



Morocco - Researched and compiled by the Refugee Documentation Centre of Ireland on Monday 19 & Tuesday 20 May 2014

Treatment of homosexuals including current application legislation

A report issued in June 2013 by *Amnesty International* cites the:

“Penal Code of November 26, 1962
Article 489:

“Any person who commits lewd or unnatural acts with an individual of the same sex shall be punished with a term of imprisonment of between six months and three years and a fine of 120 to 1,000 dirhams, unless the facts of the case constitute aggravating circumstances.” “ (*Amnesty International (25 June 2013) Africa: Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa*, p.87).

Research issued in October 2013 by the *Immigration and Refugee Board of Canada* points out that

“In Morocco, sexual relations between persons of the same sex are illegal...”
(*Immigration and Refugee Board of Canada (28 October 2013) 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)*).

This document also notes that:

“Homosexuality is taboo in Morocco...” (ibid).

A report issued in February 2014 by the *United States Department of State* commenting on events of the preceding year notes that:

“The penal code criminalizes consensual same-sex sexual activity with sentences of up to three years in prison. Individuals engaged in same-sex sexual activity were prosecuted on at least two occasions during the year. Questions of sexuality, sexual orientation, and gender identity were addressed in the media and in public with more openness than in previous years. Sexual orientation or gender identity constituted a basis for societal violence, harassment, blackmail, or other actions, generally at a local level, although with reduced frequency. There were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity. The government deems lesbian, gay, bisexual, or transgender (LGBT) orientation or identity illegal. Antidiscrimination laws do not apply to LGBT persons, and the penal code does not criminalize hate crimes. There is a stigma against LGBT persons, but there were no reports of discrimination based on sexual orientation or gender identity in employment, housing, statelessness, access to education, or health care” (*United States Department of State (27 February 2014) Country Reports on Human Rights, Practices, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons/Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*).

In May 2014 *Erasing 76 Crimes* notes:

“Six Moroccan men were sentenced May 14 in Fqih Bensalah to penalties of up to three years in prison for being homosexuals and violations related to sex and alcohol” (Erasing 76 Crimes (16 May 2014) *Morocco: Amid LGBT rights campaign, prison for 6*).

Magharebia in May 2014 states:

“A Moroccan court jailed six men for up to three years on various charges, including "homosexuality", a rights group told AFP on Wednesday ... The six defendants were convicted Monday in Faqih Bensalah of "homosexuality, inciting prostitution, mediating in prostitution and being drunk in public", said Ahmed Amin Chaabi of the Moroccan League for the Defence of Human Rights” (*Magharebia* (19 May 2014) *Morocco homosexuals face prison*).

A report released in May 2014 by *Magharebia* notes:

“Ahead of International Day Against Homophobia on Saturday (May 17th), Moroccan civil society activists released a video calling for the decriminalisation of homosexuality. The clip was posted May 4th as part of the "Love is Not a Crime" media campaign. The initiative aims to "remind the community and the legislature about this segment of society", the ASWAT Movement said. "Sexual minorities live harsh and inhumane conditions. They are still bereft of the right to live in dignity and suffer from persecution and social exclusion," the group noted. "We suffered persecution for years and it is time for our voice to be heard. This move was necessary," said Rachid, a homosexual in the media wing of the ASWAT group. But the Party of Justice and Development, the Islamist party that heads the coalition government, has strongly criticised the initiative. Under the Moroccan Penal Code, any person who commits an unnatural act with an individual of the same sex may be sentenced to six months to three years of imprisonment” (*Magharebia* (16 May 2014) *Morocco anti-homophobia campaign sparks debate*).

References

Amnesty International (25 June 2013) *Africa: Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa*

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Attachment not included due to IT limitations

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

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