

OUT in Morocco



ReportOUT

A Research Report Examining the Human Rights Abuses, and Development Needs, of Sexual and Gender Minorities in Morocco



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ReportOUT is a global SOGIESC human rights organisation

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Who are ReportOUT?

Since 2019, ReportOUT have been at the forefront of protecting the human rights of sexual and gender minorities in the United Kingdom and globally. As a registered charity in England and Wales (registered charity number 1185887) we are **fearless, determined and relentless** in our belief that human rights are fundamental to advancing the lives of sexual and gender minorities, and their communities.

We recognise that we need to succeed in our aims and objectives by also using principles from international development alongside human rights frameworks, and we believe that both of these approaches should **always include sexual and gender minorities as part of them**. We align all of our work with Agenda 2030, in that no one should be left behind.

ReportOUT's official aim and objectives are:

To promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations conventions and declarations) throughout the world for sexual and gender minorities by all or any of the following means:

- Eliminating infringements of human rights;
- Research into human rights issues;
- Raising awareness of human rights issues;
- Educating the public about human rights;
- Monitoring abuses of human rights;
- International advocacy of human rights;
- Providing technical advice to government and others on human rights matters.

Our guiding principles:

- **Principle 1:** No one should be left behind in delivering the articles set out in the Universal Declaration of Human Rights.
- **Principle 2:** Every person has a part to play in achieving the goals and targets set out in the United Nations Sustainable Development Goals.
- **Principle 3:** Positive change should be led by communities within a nation state and ReportOUT will support them to do this.

When it comes to formal research projects, ReportOUT is proud to follow the Amsterdam Network Guiding Principles, which were born out of concern that an advocacy community in one country should not speak for groups in another country, without a clear and informed mandate to do so. It sets out clear guidance about how we at ReportOUT, work as an organisation with others in different nation states, and parts of the globe. ReportOUT is a volunteer-led charity, with volunteers and Trustees originating from over thirty nation-states.

Executive Summary: Drew Dalton

ReportOUT is proud to present the findings of our 'OUT in Morocco' research study. This is our first primary research carried out in the MENA region and we feel privileged to be able to amplify the voices of sexual and gender minorities living within this state.

We worked in close partnership with Ishtar MENA analytics over a 2 year period to construct this study and also relied on support from Morocco-based organisations, GAFM1, Atyaf and Talay'an. To our partners who worked tirelessly on this project, we would like to say a big thank you and we'd recommend all readers of this report follow their social media pages and support their vital work.

As always, the aim of our research is to shine a light on the lived experiences currently faced by sexual and gender minorities in Morocco and this study demonstrates comprehensively the range of challenge and discrimination faced with over half of our respondents suffering online and verbal and significant numbers reporting being victims of physical or sexual violence. There is also a worrying correlation between the proportion of survey respondents who are 'out' to their families (27%) with the percentage of respondents who reported suffering direct abuse at the hands of their families. Contrary to many news stories in the MENA region, the primary vehicle for harassment and violence against sexual and gender minorities appears to be less a product of state institutions but more societal and family abuse.

Facing into this, it is unsurprising that the overwhelming majority of survey respondents consider Morocco to be unsafe for sexual and gender minorities, with a substantial proportion seeking solace in online social media groups. However the online domain remains far more from universally safe with around half of respondents considering dating apps unsafe and consistent online harassment campaigns originating from within Morocco.

Whilst we were proud to launch our survey in Arabic and French, as well as English, our respondent demographics show a clear need for more research into the experiences of older, less educated and rural-inhabiting SOGIESC Moroccans.

The Moroccan government has stated a commitment to meeting the UN Sustainable Development Goals (SDGs). Our study provides a clear and stark warning that they are categorically failing to do so when it comes to protecting their LGBTQI+ citizens. Not actively persecuting sexual and gender minorities is far from sufficient and we end this report with calls to the Moroccan state to safeguard the fundamental rights of SOGIESC Moroccans for the benefit of the entire of Moroccan society.

Lastly, I would like to thank our dedicated volunteers who invested considerable time into this project. ReportOUT is totally volunteer-run and the commitment and dedication shown in producing a high-quality piece of insight such as this is testament to the knowledge and ability of our team. Thank you for taking the time to read this study.

Drew Dalton
Chair of Trustees



Drew Dalton
Chair of Trustees
ReportOUT

Our Research Partners



Ishtar MENA Analytics (London, UK and Zurich, CH)

Ishtar MENA Analytics (www.ishtar-analytics.com), founded in 2022, is a boutique think tank that focusing on social, economic, political and cultural developments in the Middle East and North Africa. The heart of Ishtar MENA-Analytics is a team of young and dynamic political, social and economic research specialists with several years of experience in the region. Ishtar strives to produce bespoke regional analyses based on first-hand ground data and modern research methods. Based in London and Zurich, we maintain a network of colleagues and independent researchers across the region.

The Middle East and North Africa harbours an incredibly diverse and complex socio-political landscape, rendering it difficult to navigate for activists, policymakers and professionals alike. We are committed to providing rigorous and up-to-date analyses and reporting to help maximise the potential and reach of strategic goals in the region.

We firmly believe that research needs to be conducted as unbiased as possible, which is why our diverse researchers include a well-balanced mix of different research approaches and methods. We are able to provide the highest standard of research by maintaining close ties to academics and drawing on the talents of young academics of some of the best universities in the field.

In line with our vision that science should be made publicly available, our analysts comment regional events from a scientific perspective, produce articles and work on insightful projects in the region.



GAFM1

Groupe d'Action Féministe Maroc (GAFM) is a relatively new feminist organization that was founded in 2019 in Morocco. Despite its recent establishment, the organization has already made significant strides in the fight against gender and expression-based violence in the country.

Our Mission is to empower and emancipate the LGBTQIA+ community and women in Morocco through feminist and intersectional self-defense methods. The organization's objectives include:

- Combatting gender and expression-based violence in all its forms, including physical, verbal, and psychological violence.
- Creating safe spaces for the LGBTQIA+ community and women in Morocco to speak out about their experiences and receive support.
- Empowering and educating the LGBTQIA+ community and women in Morocco to defend themselves against violence through self-defense classes and workshops.
- Advocating for legal reforms to protect the rights of the LGBTQIA+ community and women in Morocco.

Our Research Partners

Talayan

TALAYAN (“UNTIL WHEN” in Moroccan Arabic) is the first trans-sex worker-led group working explicitly on promoting sex worker rights in Morocco with a trans priority strategy. Talayan was founded in 2020 by Malak el-Hamidy, a sex-worker and transgender feminist activist. It began initially as an informal network of sex-workers created for the purposes of mutual support and survival in the context of the Covid-19 lockdowns which had caused sex workers to lose their livelihood overnight. In this period, a number of sex workers in Tangier got together and created a community network in order to pool resources, provide housing to folks facing homelessness, and to support each other during a crisis that had deeply exacerbated all forms of violence, policing, marginalization, and precarity they face. The idea of Talayan was born from this context, as it highlighted the need for sex worker solidarity and activism.



In its first two years, Talayan members have focused a great deal on growing and consolidating a core team, learning, attending various capacity building workshops, developing networks and gaining better field knowledge, assessing the legal and political context for sex worker activism in Morocco, developing skills as activists, as well as holding many internal trainings and conversations.

During this time, we learned more about the context of Moroccan civil society and we realized that trans sex-workers voices were never included in the issues that concern us: There are a number of HIV NGOs which only work with sex workers as potential vectors of disease without recognizing their agency, and where sex worker service users face great deals of discrimination. Within the SOGIESC/feminist / women’s rights organizations, 2nd wave anti-sex work rhetoric which views us only as victims and seeks to abolish sex work remains the dominant school of thought, and sex worker voices have been excluded from national debates about the decriminalization of consensual sexual relations, even though they are among those most impacted by these repressive laws. Lastly, even though the Moroccan LGBTI movement is broadly pro-sex worker rights, we unfortunately still witnessed much stigma and Whorophobia and discrimination against sex workers within those organizations and community spaces.

These repeated negative experiences within organisations which pretend to work in the interest of sex workers have further affirmed for us the need to make our voices heard and to defend our rights ourselves, though sex worker-led advocacy. In 2022, we’ve therefore been ramping up our work and we started becoming more public in our advocacy and educating our own community and our allies about sex worker rights issues. TALAYAN strives to be an organisation that is inclusive of all sex workers. With a trans sex worker leadership vision and priorities We work from an intersectional perspective and we explicitly oppose not only whorephobia, but all forms of oppression including transphobia, homophobia, interphobia, classism, ableism, racism, xenophobia etc.

TALAYAN is a trans-led organisation and our core team so far has been majority trans / queer / GNC. We are therefore clearly committed to centring the experiences of LGBTI and especially transgender sex workers considering they face some of the highest levels of persecution and violence. That said, we believe it is necessary to build a broad coalition which includes both LGBTI and cisgender / heterosexual sex workers with a Trans priority strategy as the first and only organization dedicated to grassroots sex worker self-organizing in Morocco. In fact, we believe that we may also be the first organization of this kind in all of Northern Africa and the Middle East.

Our Research Partners

Atyaf

ATYAF organization for Equality and Gender Equity is an independent and non-affiliated queer feminist organization that is not connected to any political, trade union, party, religious, racial, or sectarian body.

ATYAF was founded on October 10, 2018, and is currently an unregistered organization. It was previously named "ATYAF collective for Sexual and Gender Diversity in Morocco"; and the name, internal regulations, and approval were amended by the executive committee on February 13, 2023. The organization's identity is linked to the universal reference of human rights and the principles and values related to it, and it adopts the Universal Declaration of Human Rights as its main reference. The organization works to defend women's rights and key populations, advocate for issues of sexual and gender diversity in Morocco, including the rights of transgender people, and overall promote gender equality and justice while encouraging respect for human rights and individual freedoms for everyone and opposing all forms of discrimination (legal, social, cultural, health, etc.) based on gender identity, gender expressions, sexual orientations, health status, or social condition.



Our vision at Atyaf:

Protecting and promoting the culture of human rights and individual freedoms, advancing the rights of women and LGBTQAI+ community, people living with HIV/AIDS and sex workers, and in general, working to contribute to building a society committed to modern values of freedom, equality, and gender justice.

The organization's main objectives can be summarized as follows:

- Promoting and raising awareness of the culture of human rights and individual freedoms in Morocco and spreading it in various circles.
- Working to enhance women's rights and combat violence and discrimination against women.
- Working to combat stigmatisation, persecution, and all forms of discrimination based on social roles and/or gender identity/expression and/or sexual orientation.
- Introducing gender and social gender issues.
- Supporting and advocating for the rights of transgender people and providing support in matters related to sexual, mental, and physical health, as much as possible for the organization.
- Combating all forms of normalization with the culture of sexual harassment and sexual assaults.
- Working to support survivors of sexual assault who belong to the women's category, LGBTQAI+, transgender people, sex workers, and people living with HIV/AIDS.
- Raising awareness and introducing issues related to people living with HIV/AIDS and advocating for their rights.
- Working to raise awareness about HIV/AIDS and other sexually transmitted diseases.

Our Research Team at ReportOUT



Name: Phil Thomas

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Name: Gabriele Guzzi

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We would also like to say a special thanks to Ishtar MENA Analytics for their partnership work with ReportOUT, as well as our dedicated volunteers and partner organisations.

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Gateshead: ReportOUT

Key Research Findings

Overview

The research project “Out in Morocco” envisioned to investigate the lived experiences of SOGIESC (Sexual Orientation, Gender Identity, Expression and Sexual Characteristic) people and communities in Morocco. This report will use the term SOGIESC, encompassing all individuals expressing or living non-heteronormative sexual orientation, gender expression and sexual characteristics. Building on the literature review and the insights gained from our survey on the ground, the following section presents the key findings of this research.

The prevalence of violence in all its expressions and manifestations for SOGIESC communities in Morocco is nothing short of a tragedy that puts into question the capacity and the willingness of the Moroccan security infrastructure to protect all its citizens.. Where the study at hand managed to provide novel and – at least in its degree – somewhat surprising insight is the domain in which this violence is perpetuated against SOGIESC individuals: the perpetrators are seldomly the agents and officers of the discriminatory Moroccan state and bureaucracy, but the victims very own social environment. While relatively few respondents were subjected to violence by the Moroccan state and its institutions, almost all respondents, who came out to their families about their SOIGIESC identities were subjected to violence perpetrated by members of their family. Coupled with a starkly traditional collectivist society and the economic constraints faced by Moroccan youth, this finding has tangible implications for how we decipher the lived experiences of Moroccan SOGIESC people and, subsequently and perhaps most importantly, how human rights advocates and activists go about providing much-needed relief.

Family

Deeply rooted in fundamental cultural and Islamic principles, as it is the case in many Muslim-majority countries, the family represents the core of the Moroccan society. The family-oriented social structure of Morocco is reinforced by notions of liberal economy with little outreach of the state in social issues such as welfare and other support mechanisms. Hence, the family household remains both culturally and economically vital – far beyond adolescence. Accordingly, 57% of our respondents still live with their families. This has many direct implications on individuals of the SOGIESC community, most notably a high level of dependency. Respondent’s pointed out two fundamental factors of dependency, both mutually intertwined, and both entailing significant implications for SOGIESC individuals’ lived experiences:

Financial dependency

This aspect is best represented by the quote «My father provides for our family». Being excluded from family structure can have detrimental consequences for SOGIESC members, such as:

- Loss of access to health services.
- Loss of access to social services.
- Loss of access to education.

Physical dependency

According to our data, 28% of our respondents have come out about their SOGIESC identity to their families.

- 27.1% (of the overall sample) have been subjected to violence by family members. This indicates that there is a probability of correlation between confiding SOGIESC identity to family members and being subjected to violence in consequence.
- 15% (of the overall sample) have been subjected to a form of conversion therapy at the initiative of family members.

Key Research Findings

Violence

Family related violence has to be examined in the wider context of experiences of violence and harassment in Morocco. Overall, the respondents of our survey perceive Morocco as a 'very unsafe' place for SOGIESC individuals where forms of violence against SOGIESC individuals is omnipresent. The experienced forms of violence encompass the following forms:

- Online abuse (83.3%)
- Verbal abuse (66.6%)
- Threat of violence (46%)
- Threat of sexual attacks (31.6%)
- Violent attacks (26.6%)
- Sexual attacks (23.3)
- Police violence (13.5%)

Although security forces and religious authorities display high levels of offensive behaviour and language against SOGIESC communities, state authorities were not often named as perpetrators of violent attacks. Most acts of violence are committed by strangers, acquaintances, or friends of friends. Therefore, despite obvious legal discrimination, much of the experienced harassment and discrimination happens in public places with private actors as perpetrators. Cafés, bars, nightclubs, and shopping venues (42.4%) bear a significantly higher risk for SOGIESC individuals to be subjected to discrimination and stigmatization than interactions with government agencies (18.6%). It should be noted that our study did not probe the willingness of SOGIESC individuals to interact with government and security agencies so it should not be inferred that the majority of SOGIESC individuals automatically feel comfortable doing so.

Self-reliant community

In danger of violence and stigmatization and social exclusion, a majority of SOGIESC individuals live their SOGIESC identities in secrecy. As a symptom of conservative social norms and the oppressing nature of the Moroccan legal framework, criminalisation of same-sex activities and relations and absence of anti-discrimination measures relating to SOGIESC communities, there is no support system provided by the state and very little civil institutions such as collectives or NGOs providing support for the SOGIESC community in Morocco. Mirroring a pattern familiar to SOGIESC communities worldwide, the Moroccan community is extraordinarily self-reliant:

- Respondents indicate a clear lack of (non-community) support systems (av. 2.32/10) within Morocco.
- SOGIESC people confide in their closest friends, where 71% know about their SOGIESC identity. This is also where many draw emotional support from.

Forced to live mostly under the mantle of secrecy, the internet and social media play a special role in enabling SOGIESC individuals in Morocco to connect with each other:

- The internet (especially social media, which 71.6% of respondents perceive as safe or 'indifferent') does provide some freedom, yet a majority of respondents perceive dating apps as '(somewhat) unsafe'.
- Nevertheless, the respondents perceive the internet as a space that provides some freedom (av. 5.47/10) to gather as SOGIESC communities, connect, discuss issues and draw support from each other.

It appears that SOGIESC communities in Morocco are largely self-reliant with some freedom to gather, yet lacking outside support systems and meaningful inclusion as citizens and humans into Moroccan society. While the internet does provide a space for SOGIESC communities to exchange, online violence and outing campaigns have shown that it's by no means a "safe space". Online harassment campaigns that took place during April 2020 serves as an example for this (HRW 2020).

Review of the Literature



Overview of the Literature

Introduction

Morocco has a population of 37.3 million people (UN, 2021) of whom 99% (The ARDA 2020) of the population, officially, are of Sunni Muslim religion. It is difficult to establish a definitive figure for the SOGIESC population in Morocco, not least because the first Arabic term officially describing a gay man (mithly) or woman (mithliya), using language that is not derogatory, was coined as recently as twenty years ago (Frosh, 2013). While there is no census data relating to the SOGIESC population, Pori and Martin (2015) estimate that the proportion of Moroccans who are gay is between 3 and 4% . Their paper concludes that 'if [just] one percent of Moroccans are gay, there are around 330,000 gay people in the country, the vast majority of whom are not open about their sexuality (ibid.).' The figures for other members of the SOGIESC-community, such as people who identify as non-binary or are transgender, are even harder to estimate.

The history of SOGIESC culture in Morocco is well documented, but there is pressure for the community to remain underground in order to be tolerated by society. The homosexual community is accepted so long as it is 'kept secret' (Your Middle East, 2016). and that continues to be a barrier for the SOGIESC community, who wish to live without fear of discrimination or persecution. Since 1962, Article 489 of the Moroccan Penal Code which criminalises sexual activity between same sex individuals, resulting in possible imprisonment of up to 3 years, is a reminder of the potential sanctions or lack of protection for anyone wishing to live openly as SOGIESC. Moroccan conservative culture propagates the narrative that homosexuality 'contravenes traditional Islamic morality and traditional gender roles and, as such, is stigmatized and viewed as immoral. Although the influence of religion is undeniable, feminist scholars have pointed out that in Islam, it is ultimately the 'fuqaha' (scholars of exegesis) who define the worldly laws. This role is exclusively reserved for men (Al-Hibri, 1997; Mir-Hosseini, 2003, 2009, 2016). In addition to the normative impact of religion, strong masculinist and patriarchal expectations to gender-performativity create the repressive climate for the SOGIESC-community. When high profile arrests of individuals (UNHCR, 2017), who are deemed to have had sexual relations with others of the same sex, take place, they are a warning to other activists that 'although the Government on the one hand tolerates the existence of a homosexual community, it on the other hand, offers quasi-impunity to persons and groups who have been harassing homosexuals or even lynching homosexuals, in the public space' (DIS, 2017, p21).

The emergence of online platforms for the SOGIESC community and their allies in Morocco shows there is growing support for decriminalisation of same-sex relationships (Ale-Ebrahim, 2019). Notably, the digital age has ushered in a sense of 'societal change and cultural revival' which seeks to offer 'personal freedom' to SOGIESC Moroccans (Your Middle East, 2016). Despite the creation of these online platforms, it places individuals at risk from targeted hate that permeates these safe spaces, with the continued danger of abuse and threats based on their perceived sexual orientation or gender identity (Greenspan, 2020).

Additionally, it is also important to highlight the health aspect of SOGIESC individual's lived experiences. Research indicates that SOGIESC individuals are generally at least 1.5% more likely than heterosexuals to suffer from depression, anxiety disorders, and dependence on substances including alcohol, nicotine, and recreational drugs (King et al., 2008). A first systematic review to assess mental health outcomes among SOGIESC individuals who are Arab or of Arab descent shows that depression is the most common psychiatric disorder in this vulnerable group, with up to half of individuals experiencing suicidal ideations. Suicidality is particularly noted among trans women. The second most commonly reported mental disorder is post-traumatic stress; the majority of precipitating traumatic events were found to be related to sexual orientation and/or gender identity (El-Hayek et al., 2022, p 9). Many local NGOs and international organisations are also concerned about the increased spread of conversion therapy in the MENA-region which is based on the popular misconception that SOGIESC individuals suffer from a curable illness (Ilgrandecolibri, 2021). Conversion therapy has been banned recently in various countries and is considered torture.

Overview of the Literature

History of Morocco

The rich history of Morocco belies the narrative that homosexuality is either a Western idea or a modern viewpoint. Stories relating to same-sex relations are threaded through all cultural eras including the Berber, Arab, Roman and other heritages which contributed to the development of the Moroccan culture that we know today. Morocco continues to be influenced by its Greco-Roman past, in which various types of sexualities were embraced and considered natural. There was little acknowledgement that sex between women existed, the culture focused more on utilising homosexuality between men as an 'act of supreme misogyny' (Kendili et al., 2010). One of the most famous Arab poets around 800 A.D., Abu Nuwas, was openly referred to as being the lover of Sultan Harun-al Rashid (the fifth ruler of the Abbasid dynasty). This demonstrates the level of tolerance for homosexual relations during the period known as the golden age of Islam. Later, during the rule of Suleiman of the Ottoman empire, records show he had a relationship with an Islamised Christian Greek slave, Ibrahim, who subsequently was appointed Grand Vizir (one of the highest offices of state) (Baer, 2021). The provision of male servants and companions remained commonplace into the 1800s as indicated in the book 'Sultan of Morocco' describing requests for young men to provide physical favours and Arab men 'redirecting their excess sensuality' (Chebel, 1995). Accounts of homosexuality amongst Muslim women is depicted in the early sixteenth century where groups of women were known as 'sahhaqat' and 'healers for women' would provide sexual favours for women clients (Kendili et al.).

Although Article 489 of the penal code was written after independence of Morocco, the law originates from the anti-sodomy laws introduced by the French during the colonial period from 1912 to 1956 (Hirsch, 2016). The impact of criminalisation of homosexuality is explored by Alok Gupta in 'This Alien Legacy' where it is noted that the 'French often implemented laws as a means of control over the colonized' (Gupta, 2008) and although consensual homosexual acts were decriminalized in France in 1791, it imposed sodomy laws in many of their protectorates. Remnants of this law are evident in the Penal Code, which is written fully in French.

Moroccan laws and sexual and gender minority populations

Moroccan law regarding SOGIESC people is heavily based on Islamic religious law, and Islam's privileged status in the Moroccan legal system is established in the preamble to the country's Constitution (Alizadeh, 2010). Generally speaking, Moroccan law is socially conservative: in addition to criminalising same-sex relations, Moroccan law also penalises adultery and sex outside marriage via Articles 491 and 490 respectively (although it is important to note that the penalties for these offences are far lighter) (AFE, 2018). There is no legal mechanism for change of gender in Morocco (HRW, 2020.).

The most important legal restriction affecting SOGIESC Moroccans is Article 489 of the Penal Code of 1962, criminalises 'lewd and unnatural acts' between all genders (Mendos, 2019). SOGIESC people convicted under Article 489 face a maximum prison sentence of 3 years (ibid.), plus a fine of up to 1,000 dirhams (around US\$104) (HRW, 2020). If enforced, this would represent a huge financial burden as the median salary per month in Morocco is around 1900 US\$ (Salary Explorer, 2022). Unlike many countries with similar legal prohibitions of same-sex relations, Article 489 is actively enforced: in a particularly famous 2008 case, six men were collectively sentenced to a variety of custodial and suspended sentences (AI, 2008), and research undertaken by the SOGIESC organisation Aswat suggests that there were, for example, 81 convictions under Article 489 in 2011, and as many as 19 convictions under the law during the first three months of 2016 in Casablanca alone (HRW, 2014). In recent years the number has climbed even higher: in official statistics, the number of Article 489 prosecutions was 197 in 2017 and 170 in 2018, although there is reason to believe that the actual number of prosecutions was significantly higher than this (ibid.).

Overview of the Literature

Nonetheless, enforcement is highly variable, with no clear definition in law of what constitutes proof of guilt. Evidence deemed sufficient for conviction under Article 489 has apparently included 'text messages, photos, and the accused's physical appearance and choice of clothes' (ibid.), and a number of judges have prominently declined to enforce the maximum penalty on those convicted (ibid.). Article 489 is gender-neutral and is therefore also used to criminalise transgender and gender-non-conforming people (ibid.). Despite the relatively harsh enforcement of the law, there is significant public opposition to it: in 2015, more than 40,000 Moroccans signed a petition supporting the abolition of Article 489 (DIS, 2019), and judicial review has been sought on the grounds that it undermines the Constitution (specifically Article 22, which guarantees the 'physical and moral integrity' of citizens, and Article 24, which protects the right to a private life) (AFE, 2018, p35); these actions, however, have met with little success.

SOGIESC Moroccans are also legally threatened by Article 483 of the Penal Code, which criminalises acts or gestures of public obscenity or indecency, an offence punishable by a prison sentence of up to two years and a fine of up to 500 dirhams (ibid., p205). In 2015, two men were prosecuted under Article 483 for kissing in public as an act of protest, and Article 483 is seemingly used in practice to effectively criminalise being trans or gender-non-conforming (ibid., p35).

Although Morocco's penal laws regarding SOGIESC people are clearly inspired by similar provisions in French colonial law, Morocco's first penal code was enacted during the reign of Hassan II in 1913 (ibid., p34). Prior to this, the decentralised nature of Morocco's judicial system meant that same-sex relations were criminalised as and when local magistrates decided that this should be the case (ibid.).

There are no explicit legal protections for SOGIESC people (DIS, 2019), but it is clear that the response of police to SOGIESC people is highly dependent upon the individual instance: in response to the 2020 outing incidents, for example, some police services did open an investigation into 'incitement to hatred and discrimination' (HRW, 2020). This, however, seems to be the exception rather than the rule: SOGIESC people are recorded as often avoiding reporting incidents of hate crime or violence to the police out of fear of prosecution (AFE, 2018, p14).

SOGIESC organisations are, both in theory and in practice, outlawed in Morocco. Article 3 of the 1958 Decree Regulating the Right of Association prevents public organisations from engaging in behaviours which 'breach the law or public morals' or 'offend Islam'; in 2016, for example, authorities refused to permit the registration of the SOGIESC organisation Akliyat (ibid., p220). In practice, however, even technically legal SOGIESC activist groups are outlawed, as members are constantly at risk of prosecution under Article 489 of the Penal Code (ibid., p10). The National Human Rights Council produced a memorandum recommending decriminalizing consensual sex between nonmarried adults in 2019. Despite over 25 non-governmental organizations advocating in support of the recommendation, the Moroccan government did not take any action (HRW, 2020).

In light of these massive legal repercussions, Members of the Moroccan SOGIESC-community had to adapt various coping strategies, to firstly explore oneself in dialogue with others, secondly how to move in public society, and thirdly how to express themselves. Various SOGIESC organisations have employed different tactics vis-à-vis the public sphere. As Hirsch puts it: "The organizations KifKif, Akaliyat and Mali generally employ tactics in an attempt to increase public discourse surrounding SOGIESC rights in Morocco. Aswat, conversely, operates anonymously and separate from the public sphere. For Aswat, tactics centre primarily around protecting persecuted SOGIESC individuals in Morocco (2016, p 23)". In general, social media has opened up a new space with increased freedom of expression. It has proved to be a very versatile tool for the community members, to find each other, discuss matters, express thoughts and occasionally even organize political resistance (Vickery, 2016).

Overview of the Literature

However, increased online activity also bears risks to be identified and exposed more easily. As a matter of fact, on the 19th of March 2020 the Moroccan government approved draft law No. 22.20 on the use of social networks, open broadcasting networks or similar networks that aimed as severely tighten government control over the online sphere and granting network providers extensive censorship rights (Menarights, 2020). The law was then temporarily suspended after facing a huge international opposition campaign. To the knowledge of the authors of this report, the Moroccan government has never fully withdrawn from the draft.

As coming out to family members puts individuals at great risk of being expelled from the family, Moroccan members of the SOGIESC community have also started to engage in alternative family structures where other members of the community would take up family roles and engaged with each other in a mother-daughter relationship. Older, more experienced members of the community would in these relationships teach younger, unexperienced members how to talk in public, how to act in public and generally how to navigate life within the repressive climate. However, these alternative families have started to decline in numbers since the increased popularity of social media (Ale-Ebrahim, 2022).

Notable events

Many reports on SOGIESC human rights in Morocco focus on the frequency with which Article 489 of the Penal code is used, in order to ascertain whether safety concerns are evidenced or perceived. This perspective on its own does not consider the protective steps that SOGIESC people take when they are 'not given access to space to advocate for the right to exist' (Hirsch, 2016). There are differing reports as to the number of people who have been put on trial for suspected homosexual activity. One of the oldest organisations advocating for SOGIESC rights in Morocco, KifKif, reports that more than 5,000 people have been placed on trial since 1956 when Morocco became independent (IRBC, 2015). This equates to an average of approximately 86 per year. The SOGIESC support group Aswat tallied 19 prosecutions related to homosexuality charges in the first three months of 2016 (ibid.). A report from the Chief Public Prosecutor stated that 170 people faced homosexuality charges in 2018 (ibid.). It is important to note that punishment for those suspected of homosexuality is not limited to incarceration and fines, there are much wider health and safety concerns for anyone accused which this report explores now when reviewing some of the most notable events in recent history.

43 Arrested in Tetouen, 2004

On 1 June 2004, the Moroccan police arrested 43 people in Tetouan under the charge of conducting homosexual activities (Fanack, 2018), in accordance with article 489 of the Moroccan penal code. This became a catalyst for the launch of a campaign for their release, through thousands of letters (ibid.) demanding their freedom. To coordinate their actions on the internet, a group named Kif-Kif was created in 2005, and the volunteers began to campaign for legal recognition as an approved association which fought for the rights of homosexuals in Morocco. When this was unsuccessful, the Kif-Kif group registered their organisation in Spain but continued to focus on supporting SOGIESC individuals in Morocco (ibid.).

Ksar El Kebir, private party 2007.

Six men were convicted of "practicing homosexuality" after an alleged private party was thought to be a celebration of a gay marriage and, despite an appeal, their convictions were upheld (HRW, 2008). The men were arrested at the end of November 2007 after a video of the party, which did not appear to show the same-sex relations that the men were accused of, was circulated online and pressure was placed on the authorities to punish the men. Amnesty International called on the Moroccan authorities to drop the charges of homosexuality against the men, and to change their legislation

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so that it conforms to international human rights standards.

The February 20th movement, 2011

An uprising across Morocco developed on February 20th, 2011 where rallies and protests were organised in over 50 cities, attracting many different political and social groups calling for freedom, dignity, employment and an end to corruption (The New Arab, 2015).

Post-2011, online publications including ASWAT and Akaliyat for SOGIESC people emerged (OAI & AFE, 2018). Despite the large scale of these protests, the majority of activists continue to be silenced through failure to obtain registration from the government for any organisation which cites supporting 'sexual and gender minorities' (ibid.). Only one group that emerged from the February 20th movement managed to receive formal recognition from the government, namely UFL, a feminist organization that works on sexual orientation and gender identity rights (ibid.).

Témara, two men arrested in May 2013

Two men, aged 20 and 28, were arrested by officers for 'practicing sodomy' in May 2013 in a suburb of the Moroccan capital city and were subsequently accused of 'undermining public morality' by the state prosecutor (Littauer, 2013). Both men were given four months in prison, which was seen by some lawyers as lenient due to their young age and lack of a criminal record (Steward, 2013). The defence lawyers for the men were quoted as stating that if they thought the men were gay, they would not have represented them (The Free Library, 2013) which raises concerns regarding whether perceived SOGIESC defendants obtain justice and access to a fair trial. In a 2018 interview with Outright International, a human rights lawyer confirmed these challenges exist as 'there are a small number of us who work on these cases. Lawyers often say they have nothing against them [SOGIESC people], but they can't advocate on their behalf. Or they will ask for [an amount of] money which the client cannot afford (OAI & AFE, 2018). In the same month, the Moroccan magazine Yabiladi reported that two men from Souk El Arbaa in northern Morocco were sentenced to three years for having a homosexual relationship over a ten-year period (IRBC, 2015).

Beni Mellal, March-April 2016

Two men were dragged naked on to a street in Beni Mellal, in March 2016, where they were subsequently physically and verbally abused. The two male victims were arrested along with their attackers, one victim was charged and sentenced by a first-instance court to four months imprisonment and the second victim was also charged under Article 489 (OAI & AFE, 2018). A video of the attack was released online, sparking condemnation both from within Morocco and internationally. The consensus across civil society was that this attack was unacceptable (ibid.). It led to significant support from organisations to repeal Article 489 by two SOGIESC organisations (ASWAT and Akaliyat). The result of this case was that the first victim was released and the second one received a suspended sentence. The comparative light sentencing was thought to be a result of the international media coverage that the case received (ibid.).

Two females arrested, Marrakesh, October 2016

In November 2016, two girls, who were aged 16 and 17 at the time, were charged under Article 489 following a photograph being taken of them kissing on a rooftop. The girls were sent to an adult prison to await their trial, a decision thought to be due to their perceived sexual orientation (ibid.). Several SOGIESC rights organisations including UFL, ASWAT, and Akaliyat, along with 22 civil society organisations, issued a joint statement condemning the arrests and calling for the release of the girls (ibid.). This was supported by an international campaign which gained over 90,000 signatures.

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The National Human Rights Council intervened by issuing guidance that due to the age of the girls, the arrests should not have taken place and the girls were released and then acquitted (All Out, 2016). It is believed that this case was momentous in progressing dialogue regarding the personal freedom and rights of SOGIESC individuals in Morocco (OAI, 2017).

Online harassment campaign, April 2020

A campaign to register on same-sex dating apps in April 2020, in order to 'out' other app users by disclosing their perceived sexual orientation or gender identity led to SOGIESC individuals being shunned from their families, communities, jobs and homes in a targeted attack on their human rights (HRW, 2020). Despite Article 447-1 of the penal code protecting any private communications (*ibid.*), no protection was forthcoming for the victims. Human Rights Watch spoke to a 23-year-old University student who became homeless, a result of his family reacting to the online attack while his friends were unable to provide shelter due to the social pressure.

Arrest of artist, February 2021.

In February 2021, artist Abdelatif Nhaila was released after serving a four-month prison sentence. Police arrested him after he visited a police station to report death threats and homophobic harassment he had received as part of a widespread social media smear campaign begun in April 2020, and subsequently prosecuted him for "violating the state of health emergency" and "insulting an official". The gender non-conforming artist said he faced police abuse and discrimination merely because of his hair, his clothes, and his non-normative gender presentation (Oulmakki, 2020).

Life for SOGIESC people in Morocco (dangers and social attitudes)

According to a 2014 report by Katerina Dalacoura, the government, conservative religious leaders and traditionalists within Morocco reinforce societal vilification of homosexuality (Dalacoura, 2014). The impact of this is that any perception or accusation of same-sex relations has the potential to lead to unemployment and rejection by the accused's family (Christensen, 2014). Often the steer given by these leading societal figures seeks to polarise cultural viewpoints, seeing traditional values and the teachings of Islam as contradictory to a society that protects the rights of sexual and gender minorities (Rachik, 2014). This is reinforced through the use of emotive language, such as that SOGIESC people lack consideration of moral values and promote despicable behaviour (Ramsvik, 2017).

Against the backdrop of continued criminalisation, community leaders use tropes against SOGIESC people. Published articles maintain this narrative and in 2010 one contribution to the magazine *Têtu* stated that "society does not look kindly upon gay and lesbian relationships, considering them to be prohibited by Islam (ICRB, 2015)." Further details, acknowledged by a sexologist in the same article, show that although female same-sex relationships are not vilified to the same extent as male, they still risk "imprisonment, shunned by families, discrimination, hazing, forced marriage, and violence, including physical and verbal assault (*ibid.*)"

It is therefore not surprising when in 2014 a mainstream media (TelQuel) surveyed their readers about their views, 83% declared they were against tolerance of homosexuality and 84% against sexual freedom in general (Dugeon, 2014). The high-profile cases mentioned earlier permeate through to a sense of danger for individual SOGIESC people of Morocco in their daily life, where "like the sword of Damocles, morality laws can fall on you at any moment" (Grotti & Daif, 2005). The Moroccan film maker, Abdellah Taïa, describes how he moved to Paris after feeling isolated and rejected from a world that he 'always loved' and had to live where he witnessed and was subjected to public shaming and stoning (Randone, 2017).

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The media

The actions and comments publicised by public figures such as Mustapha Ramid in 2017, then Minister of Human Rights and former Minister of Justice, who reportedly referred to homosexuals as 'trash' (OAI & AFE, 2018), provide a platform for negative narratives of SOGIESC people across various media outlets in Morocco without fear of recrimination. Using the media to influence the wider public opinion is highlighted in a 2017 Outright report which shows that SOGIESC issues are the second most covered topic in Morocco (OAI, 2017). An independent activist began a study a year later, focusing on the portrayal of SOGIESC people across radio, television and electronic media, relating to 50 samples, and found the coverage to be 'predominantly negative' (OAI & AFE, 2018). This included stretching public consent to the limits with examples such as a 2015 cover story in the Maroc Hebdo magazine titled [translated] 'should we burn homosexuals', although it should be noted that such an extreme view received widespread condemnation (France 24, 2015).

In 2010, the organisation Kif-Kif launched a magazine for SOGIESC individuals called 'Mithly' where topics that highlight SOGIESC lived experiences, issues or notable events can be published. Yet again, there were practical barriers for the magazine when the paper edition could not gain a distribution licence from the government (Belayachi, 2010). Samir Bargachi, the general co-ordinator of the magazine outlined the benefit of a SOGIESC inclusive platform saying 'the mainstream media has the tendency to sensationalise the subject. With Mithly, we have the opportunity to give the views of homosexuals, and the opportunity to interact directly with society (ibid.)'. The progress was met with strong criticism from sections of the conservative media, namely the editor of Attajdid, Mustapha Khelfi in a paper associated with a newspaper that is affiliated to the Islamic Justice and Development. Khelfi said in response to the launch of Mithly in 2010, 'propagation and encouragement of homosexuality represents a threat (Smith, 2010).

In April 2012, a new online magazine Aswat was launched in Morocco. It went on to promote a campaign called 'Love for all' calling on readers in Arab countries to stand up against homophobia and media silence regarding queer issues (Barsotti, 2013). The emergence of these media platforms provided an alternative narrative to one that seeks to align criticism of SOGIESC individuals with core Islamic values. For example, here is a notable quote from the Love for All campaign which says "Homophobia does not have a religion. I am Muslim and I am against homophobia" (ibid.). This demonstrates the growing gap between the increasing pressure placed on the SOGIESC community by those in power, and the increasing movement to protect the SOGIESC community from discrimination and persecution, in particular by the younger generation of Moroccans.

The family, safe spaces and access to services

The consequences of living openly as a SOGIESC individual often force people to remain living in secrecy, if not for their own safety but that of their family. Hearing from individuals who have grappled with this decision in Morocco shows that social class is a factor in this decision too. Journalist Amanda Radon recounts one particular experience of a male whose family is poor, and although they were shocked when Taïa came out to them, they asked, out of fear, that he not talk about it further, a danger that he understood was real (Randone, 2017). The organisation Kif-Kif reacted to this by helping teens cope with the negative impact of being open with family and friends, hosting sessions to provide support, and funding a centre in Casablanca that provides housing and support to those who have been left homeless by their families (Hirsch, 2016). A member of the SOGIESC support organisation, ASWAT collective, explains that harm often derives from family structures where an individual risks being 'kicked out of the family home...socially ostracized...if you are fortunate enough not to be subject to physical or psychological violence' (OAI & AFE, 2018). This can result in forced marriages for women, if they have engaged in relations with another woman, in order for the local neighbourhood and society to 'forget the incident' if it becomes public (ibid.).

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Without the support of family, both socially and financially, individuals can become excluded from accessing opportunities to become self-sufficient and contribute to wider society. Despite a long-standing respect for individual privacy in the culture, a member of the SOGIESC organisation UFL describes how 'people now allow themselves to intervene in the lives of [SOGIESC] people' (ibid.). In particular, individuals who are transgender or do not conform to the narrow-stereotyped gender identity, can experience significant barriers to accessing basic services such as banking, as their gender expression does not correspond with identity documents (OAI & AFE, 2018). The continued discrimination received by SOGIESC individuals is thought to be one of the main factors that Spanish authorities have reported an increase of Moroccans seeking asylum over their sexual orientation in recent years (Hatim, 2019).

Health

The organisation Kif-kif raised a concern in 2010 that sexual minorities are 'not always well received by healthcare workers' and work to signpost to inclusive doctors and psychologists is required for SOGIESC individuals to gain access to healthcare (Belyachi, 2010). The Moroccan Association of Human Rights (AMDH) have observed that SOGIESC individuals downplay their identity both in public spaces and within their family due to the social stigma and risks (DIS, 2017). This self-censorship due to the risks posed when living openly and criminalisation of SOGIESC individuals provides further difficulties when ascertaining what barriers to accessing healthcare may be evident, as it has not been possible to identify official records of service provision for SOGIESC Moroccans.

AMDH do report that sexual health related problems for SOGIESC individuals are rarely treated due to the fear of being exposed to prejudices by health workers in relation to sexual orientation or gender identity (ibid.). This can be evidenced through the lack of provision for SOGIESC specific HIV/AIDS prevention services. 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 SOGIESC persons. Stigmatisation is also a common practice within in the health sector.

The Moroccan state's denial of gender non-conforming as a legitimate and recognised identity affects those who have transitioned at the first hurdle, where deadnaming and female gender marking is common practice. Ghali Eden, founder of the social media account 'Moroccan Transgender Community', highlights how his treatment led him to emigrate to Belgium where he is 'so sad about it because I'm a male in Belgium. But my papers in Morocco still use my dead name and female gender marker' (Cortes Sierra, 2022). Not only does this experience frame the barriers that SOGIESC individuals face in accessing healthcare, but they are further at risk of imprisonment as reports relating to people arrested under Article 489 relate gender non-conformity to homosexuality or 'sexual deviance' (ibid.).

People who are intersex/trans/bisexual

The progress of developing respectful language for same-sex men and women in Morocco has not yet provided a Moroccan Darija (Arabic) word for a bisexual woman. In a 2018 project by Jawjab studios, Rihab who identifies as a bisexual Moroccan woman describes what life is like for a Moroccan bisexual woman (Elouazi, 2018). The story echoes historic erasure of female sexual minority status, where female homosexuality is tolerated more than male in society, although Rihab describes the fear of societal consequences she felt when taking part in the project. The project, named 'Marokkiates' aimed to tackle multiple stereotypes and gender conformity, breaking the 'traditional mold [sic] by which Moroccan women are perceived'. A study on reproductive Health and Masculine Identity in Morocco noted that for 'the common Moroccan man, bi-sexuality remains an illness, deviance and vice. It is above all a depreciation of the man, a man who is bi-sexual is said to be feminine' (Dialmy, 2009). The social reaction to male bisexual identity and the impact of this on socioeconomic vulnerability may provide an insight into the limited research on the lived experience of bisexual men in Morocco.

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Morocco has been reprimanded by the United Nations for intersex genital mutilation previously (Pereira, 2022) and was widely condemned for using the term 'hermaphrodite' which many find offensive, when parliament passed Article 28 of the 36.21 Civil Status Bill allowing gender assignment to be changed later in life (Al, 2021). The language used was purposeful as it focuses solely on the appearance of genitals with no reference to chromosomes or hormones, excluding the acceptance of a transgender person to transition legally (ibid.). As such, there remains no mention of transgender people in Moroccan law.

Employment

As previously mentioned, the discrimination received by SOGIESC individuals in Morocco can be significantly higher for lower economic-class groups, increasing their vulnerability (Taviot, 2008). People who can survive to be financially independent from their family are in positions where they can express their gender identity or sexual orientation more freely (DIS, 2017). Individuals who identify as SOGIESC from higher societal classes can attend universities and be provided with opportunities for employment free from homophobic aggression in the street or their private life (ibid.). Conversely, lower classes can experience ostracization from their families and communities, lose financial support and become evicted from their homes, all of which have a significantly detrimental effect on their employment chances (ibid.).

In 2022, reports emerged that Morocco's ministry of endowments and Islamic affairs fired their head of Literacy for mentioning 'sexual orientation' in adult learning materials (El Atti, 2022). An unnamed Moroccan commented on a media article stating that "just see the injustice that this man faced and imagine how much the [SOGIESC] community suffers in Morocco" (ibid.).

The ability to remain in education and employment when surrounded by harassment and abuse is particularly challenging for gender identity minorities (OAI & AFE, 2018). Activists cite common stories of transgender individuals being harassed and bullied at school to the point where they leave education to protect their health (ibid.). One report was a transwoman engineer with ten years' experience internationally who was unable to find employment and recognised that this was the norm for the group of transwomen they know (ibid.).

Conclusion

Despite the ongoing attempts to silence SOGIESC individuals in Morocco, there is ample evidence that human rights of SOGIESC Moroccans are not being met. Continued risk of violence, aggression, imprisonment, ostracization, financial loss and vilification of SOGIESC people in Morocco is fuelled by the criminalisation of perceived SOGIESC individuals or their allies. New online platforms provide a beacon of hope in bridging extreme and discriminatory narratives targeting SOGIESC individuals in mainstream media, but more needs to be done by the Moroccan state to support non-governmental organisations and communities in providing a fair and equitable experience for all Moroccans.

Research Methodology



Research Methodology

Research aim

The aim of the research project Out in Morocco is to investigate and document the lived experiences of sexual and gender minorities in Morocco. Therefore, we collected data via a survey to cover all possible demographics and the ethnic diversity in Morocco in the best way possible to ensure a broad representativity of the SOGIESC Community in Morocco. The findings constitute the backbone of this report and can equally be used to support our Moroccan partners in bringing about social change and greater acceptance of the Moroccan SOGIESC community by using data based evidence.

The objectives of this survey were:

- To investigate the lived experiences of Moroccan sexual and gender minorities.
- To explore the limitations that Moroccan sexual and gender minorities face in their everyday lives.
- To measure social, legal, political and cultural pressures faced by Moroccan sexual and gender minorities.
- To evaluate any issues raised by this research so that it may feed into policy decisions and social improvement moving forward.
- To design the methodology and the survey similar to studies conducted on the issue in other contexts to ensure a comparative capacity.
- To provide a solid database to encourage data driven activism.

Literature review

The report draws from relevant publications on the issue of SOGIESC people and communities in Morocco, including academic articles, United Nations documents, reports by other human rights organisations, Moroccan SOGIESC organisations, reputable news sites, surveys, and legal sources. The literature review – together with insight from our partners in Morocco – informed the scope and the angle of the survey approach.

Survey method

A product of fruitful meetings and careful co-construction of the survey questions between Ishtar MENA Analytics, ReportOUT and our Moroccan partners, the survey went out via our partner organisations on the ground to their community members. The survey was further informed by previous survey design from ReportOUT's research projects. The survey topics and specific questions were designed to be relevant to Morocco and the lived experiences of Moroccan sexual and gender minorities.

To ensure the comparative capacity of this survey, we orientated ourselves at the 17 UN sustainable development goals 2030, such as no poverty, zero hunger, quality education etc, as well as previous studies conducted by ReportOUT in other geographical contexts (Mongolia, Belize, etc). A comprehensive survey of 98 questions was designed to investigate the struggles of the Moroccan SOGIESC community with regards to institutional limitations, possible financial discrimination, access to health services and housing, mental as well as physical health and societal discrimination and other issues.

Although the respondent of the survey remains completely anonymous, demographic markers ensure that the various sexual and gender minorities are properly represented and that key findings are based on the specific struggles of those communities. The survey equally asks about both opinions of how sexual and gender minorities in Morocco view homo/bi/transphobia in their society, as well as questions about their personal lived experiences in Morocco. It ultimately also asks the taker of the survey to assess the possibilities for change.

Research Methodology

The survey was translated from English into Arabic and French by Ishtar MENA Analytics and crosschecked by native speakers. You can request a copy of the survey questions by contacting: contact@reportout.org or info@ishtar-analytics.com

Data collection and analysis

This report is based on information collected from our partner organisations from 1st of March to 30st of April 2023. A total of 60 respondents completed the survey (via Microsoft Forms). 42 responses were in Arabic/French, 18 in English. The provision of the survey in all three languages was necessary to both capture the responses of the Arabic- and French-speaking citizens of Morocco and equally ensure the responses of the Moroccan diaspora who might to be fluent in Arabic and French. All responses were anonymous.

The findings of the survey were analysed by researchers of Ishtar MENA Analytics and shared with our partners. The research and its key findings have also been discussed at the SafertobeMe global symposium organised by the University of Sunderland and ReportOUT in July 2023.

Participants and survey ethics

Participants in this research were voluntarily took part in this study and were given information about the survey and its goals. All respondents gave explicit consent to take part. Participants were not compensated for taking part and neither Ishtar MENA Analytics, ReportOUT nor our partner Atyaf, Talayan, and GAFM1 received any material compensation for this research study. Survey respondents were anonymous and treated with strict confidentiality. In some cases, information has been withheld to protect the privacy and safety of participants. The survey was conducted in line with the UK Data Protection Act (2018).

Limitations

As with all research there are limitations. We recognise that we have very small sample sizes of people who define their gender as trans, as well as a very small sample size of the asexual community. We hope that an additional study can rectify this. We recognise that many of our respondents are male, well educated, urban based, younger and with access to the internet and this is reflected in the sample. The financial limitations and consequent dependence on online research tools naturally skew the sample towards the aforementioned demographic segments. A future study of both rural and older generations would be recommended to provide a more holistic picture as no respondent to our survey was over 45, as would a study dedicated to the experiences of lesbians and bisexual women in Morocco who are underrepresented in our survey response.

Despite these limitations, we believe the study at hand provides crucial insight into what life is like for many Moroccans from sexual and gender minority communities, and we are proud to present one of the first comprehensive surveys on the lived experiences of Morocco's SOGIESC community.

Key Findings



Section 1: Respondent's Demographics

The majority of respondents tend to live in urban areas:

67% of the respondents live in cities, 16% live in towns and 1% live in farms. 16% no longer live in Morocco. 2% of those who live abroad have the refugee status. The vast majority of the respondents who live outside Morocco live in Europe. France, the Netherlands, and Spain top the list.

The survey respondents are mainly aged between 19 and 24 years old:

75% of them belong to the age range of 18-24, 15% belong to 25-30, followed by age ranges of 31-35 (3%), 36-40 (3%), 41-45 (2%). While 2% preferred not to reveal their age range. No age ranges reported over 45 years of age.

Respondents defined their gender identity in various ways:

63% of respondents identify as cisgender man, 7% as cisgender woman, 13% as non-binary, 3% as genderqueer, 2% as transgender man and 2% as transgender woman. While 10% of respondents preferred not to reveal their gender identity.

Respondents defined their sexual orientation in various ways:

56% of respondents are gay men, 5% are lesbian women, 17% are bisexual men, 7% are pansexual, 3% are heterosexual and 1% are asexual. While 10% of respondents preferred not to reveal their sexual orientation.

The majority are not intersex but a significant population are:

12% of the total number of respondents identified as intersex and 76% didn't identify as intersex. While 12% of respondents preferred not to reveal their intersex status.

Reduced mobility and health issues in the Moroccan SOGIESC community:

10% of the respondents consider themselves to be differently abled. Also, 10% of the respondents regard themselves as suffering from chronic long-term health conditions such as HIV, Tuberculosis, cancer etc. For reference, Hajjioui et al. estimated the overall prevalence of disability in Moroccan society to be around 9.5% [1]

The majority of respondents do not belong to any religion:

37% of respondents consider themselves agnostic, 10% are atheist and 2% are deist. 30% of respondents are Sunni Muslims, 2% are Christian, 2% are spiritual people and 2% have their own madhab (school of thought). While 12% of respondents preferred not to reveal their religious beliefs.

Section 1: Respondent's Demographics

The majority of respondents had access to higher education:

48% of respondents had access to undergraduate university/ college education, 30% had access to postgraduate university/ college education, 17% had access to post-secondary education and 3% had access to secondary education. 84% of the total number of respondents studied in Morocco, 7% studied abroad and 7% studied both in Morocco and abroad.

The majority of respondents do not have a stable job

20% of respondents have a full-time job, 15% have a part-time job and 7% are self-employed. While 18% of respondents are unemployed, 10% are volunteers, 25% are in training and 3% live with family help. As we will see in the next section, these employment rates stand in contrast to an overall unemployment rate of 12.3%. If we only consider the respondents who are unemployed (excluding volunteers and other non-paid activities), it becomes evident that SOGIESC individuals are significantly more likely to suffer from unemployment than the rest of the Moroccan society.



Section 2: Essential Needs

The accessibility of essential needs such as education and food, is a human right and a crucial indicator for the inclusiveness of any society vis-à-vis minority groups. Hence, examining SOGIESC people's access to essential needs was one of the main pillars of the "OUT in Morocco" project.

On a scale from 1 (never) to 10 (always), we asked to which extent sexual and gender minorities can access adequate and nutritious food, the average value is 7.93, reflecting rather high access. This mirrors the general economic situation in Morocco.

When asking about the level of education of our participants, we noticed the majority has a superior educational level as 48% of the respondents have bachelor's degrees, while 30% hold master's degrees, moreover, 17% completed a post-secondary education-not university, while only 3% completed high school. Additionally, most of our respondents completed their studies in Morocco 84%, while 7% studied abroad and 7% studied in both Morocco and abroad.

Although the results of educational levels are positive, the same cannot be said about the professional situation of respondents. 25% are in education or training, while 20% work full-time, 15% work in a part-time job, and 10% are volunteering, nevertheless, 7% are self-employed, 3% family help and 18% are unemployed, which is an alarming percentage. Up to a certain degree, this is also a reflection of the structures of the Moroccan labour market, where higher education seldomly translates into better job opportunities. In comparison, the World Bank estimated the overall unemployment rate to be at 12.3% in 2021 [2]. The youth unemployment rate (between 15-24) is with 24.9% even higher. [3]. To get further information, we asked the participants, about their source of income in case they don't work, and most answers said they get their income from their parents:

- 'My father provides for our family.'
- 'I'm still studying, and my parents are responsible for me financially' (لا ازال ادرس و والداي هما المسؤولين عني ماديا)
- 'My parents or sometimes paid sexual encounters' (Mes parents et aussi parfois des plans payant).
- 'I'm still living with my parents.'

Access to financial services appears to be similarly widespread, with 83% of respondents indicating that they have a bank account and 75% having a credit card. In order to measure poverty among sexual and gender minorities, we asked the participants who live in Morocco if they live on under 800USD / 8699 MAD per month. More than half answered with "Yes" 70%, indicating that they survive on lower than the standard wage (UN). The minimum wage in Morocco is 1.25USD / 13,6MAD per day, which 65% of respondents' income surpasses. For Moroccans who are residents abroad, we asked if they live on or higher than the minimum wage in Morocco, to which 61.5% said "Yes".

Regarding the situation of housing, 56.6% of our participants live with their families which is the usual housing situation in Morocco, 30% are renting, 6.6% live in a shelter, 3.3% live with their friends, and 3.3% own their house. Additionally, we asked if they consider their neighborhood to be poor; 71.6% responded with "No" and 28.3% with "Yes". Moreover, 100% of our respondents confirmed that they have access to adequate services, also 83% confirmed that they have access to reliable Internet, and 17% responded with "No". Interestingly, internet penetration seems to be slightly lower in SOGIESC-communities. 88.1% of the overall Moroccan population has access to the internet.[4]

[2] The World Bank: Unemployment total % Morocco. <https://data.worldbank.org/indicator/SL.UEM.TOTL.NE.ZS?locations=MA> [accessed: 03.06.23]

[3] The World Bank: Unemployment youth total % Morocco. <https://data.worldbank.org/indicator/SL.UEM.1524.ZS?locations=MA> [accessed: 03.06.23]

Section 2: Essential Needs

Overall, these figures indicate that SOGIESC people in Morocco, on average, do not suffer from extreme levels of poverty nor from disproportionate exclusion from basic goods such as education or food. Moreover, Moroccan SOGIESC people appear to have access to financial services. However, the findings also highlight the importance of family relations for respondents' economic livelihoods. Considering the age bracket of the survey's respondents, this finding is no anomaly at all. However, the fact that acts of violence against SOGIESC people are most often committed by the core family (see section 4), reveals the complexity of the subject.

Investigating the potential for environmental factors' impact on the livelihoods of sexual and gender minorities in Morocco respondents were asked: "To what extent do you think climate change specifically affects sexual and gender minorities as a group in Morocco or elsewhere? (Consider changing weather patterns, drought, famine, floods, and so on - will sexual and gender minorities be more affected by this)". With an average value of 5.15/10, no clear trend manifests. Many respondents did not draw a connection between climate change and their lived experiences as SOGIESC people – mostly perceiving climate change to affect all parts of society equally. However, there were some insightful individual observations:

"Social stigma, as SOGIESC are perceived by a category of Moroccans as a cause of drought (and natural disasters), due to their lack of understanding of climate change and religious interpretation of natural phenomena".

"The catastrophic economic fallout on the country's economy increases social pressure and violence against minorities in addition to the exclusion of minorities from social assistance because of religious amalgams around their place in society". (Les retombés économiques catastrophiques sur l'économie du pays augmente la pression sociale et la violence contre les minorités en plus de l'exclusion des minorités de l'aide sociale du fait des amalgames religieux autour de leur place dans la société)



Section 3: Health

Section 3 was designed to gain insights into the health challenges (both physical and psychological) that SOCIESC people in Morocco face. The data reveals a significant difference between respondent's self-perceived mental and their physical health, with psychological health being considerably lower than physical.

On average, respondents evaluate their physical health rather well (av. 6.9 / 10, med. 7). Most respondents stating physical health issues relate them to either chronic diseases or lack of exercise. However, few respondents also include health issues related to a lack of access to safe and non-judgmental health care for SOGIESC people. The statement "There is always a fear of being judged by workers in health domain, therefore it is harder to access health services" is key to the notion of the inaccessibility of reproductive health for SOGIESC people, with over 40% of respondent's stating they have no access to services like contraceptives, sexual health, testing, etc. An equally high share of respondents (42%) has no access to medical services targeting treatment and prevention of STDs, and none was granted access to hormone treatment (if applicable).

A third of respondents experienced tangible obstacles or barriers when accessing health services. Reasons are related to (expressed, felt, or feared) stigmata, judgement, or misconduct related to gender and sexual identity when interacting with the Moroccan health services. Roughly 20% of respondents experienced direct discrimination from health staff, including attempts to make them 'reconsider' sexual or gender identities.

Money seems to play a crucial role. A lack of financial resources figures prominently amongst obstacles to health services. This seems especially pronounced for people suffering from STDs, since they, as one respondent stated, are not allowed to get treated in public hospitals but must go to expensive private clinics. In a similar vein, private health services appear to be less discriminatory for gender and sexual minorities, according to respondents. Financial resources thus seem to determine experienced hardship, or, as one respondent put it: "You have money you have [it] all... I do not see that there is a problem that your sexual or gender identity is different. They will not hinder your access to the health service, as long as money is your weapon".

By contrast, respondents' average level of mental health (scored by respondents as an average of 5 / 10, med. 5) is considerably lower, with many respondents suffering from anxiety and depression. Some respondents directly relate their condition to their sexual and gender identity, citing the "daily struggle over identity/recognition", direct threats and harassment, societal pressure, as well as lack of professional psychological help for SOGIESC communities as the driving factors behind low levels of mental health. The following statement highlights the societal impact on mental health: "I gave 5 out of 10 to my mental health because, in my society, they make me feel like I'm a sin due to my sexual orientation".

A number of respondents (15%) was subjected to so-called conversion therapy, mostly at the initiative of family members. Experiences range from psychological therapy sessions to religious practices to pseudo-religious "exorcism" and would often involve and/or cause, mental and/or physical harm. Most extreme reports include beatings and rape.

Section 4: Stigma and Discrimination

Who knows about the SOGIESC identity of the respondents?

- 28.8% family
- 71.19% close friends
- 37.29% co-workers/university peers
- 23.73% less close friends
- 15.25% medical staff
- 8.47% employers
- 8.47% religious community
- 3.39% neighbours

Rather unsurprisingly, SOGIESC people first and foremost confide in their closest friends, where 71% know about their SOGIESC identity. Co-workers and university peers are also trusted by many SOGIESC people (37%), followed by less close friends.

SOGIESC people confide less in their employers (8.5%) as well as their business clients and customers (just one mention), and a fourth of respondents (25.4%) report having experienced stigmatisation and discrimination in the workplace because of their SOGIESC identity. Economic discrimination such as not being hired, promoted, or granted access to continuing education is cited very frequently, as is harassment at the workplace.

Communities commonly associated with traditional values, such as neighbours (3.4%) and the religious community (8.5%) are also less confided in. This latter category might also include the family, where only 28.8% respondents stated they know about their SOGIESC identity, and a worrying 27.1% reported having been subjected to violence by family members because of their identity. Statements include reports of verbal abuse and mockery, withdrawal of love, and physical abuse. The survey did not distinguish between core family and extended family, which would be an interesting avenue for future research.

Interestingly, only 15.25% of the respondents stated that medical staff know about their SOGIESC identity, mirroring the low levels of trust in the medical system by SOGIESC people elaborated in the previous section. It could also be indicative of broader societal challenges with accessing adequate healthcare in Morocco, which are beyond the scope of this study.

15.25% report having been discriminated against on the basis of their SOGIESC identity in relation to their housing situation, most frequently through harassment by neighbours or landlords, but also by not getting access to property leases and mortgages. As young, single people in Morocco less frequently move out of their family households than in western societies, as the data rightly suggested so in section 2 with most respondents living with their families, this result is likely to underestimate the real lived experience of SOGIESC people with regards to housing.

An even higher number (28.8%) reported having been discriminated against in their education. Bullying by peers and education staff is the most frequent answer, while statements also include denied opportunities for education activities and lower grades.

"Some professors used to ignore my participation in class, give me less remarks than what I deserved, and don't select me to take part in different activities."

Section 4: Stigma and Discrimination

What are the contexts the respondents were subjected to stigmatisation and/or discrimination?

- Café, bar, nightclub 42.4%
- Stores/shopping 28.8%
- Sports/gym 22%
- Public restrooms 20.35%
- Government agencies 18.6%
- Cultural institution 11.9%
- Social services 11.9%
- When showing ID 10.2%
- By NGOs/helpers 6.8%
- At a bank/insurance 8.5%

Seemingly mundane public spaces bear a high risk for SOGIESC people for being subjected to stigmatization and/or discrimination, as our findings indicate. Bars, cafés and nightclubs most frequently so (42.4%), followed by stores (28.8%), sports facilities (22%), and public restrooms (20.35%).

In comparison, public institutions are somewhat less frequent loci for discrimination/stigmatization, even though 18.6% report such experiences at government agencies, and cultural institutions and social services (both 11.9%), as well as banks/insurances (8.5%) follow suit.

Both the security forces and religious authorities are reported to display the highest levels of offensive behaviours towards SOGIESC people. 40% of respondents perceive offensive conduct by police towards SOGIESC people to be “very widespread”, with another 22% perceiving it as “fairly widespread”. In a similar vein, 62.7% of respondents perceive offensive conduct towards SOGIESC people to be “very widespread” amongst religious authorities, and another 17% “fairly widespread”. Media are perceived to be somewhat less offensive, yet still a large number of respondents (40.7%) experiences offensiveness towards SOGIESC people to be very or fairly widespread.

It's important to keep in mind, as respondents pointed out, that discrimination and stigmatization is significantly more likely if SOGIESC people out themselves or are outed (as happened in the April 2020 outing campaigns, described above), or indeed display visible gender non-conformity. Discrimination happens in contexts of perceived or believed non-conformity with heteronormative behaviour. Since most respondents confided only the the closest, most trusted persons, these figures are likely to underestimate the real lived experiences of outed/visibly non-gender conform SOGIESC people in Morocco.

“Everywhere, anytime, you could be subject to offensive language, and it could easily escalate to violence. No one would be there to stop it since, violence against SOGIESC is considered by a lot to be a good deed.”

Section 5: Dangers and Instability

Investigating the issue of the felt and lived sense of security of the Moroccan SOGIESC community, a difference appears between the overall felt security in the entire territory of Morocco and the feeling of safety in the respective area of residence. Morocco in general, was scored on average as an extremely concerning 2.52 / 10 (10 = feeling very safe), and, as such, is perceived as very unsafe for SOGIESC individuals by the majority of our respondents. Within the proper area of living the situation improves slightly. When asked how safe the respondents feel walking alone around the area that they live in, the average felt level of safety amounts to 4.59.

Investigating the perceived violence members of the SOGIESC community are subjected to in Morocco, it becomes clearer why the community does not feel very safe in Morocco. The survey investigated the perceived dispersion of different forms of violence such as physical assaults, mob violence, blackmail and torture against members of the SOGIESC community in Morocco. The results are concerning. All those forms of violence are perceived by a large majority as “widespread to a certain degree” and “very widespread”, with blackmail being perceived as the most widespread of them.

A slightly more hopeful picture emerges for the space online. When asked about how safe the use of online dating apps is to meet people in Morocco, 15.3% answered with “somewhat safe”, 15.3% “neither safe nor dangerous” 45.8% responded with “somewhat unsafe”, 17% very unsafe and was no answer. In comparison to online dating apps, social media platforms seem to be perceived as safer. When asked how safe the respondents feel about the use of social media platforms to meet people, 33.9.6% answered either “somewhat safe” and 39% with “neither safe nor dangerous”. 21.6% answered with “somewhat dangerous” and only 6,1% felt that the use of social media platforms to meet people is “very unsafe”.

In contrast to the perception of dispersion of violence, this survey also investigated the experienced violence against individuals of the Moroccan SOGIESC community. The question about what forms of violence the respondents of the survey have been subjected to in their lives, relativizes the safety of the online space. The vast majority of the sample has been subjected to online abuse (83.3%). Other prevalent forms of experienced violence include verbal abuse (66.6%), threat of violence (46.6%), threat of sexual attack (31.6%), violent attacks (26.6%) and sexual attacks (23.3%). When investigating the perpetrators of the experience violence the two categories that stood out the most by far were “strangers” and “friends from school”. Unfortunately, we were not able to investigate more in detail which acts of violence correlate with what categories of perpetrators. This is subject needs to be examined in further studies.

The survey also investigated the frequency of experienced violent and sexual attacks within the last year. 40% of the respondents have either been threatened with or actually been subjected to violence up to three times within the last year (from taking the survey). 33.3% have been threatened with or actually been subjected to sexual attacks. 3.3% of the respondents have been a survivor of intimate partner violence or domestic abuse from a current or ex-partner.

Taking into account the data about experienced forms of violence, it becomes clear why Morocco is perceived as very unsafe for the SOGIESC community. Online harassment and verbal abuse are daily experiences that individuals of the community have to live through regularly, with a real potential of actually also being violently and sexually attacked. The safest way of engaging with each other seem to be social media platforms. Surprisingly state authorities were not often named as the perpetrators of such violent attacks. Violence or its potential comes mostly from strangers or friends at school and friends of friends. Thus, in addition to legal discrimination, there is deeply engrained cultural aversion against members of sexual and gender minorities in Morocco.

Section 6: State and Government

This section is concerned with the role of the state and government institutions with regards to sexual and gender minorities' legal protection and lived experiences.

Police violence targeting SOGIESC communities is perceived to be moderately widespread (scored as an average of 6 / 10). However, only a minority of respondents (13.5%) was ever personally affected. In a similar vein, only very few respondents report ever having been detained or questioned by authorities on the basis of their sexual and/or gender identity. Events of harassment by members of the security forces are somewhat more frequent, yet numbers remain considerably low.

There is no legal mechanism for change of gender in Morocco. Four respondents state having tried illegal forms for change of gender.

The overwhelming majority of respondents is very critical of the Moroccan government's record in respecting the (human rights and SOGIESC-related) norms of the international treaties the Kingdom has signed and ratified. 81.4% rate the government's performance below average (<4), indicating an exceptionally low trust in state policies protecting sexual and gender minorities in the country.



Section 7: Support Systems and Conclusions

Overall, respondents hold cautious optimism for an improvement of the situation for the SOGIESC community in Morocco. On a scale from 1 (not optimistic at all) to 10 (very optimistic), the average value of optimism amounts to 4.44. The statement "It is improving very slowly" reflects the value adequately (التحسن بطيبيبيء جدا) When analysing the data concerning available support services, the support systems used by the Moroccan SOGIESC community and what the respondents consider the most urgently needed changes, the picture of a self-sustaining community emerges, that is neglected by state and society.

The survey introduced the topic of available support services with the question to what extent the respondents agree with the following statement (10 being completely agree): "There are enough support services available for sexual and gender minorities in Morocco?". The average level of disagreement with the statement amounts to 2.32 indicating a clear lack of available support service.

This means two things: on one hand, there is a clear negligence of state and society to provide adequate support services, with society maybe not even being aware of the issue. On the other hand, the data shows an enormous potential for civil society actors, activists, NGO's and underground movement to improve the support networks for the SOGIESC community. However, when investigating the used support mechanism more detailed a more diverse picture emerges. The SOGIESC community relies mostly on close friends for support. But social media as a way to connect with other members of the community and the role of already existing NGOs, activists and collectives is not to be underestimated. This diversity is reflected in the answers to the question of what support systems the respondents use. Here some of the answers:

- 'My close friends'
- 'Support groups with friends'
- 'Human rights activists and media platforms' (ناشطين في حقوق الانسان والمنابر الإعلامية)
- 'There are some chat groups'
- 'Grindr to connect and talk to people, personal support friends and gay acquaintances'

The overall heavy reliance on personal contacts and close friends to access and provide emotional and material support to the community, coincides with some relative felt freedom to meet and organize gatherings. The average felt ability to meet as a collective amounts to 5.47 (10 being very able). Despite the repressive and isolated situation of the SOGIESC community in Morocco, there seem to still exist some spaces that members of the community can navigate in exploit to gather as collective to discuss, celebrate or offer support to others.

Overall, the data strengthens the image of a self-sustaining community in Morocco. Despite the clear lack of support services and a reliance on private networks for support, there is space to navigate in as a collective. However, the situation is far from being decent. A variety of wishes and needs emerged when the survey asked the sample what changes they want to see for sexual and gender minorities in Morocco.

The data suggests a strong feeling amongst members of the SOGIESC community to not be recognized as equal citizens of the Moroccan state. With that regard many felt a lack of numerous substantial rights with even being denied the right to live freely. Most respondents called for a legislative change for more equality, less oppression and recognition as a full citizen with its rights and freedoms within the Moroccan state. Those freedoms include freedom of expression and the freedom to present oneself the way one wants to.

Section 7: Support Systems and Conclusions

Some also wished for a better cohesion and stronger solidarity amongst the community. Here are some answers that reflect the conclusion in all its aspects:

- 'Respect for our right to live freely'
- 'To be able to express yourself and present yourself the way you feel right to you without being judged, beaten up or harassed for it.'
- 'The abolition of anti-homosexual laws (abolir la loi contre les homosexuels)'
- 'To simply have the right to exist (tout simplement avoir le droit d'exister)'
- 'Law change regarding criminalizing same sex relationships, and I would very much like to see a true sense of community among individuals of sexual and gender minorities.'

Concluding remarks:

Overall, the report draws the picture of a marginalized, stigmatized and threatened SOGIESC community in Morocco. In addition to the restricting legal framework and the absence of any rights, extreme pressure on the SOGIESC community is exerted from society which starts right at the core, the family. Complying with the rules and customs of family life is of utmost importance in Morocco, as access to services and status are directly dependent from it. The aversion of society towards SOGIESC issues leads to a life in secrecy for a majority of the SOGIESC community. Secrecy vis-à-vis the public and the family. The alternative – living and expressing their true identities – often subjects them to violence and social marginalization. The absence of state and civil actors and support systems leads to isolated SOGIESC communities. Thanks to social media and technology, SOGIESC people are able to create community support systems for themselves, yet widespread online harassment and outing campaigns exacerbated by a complete lack of legal protections, render online safe spaces increasingly dangerous.



Recommendations



Section 8: Recommendations

In light of the insights obtained through our research, this report recommends the adoption of the following policies. The Kingdom of Morocco must:

- abolish article 489 and end the criminalization of same-sex relationships in Morocco;
- abolish articles 490/91 and end criminalization of sexual encounters outside marriage;
- establish and implement effective anti-discrimination laws and criminalize 'conversion therapy';
- include SOGIESC individuals as citizens by broadening the scope of state services (for example in healthcare);
- Work towards ensuring the accomplishment of the UN-sustainable development goals with a specific focus on the needs of the SOGIESC-communities
- establish safe, affordable and anonymous support structures for SOGIESC communities (for example safe houses);
- establish independent focal points to investigate discrimination against sexual and gender minorities;
- fund and implement sensibilisation campaigns against community- and family-led harm to SOGIESC people;
- the competent governmental service should engage in a comprehensive dialogue with families and communities to foster treating SOGIESC people with dignity, respect and mindful of their needs as citizens;
- welcome and support the assistance of national and international NGOs providing support and counsel for sexual and gender minorities.

With regard to the situation on the ground, civil society actors such as international organizations, NGO's and grassroots movements in Morocco should;

- tackle the dangerous family dependency-violence-nexus by providing accessible family counselling, awareness-raising campaigns and family-centred assistance approaches;
- create, expand and cultivate support networks in Morocco for SOGIESC individuals to assist individuals with their daily struggles;
- operate discrete safe houses for victims of violence;
- establish, manage and maintain channels, either online or telephonic, that offer basic psychological counselling;
- create networks that could consult on how to alternatively access to basic services (health, education, jobs and housing).

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