
- 9.1.7 The report of the Office of the United Nations High Commissioner for Human Rights, as part of the May 2017 Universal Periodic Review process noted that ‘The Human Rights Committee recommended that Morocco [...] put an end to the social stigmatization of homosexuality and incitement to hate directed at persons because of their sexual orientation or gender identity.’¹⁰⁷

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9.2 Public opinion

- 9.2.1 In November 2014, a survey published by the weekly TelQuel magazine showed at least eight out of 10 Moroccans disapprove of homosexuality¹⁰⁸.
- 9.2.2 However, in their 2016 Global Attitudes Survey published in May 2016, ILGA asked respondents in Morocco whether they thought being LGBTI should be considered a crime.

26% strongly agreed

¹⁰³ Morocco World News, ‘Spanish LGBT Association Calls for Decriminalizing Homosexuality in Morocco’, 2 April 2016, <https://www.morocroworldnews.com/2016/04/183472/spanish-lgbt-association-calls-for-decriminalizing-homosexuality-in-morocco/>. Accessed: 4 December 2016.

¹⁰⁴ Middle East Eye, ‘Homosexuality in Morocco: Girls’ trial sparks debate on decriminalisation’, 11 December 2016, <http://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation-homosexuality-1742436101>. Accessed: 21 December 2016.

¹⁰⁵ Middle East Eye, ‘Homosexuality in Morocco: Girls’ trial sparks debate on decriminalisation’, 11 December 2016, <http://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation-homosexuality-1742436101>. Accessed: 21 December 2016.

¹⁰⁶ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p19), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁰⁷ UN Human Rights Council, ‘Report of the Office of the United Nations High Commissioner for Human Rights’ (para 18), 20 February 2017, https://www.upr-info.org/sites/default/files/document/morocco/session_27_-_may_2017/a_hrc_wg.6_27_mar_2_e.pdf. Accessed: 6 June 2017.

¹⁰⁸ NDTV, ‘Morocco Jails 3 for Homosexuality’, 26 May 2015, <http://www.ndtv.com/world-news/morocco-jails-3-for-homosexuality-765996>. Accessed: 4 December 2016.

- 13% somewhat agreed
- 22% neither agreed nor disagreed
- 9% somewhat disagreed
- 30% strongly disagreed¹⁰⁹

9.2.3 The BBC also noted the response to a video of a homophobic attack had 'provoked two very different social media campaigns in Morocco. One in support of the victims of the attack, and another in support of the alleged attackers.'¹¹⁰

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9.3 Violence and discrimination

9.3.1 The 2016 USSD report (covering events in 2015), noted that '[...] in June [2015] observers filmed a mob of men in Fes attacking a man presumed to be gay. Authorities arrested several of the men involved in the beating; however, a July 2 statement by the Ministries of Interior and Justice implied that the victim had violated the law, while urging individuals not to "take matters into their own hands." In a separate incident in September, police arrested two men in Casablanca for assaulting another man whom they presumed to be gay. Reportedly, they forced him to undress before attempting to blackmail him with threats of showing a video of the assault to his family.'¹¹¹

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10. Family treatment

10.1.1 In an October 2016 interview with the Danish Immigration Service, the Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) described the situation as 'It is necessary to downplay one's homosexual identity [...] within the family'¹¹² and that LGBT persons 'often face intimidation within the family where homosexuality is only rarely tolerated.'¹¹³

10.1.2 During the same mission, Aswat noted that

'In the families, LGBTIQ persons are frequently exposed to harassment. As an example, [...] they are sometimes confined at home. Many LGBTIQ persons who are financially dependent on their family are not given pocket money. If they obtain an economic autonomy, they are capable of detaching

¹⁰⁹ ILGA, 'ILGA-RIWI 2016 Global Attitudes Survey on LGBTI People' (page 5), 17 May 2016, http://ilga.org/downloads/07_THE_ILGA_RIWI_2016_GLOBAL_ATTITUDES_SURVEY_ON_LGBTI_PEOPLE.pdf. Accessed: 28 November 2016.

¹¹⁰ BBC, 'Moroccans divided over video of homophobic attack', 8 April 2016, <http://www.bbc.co.uk/news/blogs-trending-35971433>. Accessed: 5 December 2016.

¹¹¹ US Department of State, 'Country Reports on Human Rights Practices for 2015 – Morocco' (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹¹² Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrappport06032017.pdf. Accessed: 30 March 2017.

¹¹³ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrappport06032017.pdf. Accessed: 30 March 2017.

from the family. However, this is not always the case as there is often a certain alienation within the family which prevents the persons in question from detaching him or herself from the family.’¹¹⁴

- 10.1.3 Abdelaziz Nouaydi – a lawyer and a university teacher based in Rabat, who has served as a defence lawyer in cases where persons were accused of homosexuality – also interviewed by the Danish Immigration Service in their October 2016 fact-finding mission, suggested that ‘the consequences for an individual who has been brought before a judge and who has been detained [...] may involve the risk of being expelled from the family home if the person in question is young and dependent on the family’¹¹⁵

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11. Media attitudes

- 11.1.1 In his September 2010 book ‘Behind the Veil of Vice: The Business and Culture of Sex in the Middle East’, John R. Bradley – a British author and journalist who has written extensively on the Middle East¹¹⁶ – argued that the establishment of a gay rights organisation (Kifkif) had created an impact on the ground due to a steady stream of local press coverage¹¹⁷.

See also [NGOs](#).

- 11.1.2 In June 2015, the IB Times reported on a Moroccan magazine – Hebdo – which it noted had ‘caused outrage by asking its readers whether gay people should be killed instead in response to a government report calling for the decriminalisation of homosexuality.’¹¹⁸
- 11.1.3 The 2016 USSD report (covering events in 2015)¹¹⁹ and the 2017 USSD report (covering events in 2016)¹²⁰ noted that the ‘Media and the public addressed questions of sexuality, sexual orientation, and gender identity more openly than in previous years.’
- 11.1.4 In an October 2016 interview with Mustapha El Bouazaoui (Consular and Social Affairs at the Ministry of Foreign Affairs and Cooperation), reported in the Danish Immigration Service’s March 2017 fact-finding mission report, he

¹¹⁴ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p26), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹¹⁵ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p28), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹¹⁶ Bradley, John R., ‘Official website – biography’, undated, <https://johnrbradley.wordpress.com/8-biography/>. Accessed: 27 November 2016.

¹¹⁷ Bradley, John R., ‘Behind the Veil of Vice: The Business and Culture of Sex in the Middle East’ (page 250), 28 September 2010, available at https://books.google.co.uk/books?id=Y3SRPEEB-71C&pg=PA250&pg=PA250&dq=KifKif+gay+Morocco&source=bl&ots=hbRx7ta1TS&sig=EJAHRYjmbCzLLfOFD31Jk12rxU&hl=en&sa=X&ei=eCJ8UIbHGKb30gHP6oGgDA&redir_esc=y#v=onepage&q&f=false. Accessed: 27 November 2016.

¹¹⁸ International Business Times, ‘Morocco: Anger at Maroc Hebdo magazine cover asking ‘shall we burn homosexuals?’’, 12 June 2015, <http://www.ibtimes.co.uk/morocco-anger-maroc-hebdo-magazine-cover-asking-shall-we-burn-homosexuals-1505818>. Accessed: 21 December 2016.

¹¹⁹ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹²⁰ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

stated that ‘a number of media agencies contribute to the debate on homosexual issues.’¹²¹

- 11.1.5 A March 2017 blog article cited Abdellah Taïa, whom it described as a rare, openly gay Moroccan author and filmmaker, as having said that ‘journalists are now treating the gay community with respect, using less discriminatory and insulting language. “That’s already a big step,” he says.’¹²²

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12. Access to services

12.1 Healthcare

- 12.1.1 In an October 2013 Response to Information Request, the Immigration and Refugee Board of Canada (‘the Canadian IRB’) cited a May 2010 Afrik News article, which in turn referenced the coordinator general of Kifkif as having said that ‘sexual minorities are not always well received by healthcare workers and that Kifkif refers them to doctors [and psychologists] with whom the organization collaborates.’¹²³
- 12.1.2 The Canadian IRB’s response also added that ‘Corroborating information or information on access to health care for sexual minorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.’¹²⁴
- 12.1.3 The 2016 USSD report (covering events in 2015)¹²⁵ and the 2017 USSD report (covering events in 2016)¹²⁶ noted that ‘there was a stigma against LGBTI persons, but there were no reports of discrimination based on sexual orientation or gender identity in [...] health care.’
- 12.1.4 In an October 2016 interview with the Danish Immigration Service, the Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) stated that as a consequence of self-censorship ‘[...] LGBT persons are reluctant to approach existing health care services when they suspect to suffer from a sexual health related problem out of fear of being exposed to prejudices by the health workers when they discover

¹²¹ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p27), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrappport06032017.pdf. Accessed: 30 March 2017.

¹²² Teen Vogue, ‘What It’s Like to Be Gay in Morocco’, 21 March 2017, <http://www.teenvogue.com/story/what-its-like-to-be-gay-in-morocco>. Accessed: 1 April 2017.

¹²³ Immigration and Refugee Board of Canada, ‘Response to Information Request MAR104621.FE – Morocco: Situation of sexual minorities, including treatment by the authorities and society; the application of Article 489 of the Penal Code and cases with convictions for homosexuality; state protection and support services (2010-October 2013)’, 28 October 2013, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455292&pls=1>. Accessed: 14 April 2017.

¹²⁴ Immigration and Refugee Board of Canada, ‘Response to Information Request MAR104621.FE – Morocco: Situation of sexual minorities, including treatment by the authorities and society; the application of Article 489 of the Penal Code and cases with convictions for homosexuality; state protection and support services (2010-October 2013)’, 28 October 2013, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455292&pls=1>. Accessed: 14 April 2017.

¹²⁵ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹²⁶ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

their LGBT identity. According to AMDH, this reluctance has a negative impact on the effective access to HIV/AIDS prevention services, as there are no medical services targeting LGBT persons. Stigmatisation is also a common practice within in the health sector.¹²⁷

- 12.1.5 During the same mission, Aswat emphasized that persons with a ‘homo’ identity who belong to the [middle class and the working class attempting to conceal their sexual orientation] run the risk of limited access to [...] sexual health services whereas people [who are wealthy and thereby benefit from a certain financial independence or who have power] are protected by their elitist status.¹²⁸

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12.2 Accommodation/Housing

- 12.2.1 The 2016 USSD report (covering events in 2015)¹²⁹ and the 2017 USSD report (covering events in 2016)¹³⁰ noted that ‘there was a stigma against LGBTI persons, but there were no reports of discrimination based on sexual orientation or gender identity in [...] housing.’

- 12.2.2 During the Danish Immigration Service’s October 2016 fact-finding mission, Aswat emphasized that persons with a ‘homo’ identity who belong to the [middle class and the working class attempting to conceal their sexual orientation] run the risk of limited access to [...] housing [...] whereas people [who are wealthy and thereby benefit from a certain financial independence or who have power] are protected by their elitist status.¹³¹

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12.3 Employers/employment

- 12.3.1 The 2016 USSD report (covering events in 2015)¹³² and the 2017 USSD report (covering events in 2016)¹³³ noted that ‘there was a stigma against LGBTI persons, but there were no reports of discrimination based on sexual orientation or gender identity in employment.’

- 12.3.2 During the Danish Immigration Service’s October 2016 fact-finding mission, Aswat emphasized that persons with a ‘homo’ identity who belong to the

¹²⁷ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p21), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrappport06032017.pdf. Accessed: 30 March 2017.

¹²⁸ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p24), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrappport06032017.pdf. Accessed: 30 March 2017.

¹²⁹ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹³⁰ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

¹³¹ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p24), March 2017, https://www.nyidanmark.dk/NR/ronlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrappport06032017.pdf. Accessed: 30 March 2017.

¹³² US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹³³ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

[middle class and the working class attempting to conceal their sexual orientation] run the risk of limited access to employment [...] whereas people [who are wealthy and thereby benefit from a certain financial independence or who have power] are protected by their elitist status.¹³⁴

- 12.3.3 Abdelaziz Nouaydi – a lawyer and a university teacher based in Rabat, who has served as a defence lawyer in cases where persons were accused of homosexuality – also interviewed by the Danish Immigration Service in their October 2016 fact-finding mission, suggested that ‘the consequences for an individual who has been brought before a judge and who has been detained [...] may involve difficulties in finding a job (because a clean criminal record is required to be employable)¹³⁵

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12.4 Education

- 12.4.1 The 2016 USSD report (covering events in 2015)¹³⁶ and the 2017 USSD report (covering events in 2016)¹³⁷ noted that ‘there was a stigma against LGBTI persons, but there were no reports of discrimination based on sexual orientation or gender identity in [...] access to education.¹³⁸

- 12.4.2 The Moroccan Association of Human Rights (Association Marocaine de Droits Humains – AMDH) informed the Danish Immigration Service as part of their October 2016 fact-finding mission that ‘The only safe public space in the Moroccan society is the university milieu where intellectuals are known for being rather tolerant.¹³⁹

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13. LGBT groups, civil society and human rights NGOs

- 13.1.1 In his September 2010 book, John R Bradley noted that ‘a Spanish-based Moroccan gay rights organisation, Kifkif, was set up in 2005.¹⁴⁰ The BBC also described Kif Kif as ‘an association based in Spain that fights for the

¹³⁴ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p24), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹³⁵ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p28), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹³⁶ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹³⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2016 – Morocco’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

¹³⁸ US Department of State, ‘Country Reports on Human Rights Practices for 2015 – Morocco’ (section 6), 23 May 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252939>. Accessed: 27 November 2016.

¹³⁹ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p21), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁴⁰ Bradley, John R., ‘Behind the Veil of Vice: The Business and Culture of Sex in the Middle East’ (page 250), 28 September 2010, available at https://books.google.co.uk/books?id=Y3SRPEEB-71C&pg=PA250&lpg=PA250&dq=KifKif+gay+Morocco&source=bl&ots=hbRx7ta1TS&sig=EIJAHRYjmbCzLLfOFD31Jk12rxU&hl=en&sa=X&ei=eCJ8UIbHGKb30gHP6oGgDA&redir_esc=y#v=onepage&q&f=false. Accessed: 27 November 2016.

rights of LGBT people in Morocco.¹⁴¹ However, the Danish Immigration Service noted in a March 2017 report (based on interviews in Morocco between 9–18 October 2016) that Professor Abdessamad Dialmy – an independent researcher who for the past 30 years has published more than 40 academic books and articles within the field of gender, sexuality and Islam in Morocco¹⁴² – that Kif kif no longer exists¹⁴³.

13.1.2 Aswat Collective Against Discrimination Based on Gender & Sexuality, are also an LGBT rights group in Morocco¹⁴⁴ ¹⁴⁵. They also gave a brief overview of their history and aims to the Danish Immigration Service during their October 2016 fact-finding mission¹⁴⁶.

13.1.3 A May 2015 paper written by a PhD student (Bella Pori), stated that ‘The country [Morocco] has several prominent activists who have, in the past, spoken out on behalf of gay rights, but any non-governmental organization (NGO) working for gay rights has to be under the radar of the government. When homosexuality is illegal, advocating for better treatment of gay people also illegal, and ensures that activists fighting for this are suspected of homosexuality. For this reason, there are few people in Morocco advocating publicly for gay rights. Currently, the country has two public gay rights groups, though both retain some form of anonymity for their participants. The more political NGO, which advocates for equal treatment for gay people under the law, is based in Spain, though run by a Moroccan. Another very popular gay magazine is run in Morocco, but is online, and therefore harder to be exposed, and easier to keep anonymity. These two organizations, and the people involved in them, however, do not include all the gay people in Morocco.’¹⁴⁷

13.1.4 In December 2016 Middle East Eye reported on some civil society organisations’ response to the case of two teenage girls who faced potential imprisonment under Article 489 of the Criminal Code. They noted that ‘Collectives ASWAT and Akaliyat have begun collecting signatures to free the two girls, with 85,000 so far, which may be a significant number considering the sensitive topic amid Morocco's conservative culture.’¹⁴⁸

¹⁴¹ BBC, ‘Moroccans divided over video of homophobic attack’, 8 April 2016, <http://www.bbc.co.uk/news/blogs-trending-35971433>. Accessed: 5 December 2016.

¹⁴² Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p29), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁴³ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p32), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁴⁴ Daily Beast, ‘Social Media Frees Moroccan Victims of Anti-Gay Mob’, 21 April 2016, <http://www.thedailybeast.com/articles/2016/04/21/social-media-frees-moroccan-victims-of-anti-gay-mob.html>. Accessed: 5 December 2016.

¹⁴⁵ Facebook, ‘Collectif Aswat (@Collectif.Aswat)’, <https://m.facebook.com/Collectif.Aswat>. Accessed: 5 December 2016.

¹⁴⁶ Danish Immigration Service, ‘Morocco: Situation for LGBT Persons’ (p23), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁴⁷ Bella Pori and Professor Paul Martin, ‘Thesis – “Love is Not a Crime”: Goals of the Gay Movement in Morocco’, 10 May 2015, https://academiccommons.columbia.edu/.../Human_Rights_Thesis_Final_Draft.doc. Accessed: 4 May 2017.

¹⁴⁸ Middle East Eye, ‘Homosexuality in Morocco: Girls’ trial sparks debate on decriminalisation’, 11 December 2016, <http://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation->

- 13.1.5 The same article also referenced the Moroccan Association for Human Rights (AMDH) and MALI (Alternative Movement for Individual Freedoms)¹⁴⁹.
- 13.1.6 In an October 2016 interview with Mustapha El Bouazaoui, Consular and Social Affairs at the Ministry of Foreign Affairs and Cooperation¹⁵⁰ as part of the Danish Immigration Service's March 2017 report, he stated that 'there are a number of organisations promoting the rights of LGBT persons in Morocco.'¹⁵¹
- 13.1.7 The Danish Immigration Service interviewed both AMDH and Aswat as part of their October 2016 fact-finding mission. Notes of those interviews are available in their March 2017 report.
- 13.1.8 The 2017 USSD report (covering events in 2016), noted that 'On June 29, the International Institute for Nonviolent Action (NOVACT), a Spain-based NGO, decided to close its office citing government pressure since June 2015, including refusal to register the organization and expulsion or refusal of entry for its staff members. The organization claims that its difficulties were related to its support for rights for the LGBTI community. The government stated that the registration and entry refusals were due to improperly filed paperwork.'¹⁵²

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[homosexuality-1742436101](#). Accessed: 21 December 2016.

¹⁴⁹ Middle East Eye, 'Homosexuality in Morocco: Girls' trial sparks debate on decriminalisation', 11 December 2016, <http://www.middleeasteye.net/news/young-girls-trial-morocco-re-opens-debate-decriminalisation-homosexuality-1742436101>. Accessed: 21 December 2016.

¹⁵⁰ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p18), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁵¹ Danish Immigration Service, 'Morocco: Situation for LGBT Persons' (p27), March 2017, https://www.nyidanmark.dk/NR/rdonlyres/90FC4C64-BAB6-403B-8CC4-DAE8F94A5B70/0/Marokko_LGBT_FFMrapport06032017.pdf. Accessed: 30 March 2017.

¹⁵² US Department of State, 'Country Reports on Human Rights Practices for 2016 – Morocco' (section 5), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265512>. Accessed: 17 May 2017.

Version control and contacts

Contacts

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Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **10 July 2017**

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