



Morocco - Researched and compiled by the Refugee Documentation Centre of Ireland on 16 May 2012

Information on Treatment of homosexuals; information on criminalisation of homosexuality

A report issued in February 2012 by *Agence France Presse* states:

“In Morocco, homosexuality is punishable by six months to three years in prison, but is tolerated provided practitioners do not flaunt their different sexual orientation.”
(Agence France Presse (5 February 2012) *Being gay in Africa: the state of play*)

In December 2011 a publication by the *Federal Office for Migration/Switzerland* states:

“...lgbtq-persons in Morocco of today face social pressure and the sexual act itself is prohibited in the penal Code, article 489 (sexually immoral or unnatural sexual act with someone of the same sex). The penalty is six months to three years in prison and a fine.” (Federal Office for Migration/Switzerland (15 December 2011) *The Development in Morocco in the Shade of the Arabic Spring and its Consequences on Migration, Report from a Swedish-Swiss fact finding mission to Morocco*, p.15)

In this publication LGBTQ is an acronym for Lesbian, Gay, Bisexual, Transgender and Queer.

This document also states:

“it is difficult to live openly as a homosexual in Morocco. This often forces homosexuals to hide away their sexual preferences or at least act discreetly. It has happened that homosexuals have been beaten up, though not by the police.” (Ibid).

A report issued in April 2011 by the *United States Department of State* reviewing events of the previous year states:

“The penal code criminalizes homosexual activity, but these provisions were infrequently enforced. Homosexual conduct was addressed in the media and in public with more openness than in previous years. Consequent to the illegality of homosexual activity, there were no reports of societal discrimination, physical violence, or harassment based on sexual orientation, nor were there reports of official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level.” (United States Department of State (8 April 2011) *2010 Country Reports on Human Rights Practices - Morocco*, Section 6 Discrimination, Societal Abuses, and Trafficking in Persons /Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)

Commenting on legislation in Morocco, a report in May 2011 published by the *International Lesbian, Gay, Bisexual, Trans and Intersex Association* quotes the:

Article 489 of the Penal Code of November 26, 1962:

"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." (International Lesbian, Gay, Bisexual, Trans and Intersex Association (16 May 2011) *State-sponsored Homophobia 2011: Morocco*)

References

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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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Behind the Mask

CIA World Factbook

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European Country of Origin Information Network

Freedom House

Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
International Gay & Lesbian Human Rights Commission
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
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