



Morocco - Researched and compiled by the Refugee Documentation Centre of Ireland on Monday 26 November 2012

Treatment of homosexuals in Morocco

A report issued in May 2012 by the *United States Department of State* reviewing events of the preceding year notes:

“The penal code criminalizes consensual same-sex sexual activity, but these provisions were infrequently enforced. 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 occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. 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 orientation or identity illegal; therefore, there were no reports of official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care” (United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011- Morocco*, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons/Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity).

In December 2011 the *Federal Office for Migration/Switzerland* notes in a report that:

“lgbtq [Lesbian, Gay, Bisexual, Transgender and Queer] 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).

This report also states:

“There is...a small gay movement in Morocco” (ibid, p.15).

A report published in May 2012 by the *International Lesbian, Gay, Bisexual, Trans And Intersex Association* notes:

“Are male to male sexual relationships legal...
Not Legal...
When was the law introduced?...
26/11/1962...
What is the name of this law?...”

Penal Code of November 26, 1962

Art. 489

What is the full text of this law?

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.”

...What are the punishments?

Imprisonment of less than 10 years” (International Lesbian, Gay, Bisexual, Trans And Intersex Association (May 2012) *Law, Morocco, What are the laws and policies like for LGBTI people in your country?*).

In May 2011 a report issued by the *International Lesbian, Gay, Bisexual, Trans And Intersex Association* states:

“In Morocco, homosexuality is punishable by six months to three years in prison but like liquor and wine consumption — proscribed for Muslims under Moroccan law — is tolerated provided practitioners don’t flaunt their difference” (International Lesbian, Gay, Bisexual, Trans And Intersex Association (5 January 2012) *Gay Muslim Author Defies Convention in Morocco*).

References

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*

<http://www.bfm.admin.ch/content/dam/data/migration/laenderinformationen/heimkehrinformationen/afrika/mar/MAR-ber-factfindingmission-e.pdf>

(Accessed 26 November 2012)

International Lesbian, Gay, Bisexual, Trans And Intersex Association (May 2012) *Law, Morocco, What are the laws and policies like for LGBTI people in your country?*

<http://ilga.org/ilga/en/countries/MOROCCO/Law>

(Accessed 26 November 2012)

International Lesbian, Gay, Bisexual, Trans And Intersex Association (5 January 2012) *Gay Muslim Author Defies Convention in Morocco*

<http://ilga.org/ilga/en/article/mMHNQhM167>

(Accessed 26 November 2012)

United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011- Morocco*

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

(Accessed 26 November 2012)

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

Amnesty International
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
The Independent
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Refugees International
Reliefweb
Reuters
United Kingdom Home Office
United States Department of State
UNHCR Refworld