

## **Gender Based Violence: Violence against LGBT in Morocco**

**Naima BENLARABI**

*Corresponding Author: Naima BENLARABI*

---

**Abstract:** Generally, conservative Muslims in Arab countries reject homosexuality. In Morocco, religious, social and legal factors create an environment to rebuke LGBT people. However, the shock that the public opinion and media have recently experienced after facing instances of extreme homophobic violence have contributed to the resolution of establishing a contact and starting a discussion about such topics. The objective of this article is to consider homosexuality from different perspectives in Morocco. The focus will be on considering different instances of violence towards LGBT people and the reaction of this community to deal with the issue. The methodology is based on intersectionality theory.

**Key Words:** Homosexuality, LGBT community, Homophobia and violence, Movement and activism, Morocco as a case study

---

Date of Submission: 01-06-2020

Date of Acceptance: 16-06-2020

---

### **I. INTRODUCTION**

Homosexuality is the state of being sexually attracted to a person of the same-sex. Lesbian, gay, bisexual and transgender people make the LGBT community who stand up for their human rights. They aim at living a normal life like any other human being. The story of sexual queerness can be traced back to the beginning of human history. The identity and sexual orientation of people are still being questioned. Some may say that, by any means, homosexuals did not choose to be the way they are. Some scientists, in this light, prove that LGBT people are neither born nor do they choose to be homosexuals. The latter may have, from their early childhood, been adopting homosexual behavior.

Sexual orientation, sometimes called “sexual preference,” describes a person’s pattern of feelings of emotional, romantic, or sexual attraction to men, women, both, or neither sex. According to the American Psychological Association (APA), sexual orientation “also refers to a person’s sense of identity—based on those attractions, related behaviors, and membership in a community of others who share those attractions. Decades of clinical research indicate that individual sexual orientations exist along a spectrum ranging from an exclusive attraction to persons of the opposite biological sex to an exclusive attraction to persons of the same biological sex. (Robert Longley 2018).

Theories on homosexuality may agree or disagree upon its nature; and so they can reach a point where being an LGBT person may be ‘accepted’. But, many Arab Muslim-majority countries see differently. This subject has been for long very difficult to discuss within a family or in a social context, except in the case of ridicule or disdain. Rare are the individuals who would accept to be questioned about their respective sexual identity; and this is certainly due to social and religious constraints. In a Muslim context, the argument may be particularly based on an Islamic perspective that ‘this phenomenon endangers the continuum of social interactions’. In such case, as in any conservative religious context, people become homophobic; and they may even feel unsafe being around homosexuals. Thus, those people may use violence against this community.

Homosexual community in the MENA<sup>1</sup> region has been and is still a vulnerable minority group. The 2011 Arab uprisings triggered a new phase in the life of the Arab minorities, who had started to feel the need for more equal representation in the social, economic and political life. Many marginalized, vulnerable or oppressed groups, including sexual minorities were particularly aroused by the fervor of the new revolutionary changes that would allow them “to come out of the closet” and claim their rights for social justice. However, after the uprisings, not much has been fulfilled, especially for the LGBT minority group.

In Morocco, many factors have created an environment to rebuke LGBT people: legal criminalization, religious condemnation and social rejection. As a result, it may get hard for a Moroccan liberal to come with what might be recognized as a new “Western” idea, and try to impose it on society. However, situations such as these—in addition to the cases of violence— have triggered the awareness of many Moroccan activists. In the last

---

<sup>1</sup>MENA: Middle East and North Africa countries

few years, many movements have taken place in different cities, where human activists defend LGBT people against discrimination and violence. The talk about homosexuality had been still until recently a “taboo”. The instances of extreme homophobic violence in public spaces shocked both public opinion and some media; thus, a hot debate about the situation of LGBT has started in Morocco. The social media, particularly, has provided a space for free expression and comments.

The objective of this paper is, therefore, to consider homosexuality from different perspectives, mainly religion and human rights in Morocco. The focus will be on considering different instances of violence towards LGBT people and the reaction of this community to deal with the issue in this particular context. The aim of this article is to bring into question the maltreatment that the LGBT community may undergo since their early childhood. I argue: why such issue, which has for so long been considered very profane and blasphemous, has recently turned into an open topic for debate to expose the problems that LGBT community face.

For the methodology, this article relies primarily on the knowledge I have acquired by attending workshops and conferences dedicated to the elaboration on different issues related to homosexuality in general and LGBT as a gender issue in particular. The article is likewise based on different sources by experts on the issue and on close observation and interviews conducted with various constituents that are interested in joining the debate on the topic. The objective is to highlight that the new era of globalization, besides openness to other cultures, have provided tools and platforms through which underprivileged categories, such as LGBT community, have learned how to express their needs for recognition and participation in their countries; they have even learnt new creative ways ‘to come out of the closet’.

In this particular context, intersectionality concept is an important theory to analyze the situation of the minority group, LGBT. It is the common oppression of such social categories that brought many of the socio-cultural and political views into question. As defined by Crenshaw Kimberle (2004), the concept stands for “intersections between forms or systems of oppression, domination or discrimination. The theory suggests that—and seeks to examine how—various biological, social and cultural categories such as gender, race, class, ability, sexual orientation, religion, caste, species and other axes of identity interact on multiple and often simultaneous levels, contributing to systemic injustice and social inequality. Intersectionality holds that the classical conceptualizations of oppression within society, such as racism, sexism, biphobia, homophobia, transphobia, and belief-based bigotry, do not act independently of one another. Instead, these forms of oppression interrelate, creating a system of oppression that reflects the “intersection” of multiple forms of discrimination.”

As an outline, after introducing the topic, the paper attempts to focus on the religious and legal frameworks of homosexuality in Morocco. The second section will shed light on violence and homophobia, by exposing some cases of violence. The third section will elaborate on LGBT movement and activism in Morocco (coming-out). The paper will conclude by giving a brief review of the major current challenges and calls for reform.

Generally, in most of the MENA countries, homosexuality has often been a taboo and unaccepted by society. In 2016, homosexuality was identified as ‘intolerant and illegal in this region’ in a report by the International Lesbian and Gay Association (Carrol Aengus 2018). In most Arab Muslim-majority countries, religion, the law and society reject homosexuality. Currently, LGBT community still faces a hostile environment characterized by a stigmatizing and conservative politico-religious discourse. As a consequence, homosexuals are often not only marginalized, but are also denied free protest in the public spaces. Judith Butler has termed this situation as “social death.” (J. Butler, 2015). Indeed, this situation makes it difficult to live ‘freely’ in countries that may reject and even deny some individuals’ existence. In this context, for a long time, LGBT people have managed to hide their respective sexual orientation to avoid all kinds of confrontation with the people and the institutions.

In Morocco, particularly, the ‘Moroccan government recognizes that homosexuality is a modern phenomenon that exists in every society across the world... At present, the government does not have sufficient data regarding the extent of this phenomenon. The government has stated that there are a number of organizations promoting the rights of LGBT persons in Morocco and that a number of media agencies contribute to the debate on homosexual issues. The government cooperates in particular with the National Human Rights Council, (CNDH)<sup>2</sup>, in order to promote human rights and a citizenship culture, including persons of homosexual and lesbian orientation.’ (Danish Report 2017). However, on the ground LGBT people still face discrimination and rejection.

---

<sup>2</sup>CNDH, French acronym for Conseil National des Droits de l’Homme

## Religious and Legal Frameworks in Morocco: Homosexuality in Islam and the Penal Code

### a. Religious Framework

Morocco is a constitutional monarchy and a Muslim-majority country which follows Islamic law and social norms. According to the 2011 Constitution, Morocco is described in the preamble as a sovereign Muslim state. It is conceived to be a Muslim state on the basis that the majority of Moroccans are Muslim: "Islam is the religion of the state, which guarantees to all the free exercise of beliefs"<sup>3</sup>. From this Article, one will probably understand that the dominant religious referent in Morocco is Islam, despite conspicuous secularization in some aspects of individual or collective life.

One of the clearest sins in Islamic doctrines is that a good Muslim should not engage in sexual intercourse outside marriage (*zina*/adultery). So, the legitimate question in this context is how same-sex intercourse can be ethical and moral in the framework of Islamic religion. To my knowledge, no religious scholar has ever explicitly justified LGBT acts as being morally and 'Islamically permissible'. So it is important to consider some Islamic referents, such as the Qur'an and Hadith to highlight the Islamic attitude towards homosexuality.

#### *The Qur'an*

Generally, any discussion about homosexuality in the Qur'an refers mainly to the stories in connection to the People of Lot. Thus, many scholars who referred to these stories agreed on the sanctity of homosexuality. Similarly, the other monotheistic religions (Judaism and Christianity) have a consensus on the sanctity of this act. Despite the attempt to change attitudes and impose the culture of tolerance by law, rejection still exists.

Referring to the stories of the people of Lot, the Qur'an explicitly states how the Prophet dealt with the people that had same-sex intercourse (may be in the first time in the history of humanity). There is no mention of homosexuality outside the context of the story of Lot. All major *Madahib*, (schools of Islamic jurisprudence), confirm that male homosexual sex is a sin, based, in part, on the story of Lot. The Qur'an states that Lot berated his people for sexually pursuing men, (in addition to attempting to assault strangers); the incident is traditionally seen as demonstrating Islam's disapproval of both rape and homosexuality. Despite the clear statements in Qur'an verses, some modern scholars differ in their respective interpretations.

#### *Hadith*

Hadith is all that is reported about the Prophet Muhammad whether it is a statement (saying), action, report, or description and it is considered the second source of Islamic religion. There are many books of Hadith that are related to Muslim men who lived in the time of the Prophet or were His companions. The most important books of *Hadith* are six, called (al sihaah al sittah)<sup>4</sup>; their ranking is in terms of precision and authenticity: 1. Sahih al Bukhari. 2. Sahih Muslim. 3. Sunan Abu Dawood. 4. Jami al Tirmidhi. 5. Sunan Al nasai. 6. Sunan Ibn Majah.

Generally, the scholars agreed that the best books after the Qur'an are Sahih al Bukhari and Sahih Muslim; but these books contain no *Hadith* that deals directly with the subject of homosexuality. However, the other books of Hadith that referred to homosexuality have good reputation in Islamic jurisprudence. There is an extensive debate among homosexual lobby about these Hadiths, as "weak" and "poor" in terms of strength of source. But these Hadiths remain credible by the general public due to 'the value' of the books on which these Hadiths are written.

After the death of the Prophet, the *Sahaba*<sup>5</sup> (the Companions) agreed on the ban of homosexual act in Islam<sup>6</sup>; it is absolutely forbidden and its punishment is murder; but they disagreed on the way of killing. Some of them said that homosexuals should be burned in fire, while Ali Ibn Abi Talib's view was 'to throw them from the highest altitude and be followed with stones'. Abu Baker al Saddik approved this proposal. It was narrated by Ibn Abbess Ibn al\_qayyim in his book, *Disease and Cure*, said 'people disagreed about homosexuality, is it

---

<sup>3</sup>From the Moroccan new constitution's preamble(2011) available in [www.constituteproject.org/constitution/Morocco\\_2011.pdf](http://www.constituteproject.org/constitution/Morocco_2011.pdf) Article 3

<sup>4</sup>From the website : [www.aqaed.com](http://www.aqaed.com) : al sihaah al sittah

<sup>5</sup> The Prophet's Companions who lived during his time and reported some of his sayings and deeds

<sup>6</sup> From the website: [www.almadinainstitute.org/The-Shariah-homosexuality](http://www.almadinainstitute.org/The-Shariah-homosexuality)

heavier in punishment than adultery? Or adultery heavier than homosexuality? Or the punishment is the same for both of them?

**b. The Penal Code in Morocco**

Similar to the rest of the Arab countries, Morocco maintains the same attitude towards homosexuality. Based on the Islamic law (Sharia), homosexuality is radically prohibited and rejected since it is considered ‘a behavior which transgresses the common moral values’. Furthermore, this behavior is socially not accepted because of the belief that its widespread would threaten the ‘natural’ structure of the family. Therefore, even the Moroccan civil law criminalizes every homosexual intercourse between two people of the same sex. But this Article remains vague, especially when the Moroccan legislator speaks of homosexuality as ‘abnormality’. Human Rights and Global Health organizations have gone beyond the concept of ‘abnormality’ since the 1970s.

Article 489 of the Penal Code of Morocco states that "lewd or unnatural acts with an individual of the same sex" is illegal and can be punished with anything from six months to three years' imprisonment and a fine of 120 to 1,200 dirhams unless the act constitutes a more serious offense". This law makes the struggle real and strenuous for LGBT minorities.

According to Abdessamad Dialmi<sup>7</sup>, ‘... for the “Supreme Oulema Council” (headed by the King), Article 489 is just not sufficient, as it has not been able to stop the “glorification of homosexuality”. After the visit (February 19-26, 2009.) of the Spanish Confederation of LGBT associations (Colegas), the Council launched a homophobic “fatwa” against this visit. It justified its “fatwa” by the fact that “the Moroccan government should have a policy against this kind of deviance.” (A. Dialmi 2019)

**c. Law and Practice:**

The Moroccan law is thus direct and explicit regarding the criminalization of homosexuality; but the enforcement of the law is often not very strict. Indeed, the state overlooks many issues that are publically related to homosexuals. For instance, there are many clubs and cabarets reserved strictly for LGBT in some big cities, as pointed out in several national newspapers and websites. These clubs are well known and also frequently visited by foreign homosexuals. The authorities are of course aware of this fact; however, the rule is that as long as LGBT meet in their own spaces, and no one from the population protests or complains, the situation is acceptable. Similarly, the authorities are aware of the existence of same-sex prostitution that has become widespread for many years in various major cities. The silence from the authorities is probably a reaction to the activism of many homosexual associations which have become powerful influencers supported by pressure groups from abroad.

Concerning the media, the national newspapers occasionally publish arrest trials involving the LGBT community; but what may be worth mentioning is that the national radio and TV channels still (to this day in April 2020), marginalize this subject and discuss it only within the scope of individual liberties; the broadcast is done implicitly and in a quick way.

The Danish Report reveals that ‘whereas the Sharia law is severe in its condemnation of homosexuality and Morocco’s Penal Code remains categorical in its criminalization of homosexual acts despite several calls for a reform process, the sexual culture in Morocco is far from static. The report refers to Dialmi, who believes that sexual culture has evolved in a more secularized direction. Likewise, CNDH added that Morocco has gone through profound changes in the socio-cultural fabric of society. Previously, conservative, religious values strongly influenced sexual practices; whereas these practices now are increasingly being influenced by secular values, regardless of the fact that conservative values still permeate the dominant religious discourse. (Danish Report p.8)

Indeed, the *Justice and Development* (PJD), the Islamist political party which currently leads the government, strongly refuses to drop the criminalization of homosexuality. Therefore, an internal pressure of associations is demanding the rights of minorities and individual liberties; these associations receive foreign support from Western countries for ideological, political, and religious considerations. Thus, international human rights organizations, the United Nations, and the International Monetary Fund try in various ways to push Morocco to change the constitutional position by changing the criminal law to consent and allow homosexual marriages officially.

In 2017, Mustafa al Ramid, (The Former Minister of Justice and the current minister of Human Rights), proclaimed to the press, “this is no longer tolerable: even homosexuality has become a great affair to talk about ... dirt are these people”<sup>8</sup>. The Minister’s statement means that as long as the Islamic Party remains in

---

<sup>7</sup> Abdessamad Dialmy is a Moroccan contemporary sociologist of sexuality, gender, feminism and religion

<sup>8</sup> From the website: [www.morocccworldnews.com](http://www.morocccworldnews.com)

authority as a leader of the government, there is no change in Moroccan criminal law, no matter what happens. Such official declarations make it difficult for LGBT to access safe public spaces in Morocco. The homosexuals are often forced to hide their respective sexual orientation (which is part of their identity) to avoid facing violence or being arrested. In this respect, LGBT people may be forced to seek out what Nancy Fraser defines as “subaltern counter spaces” where they could contest the existing norms and structures that negate their existence in the public sphere. (Nancy Fraser, 1990).

### **Violence against LGBT People in Contemporary Morocco**

After extensive research, I have realized that no studies have been conducted on the nature and spread of violence against LGBT persons in Morocco. There is absence of concrete statistics. Undoubtedly, in the current context, it is difficult to conduct any direct survey or analytical study with LGBT people as the issue is very sensitive.

Generally, when observing the cases of violence against LGBT, three forms of violence are identified: (1) Physical violence such as mob gay bashing, attacking and lynching considered as an act of street justice (Chraa Elyad)<sup>9</sup>. (2) Institutional violence as expressed in the Penal Code which reveals the state’s will to regulate human sexuality by legal restrictions. (3) Social violence in the forms of perceived and enacted stigmatization of non-heterosexual citizens. Not only the homosexual is rejected by society but oftentimes by his/her own family.

To draw a clear picture of the cases of violence, in all its three forms, I will list some of the most known incidents involving harassment against LGBT in Morocco.

**Qsar Lkbir case:** On 18 December 2007, a Moroccan homosexual named Fouad Fertit decided to release his fantasy and throw a wedding-like party in which he was the bride. Without any harmful incident, he organized the ceremony in his private house with his family and friends. The ceremony lasted until early morning on the following day. The celebration followed the Moroccan tradition, using popular music and dancing; even a *Negafa* (a bride dresser) was hired to groom the bride. There were more than fifty guests from El QsarLkbir, as well as from different cities.

This unusual wedding was the first of its kind in Morocco; as a result people called the police to arrest the gays. As there was no legal contract to attest of a marriage, the authorities declared that they were unable to arrest the two gays, namely Fouad. The evidence was not enough for the police to arrest them since their marriage was undocumented. As a result, more than one thousand people, who gathered in a demonstration against what they considered ‘a shocking incident’, went to the house where the wedding party took place. The mob gathered to express their ‘anger and distress the two men caused’. The angry mob broke into the man’s house, stole it and started beating everyone in the house. The local authorities intervened and arrested six people including the two homosexuals, the *Ngafa* and three guests. The primary court of EL QsarLkbir convicted six men for an alleged gay wedding ceremony under the terms of violating Article 489. The court sentenced five men from four to six months in prison; while Fouad was sentenced to ten months for having been accused of gayness and trafficking in alcohol.

**Sidi Ali BenHamdouch Case:** Between 2007 and 2009, the Moroccan authorities arrested 20 homosexuals in the outskirts of Meknes city after their gathering in the Sidi Ali BenHamdouch *Moussem* (kind of festival), where homosexuals practice rituals and celebrate symbolic marriages. It should be noted that this saint has become a space of pilgrimage for homosexuals annually. Here, they feel free to perform their sexual rituals accompanied by *Hadrah* (kind of trance dance). However, “access to *Moussem* has become more and more restricted, perhaps, because of videos which show the course of the festivities; a fact that pushed the inhabitants to oppose the increasing number of homosexuals. ‘Damn the social networks. They throw shame on us while our rites don’t bother anyone,’ says a young transvestite... Commenting on the situation, Ahmed Hamdouchi, 70, one of the *chorfas* (the notables of the village) explains that ‘(the pool of visiting homosexuals) has reached such a scale that we are witnessing the arrival of homosexuals from Europe. All this is detrimental to the reputation of our mausoleum. The organizers of the *Moussem* have called on the local authorities to stem this scourge’. So, the dilapidated route of 15 kilometers leading to the village is monitored by 6 mobile police stations... Anyone, “suspected” of being homosexual is immediately ordered to turn back. (However)<sup>10</sup> faced with such restrictions, homosexuals travel to *Moussem* using secondary routes, far from the main road.<sup>10</sup>

**Al Houceima Case:** On 13 December 2014, two men were arrested, charged with sodomy and then, after a very short trial, found guilty of this offence by the court of Al-Houceima. The trial took place only five

---

<sup>9</sup>Kind of “street justice” where angry mobs feel it’s their duty to punish others because of ‘deviant morality’

<sup>10</sup>Ahmed Mediany&Jassim Ahdani. (2017)*le pèlerinage homosexuel entre mythes et réalité*.

days after they had been arrested. They were found guilty on the basis of their own ‘confession’ which according to the police occurred while they were held in detention. However, when brought before the judge, they withdrew their confession. The court failed to call for any witnesses to testify. On 30 December 2014, the Appeals Court maintained the sentence under the existing legislation of an ‘indecent act or an act against nature with an individual of the same sex’ (Article 489) and of an ‘outrage of public decency’ (Article 483).

**Fes Case:** In July 2015 (during Ramadan), a man was assaulted in Fes by a crowd who pointed him out as being homosexual. He first tried to take a small taxi to go home; but the taxi driver, judging the man’s appearance, could not help but reveal the man’s homosexuality in a public place. The gay could easily be recognized as he was in a feminine dress. Immediately, a group of angry young people started beating him and filming the incident. The gay was alone with no protection from anyone. As a result, he hid behind a door near a coffee-shop before the Moroccan authorities intervened to save him from public lynching. The man, who was naked, was violently attacked, and later a video footage of the attempted lynching was shared on social media.

After the man was arrested, the Primary Court of Fes accused two of the attackers of “violence and maltreatment” referring to Article 400 of the Penal Code and “beating and wounding”. They were sentenced to four months prison and 500 dirham as a fine. The attack of the gay in Fes raised a stir in after the widespread of the video footage on social media.

**Beni Mellal Case:** On 9 March 2016, two men were attacked by a crowd in Beni-Mellal. Four young men forced their way into the apartment and dragged the gays out to a public street. They were physically assaulted by a mob and were filmed naked and bleeding. One of the gays was taken to the emergency intensive care, as he had been beaten harshly, while the other man was arrested with five men from the attackers. Days later and after a pressure from the international organizations of human rights which condemned the brutal attack, Beni-Mellal Court of Appeal sentenced four attackers to imprisonment and released three others including the two gays. “The Beni-Mellal case has been considered as one of the famous incidents that revealed how some Moroccans deal with homosexuals.”<sup>11</sup>

**Guelmim Case:** In the case of Guelmim (the south of Morocco), two men were found by state patrol (gendarmes) in a car parked in a deserted place near the city of Guelmim. After being taken to court, the two gays were sentenced to six months of imprisonment.<sup>12</sup> It was Human Rights Watch that published the news on its official website on Thursday 28 July 2016. The organization explained that on 30 June 2016, Agadir Court of Appeal condemned two men from the city of Guelmim. They were acting homosexuality in a parked car in a secluded place during their arrest on 20 May 2016. During the theoretical custody, one of the two men (J), 23 years old, confessed the sexual act to the police while (A), 46 years old denied his remarks and said he was innocent; and for unclear reasons neither of them had a lawyer during the trial. The court convicted the two men, saying that (A)’s denial of his confession is only a way of evading criminal responsibility and impunity. The court sentenced both of them to six months imprisonment and a fine of 500 dirhams for homosexuality. The court of appeal in Agadir confirmed this judgment but reduced the penalty to a month and a half for (J) and three months to (A). Sarah Leah Whiston, Director of the Middle East North Africa Human Rights Watch stated “If legislators want to harmonize Moroccan laws with 2011 Constitution which guarantees the right to privacy, they should abolish the criminalization of consensual intimate relationship between adults.”<sup>13</sup>

**The Hassan Tower Case:** In 2015, two men posed for a picture while kissing on the mosque esplanade of the Hassan Tower, a touristic attraction in Rabat. They were arrested and presented before a judge who sentenced both of the defendants to four months of imprisonment and a fine of 500 Dirhams.<sup>14</sup> The court also decided that the two men should pay for the costs of the trial.

All the above cases reveal how LGBT people, who are often rejected from family, friends and society, may be exposed to public verbal and physical humiliations and even institutional bias. The cases of Qsar Lkbir, Beni Mellal and Fes are good examples of mob anger that is wrongly justified as ‘street justice’. Moreover, all the cases confirm the spread of collective homophobia that may seem ‘dormant’ until a case emerges. Dially

---

<sup>11</sup> La Croix, Jérémy. (2016). Les agressions homophobes sont le quotidien de la population LGBTI au Maroc selon Aswat. Têtu (website associated with the French gay magazine ‘Têtu’):

<sup>12</sup> Interview done with AMDH N 14 : <https://www.ft.dk/samling/20161/almdel/uuu/bilag/148/1735024.pdf>

<sup>13</sup> Human Rights Watch: a nongovernmental organization, headquartered in New York City that conducts research and advocacy on human rights.

<sup>14</sup> The Guardian (2015). Moroccan gay men to serve four months for posing close together for photograph.

asserts that “the birth of homophobia in Morocco is a reaction against the LGBT Movement. It expresses an Islamic and an Islamist refusal of homosexuality as a normalized and legal identity. Hence, notions as sexual orientation, gender identity and sexual minority are criticized and rejected as tools to re-consider the status of homosexuality. (A. Dialmy, 2019)

### **LGBT Movement and Activism in Morocco**

In the last few years, many movements took place in different cities –especially in Rabat—where human activists defend the rights of LGBT people. The mediatized cases of violence have launched a more sincere and sensible debate on the issue. Furthermore, globalization has contributed in the “coming out” of the community”. The World Health Organization in 1990 referred to the normalization of homosexuality. In 2008, The Declaration of Human Rights Council advocated against discrimination on the basis of Sexual Orientation and Gender Identity (SOGI). The different online platforms have provided a valuable means of communication, a space of encounter and expression.

The ‘identity crisis’ that the homosexual may face is, undoubtedly, the consequence of various difficulties he/she encounters growing up in a society where homosexuality is regarded as ‘deviant’. But, this particular ordeal helped some homosexuals in their “coming out”. Abdellah Taïa, for example, is one of the Moroccan men who have been struggling to confirm their identity as a gay. Taïa is a writer who faced all kinds of violence and abuse from his family and society. His autobiographical novel, *an Arab Melancholia*, exposes the ordeal that pushed him to leave his family and country. For Taïa, society makes him feel unwanted and lonely. Describing his childhood, he declared “I thought that I was the only gay in Morocco ... society, people around me and my family who are supposed to protect me ...they don’t protect me from the daily suffering, the daily insult.” He added “the entire neighborhood wanted to rape me; and at night, there were some drunkards who were screaming asking me to come down to have what they needed”... Finally, he sought asylum as a “political refugee” in France where he finally made “His coming out”.<sup>15</sup>

### **The struggle against homophobia**

In recent years, many movements emerged to demand primarily the recognition of homosexuals’ human rights. The main manifestations of these movements that came from foreigners was the protest by the two activists of the Femen movement in Rabat near Hassan Tower monument, as well as the solidarity of a famous British band at Mawazine Festival (2014) who wrote #489 on his guitar, as a way of protesting against Article 489.

The different anti-homophobia movements marked a turning point in the lives of LGBT people. A sudden change can clearly be observed as homosexuals can freely talk, at least on social media, which have a good space to express their claim for the freedom of choice by triggering human rights activism within the public sphere.

### **The Role of Moroccan Human Rights Activists:**

The first move towards claiming rights has been to collectively organize in associations, which aim at attracting homosexuals to strengthen and extend their position within the society. In spite of their lack of official authorization/license to operate, some associations go out on many occasions under the associative framework in several major cities. They express their forms of struggle without serious consequences and violent intervention from the national security and responsible bodies. The AMDH has been the first to open up the debate on LGBT rights. However, AMDH could not handle the situation alone against the authorities; the fact that has encouraged some activists to found associations to claim the change of the Penal Code and defend LGBT community's rights. The following is a list of the main Moroccan LGBT associations:

**Kif Kif:** The first LGBT NGO was founded as a non-profit association on 27 June 2007 in Spain. The word ‘kifkif’ is a dialect transposition of the standard word “mithly” (same). This association has remained clandestine in Morocco because of Article 489. “Kif Kif” initiated Morocco’s first gay online magazine, “*Mithly*”, which first appeared online in April 2010 and sold undercover in paper. Kif Kif officially works for social consideration of people of different foundations and the destruction of segregation because of xenophobia, prejudice, homophobia, lesbophobia, biphobia, and transphobia. ‘Kif Kif’ activities are strong within the Moroccan territory even though this

---

<sup>15</sup> Taia, Abdellah . (2008). *Une mélancolie arabe* (an Arab Melancholia)

association is still to this day banned by the authorities. The struggle is not an easy one.<sup>16</sup> However, the activists target gays and lesbians, especially educated ones, to enlarge their circle of influence in Morocco and to make their voice heard. 'Kif Kif' claims that Moroccan homosexuals are a part of the homeland; they are Muslims like all Muslims; they are free and independent with their sexual identity and have the right of self-determination. 2011 was a year of social mobility and demonstrations that called for the improvement of the living conditions in Morocco. It was the first time that homosexual associations strongly took into the Moroccan streets; and 'Kif Kif' association, as it is the official host of the Moroccan homosexuals, was also the official body that encouraged homosexual activists to voice out their protest like all other minorities.

**Menna w Finna:** In 2010, the first Moroccan lesbian association, Menna w Finna, was founded; it operates within the scope of the mother association 'Kif Kif'; so it is not completely independent of the public line of the mother association. Samir Berkash<sup>17</sup> said behind "Menna w Finna" are many of the great women's names in Morocco; but to preserve their image and their legal status within a conservative society, I will not reveal their names... Officially, they advocate the defense of women's rights in general; but they abstain from defending publically their sexual orientation and that of other Moroccan lesbians because it may blow and destroy them especially their professions and legal status in a conservative society."

**ASWAT:** meaning "voices" in English, has been an autonomous non-profit gathering dealing with issues of sex and sexuality since 2012. The activity was set in April 2012, promoting that every single person is brought into the world free and equal in nobility and rights.<sup>18</sup> The dispatch of an electronic magazine called "Aswat Magazine" since 2013 has provided a forum for communication and interaction within the LGBT community. Being clandestine, most of *Aswat's* activities are organized on the web. Marwan Ben Said, the director of *Aswat* magazine maintains that "the magazine has received a high turnout since the first day of its issuance, where the number of the site visitors is more than 5570". He sees this number very encouraging in that it "pushes us to work more in the future". Some *Aswat* members participate as individuals in demonstrations organized by feminist or human rights NGOs. Because these demonstrations are legal and authorized, police forces do not intervene and do not repress them. So Moroccan LGBT individuals exploit these demonstrations to be in the public space as militants and to express themselves through some politically correct slogans like 'Love is not a crime'. (Danish Report, p.32)

**M.A.L.I.:** Alternative Movement for Individual Liberties (M.A.L.I.) set in Morocco, advocating that the guard of 'individual liberties are a need'. "M.A.L.I. is a universal, feminist and secular civil disobedience movement fighting against all forms of discrimination and in favor of equal rights. Breaking taboos and opening debates are the main goals. The priorities are: personal freedom; freedom of choice and secularism: everyone can practice the religion of their choice or practice none; freedom of opinion and freedom of expression; rights of women and children; fight against all forms of violence; sexual and reproductive rights; rights of LGBTI people; right to abortion for ALL."<sup>19</sup>

**AKALIYAT:** In December 2016, the first local association of religious and sexual minorities, *Akaliyat* was founded. *Akaliyat* is one of the most recent influential associations in Morocco that is considered the "legal platform" for all those who are considered as minorities such as: Atheists, Christians, Baha'i, and Homosexuals. This association became a human rights group in October 2015, and it has since become a supporting force of other homosexual associations simply because it includes non-homosexual members that devote their time to defend LGBT as a minority among the minorities. However, the association faced a strong social as well as legal opposition. According to Tarik Najji, the founder of the magazine *Akaliyat*, even the minister declined the legal recognition of the association. Despite all opposition, the magazine has become an official media platform

---

<sup>16</sup>UPDATE (03/27/09 - 3:40 p.m. Paris time): The Kif kif site has been hacked. The home page has been replaced by verses from the Qur'an, accompanied by a picture of hanged men. The message, in Arabic: "When we do this kind of thing, we must expect to be shit by god".

<sup>16</sup> From the website : <https://observers.france24.com/fr/20090326-homosexuels-marocains-sortent-ombre-kif-kif-conference>

<sup>17</sup> One of the founders of KifKif organization

<sup>18</sup>Article 1 of the Universal Declaration of Human Rights

<sup>19</sup>From the website: <https://www.euromedwomen.foundation/pg/en/profile/ermwf.maplsimali>



that advocates one of the main objectives: the abolition of Article 489, as well as the abolition of all discriminatory laws in the Penal Code. The magazine openly raises awareness as to the injustice and oppression of society toward sexual minorities. The Moroccan state, though, has not been clear about giving neither any feedback nor approving this association to operate legally in Morocco.

Tarik Najji stated to a well-known online-newspaper, *Hespress*, that all what is said about *Akalyat* has nothing to do with the spirit of the association, but rather the rumor propagating against it: “*we are not Satans, we are not going to call for going and practicing homosexual intercourse in the street. We do not seek to provoke strife in Morocco or hit the taboos or our Islamic culture; and we will not ask the Moroccans to change their religion*”. Najji asserted that the main goal of *Akalyat* is to shield the rights and freedom of sexual orientation “*#Love is not a crime*” is to promote a spirit of mutual respect among Moroccans regardless of their differences.<sup>20</sup>

*Akalyat* and *Aswat* struggle for two shared goals: human rights and individual freedom. However, there is little difference in the way they respectively approach their manifestation. *Akalyat* tackles the problems of religious minorities in Morocco, while *Aswat* addresses only LGBT people. Besides, *Akalyat* hosts many publicly known people onto its platform in order to advocate the gay community, either in the Arab world in general or in Morocco in particular.

## II. CONCLUSION

In conclusion, as has been detailed in the cited cases of violence, homosexual practices are certainly still generally not socially tolerated. Moreover, the legal LGBT identity is completely refused in the name of the Islamic doctrine of Morocco. The Penal Code enhances this refusal of integrating this community in the general canvas of society. Anyone who would criticize this situation, would refer to the statement in 2011 Moroccan constitution: ‘the Moroccan Kingdom commits to ban and combat all discrimination whenever it encounters it, for reason of sex, or color, or beliefs, or culture, or social or regional origin, or language, or handicap, or whatever personal circumstance that may be.’<sup>21</sup>

Moroccan LGBT community is facing two major challenges: The first is to call for the abolishment/amendment of Article 489 in the Penal code. The second challenge is how to convince Muslim conservatives to change their attitude towards LGBT. Without reform in these two contexts, no progress could be achieved in the community’s human rights situation.

For the Penal Code challenge, currently, many observers and human rights activists assert that calling for reform in this context is not an easy task. AMDH, being an organization for the defense of human rights, including individual rights, makes efforts to abolish Article 489 of the Penal Code, which criminalizes same-sex relations. (However), sources from the AMDH stated that to their knowledge, the risk related to engaging with topics concerning homosexuality did not only apply to LGBT people but also to lawyers who accepted to defend people accused of homosexuality: a lawyer, who agrees to represent a person accused of breaching Article 489, would be at risk of verbal abuse.<sup>22</sup> A reform of the Penal Code would certainly encourage change in public attitude towards the homosexual community.

Concerning the Islamic conservatism challenge, as has been stated in Baili’s research paper, Sharia law is severe in its condemnation of homosexuality (S. Baili, 2013). Is this why same-sex is prohibited by mainstream Islam? So how could we call for reform in the status of homosexuality in Islam? LGBT community, at least, believe that, despite the fact that major Islamic doctrines and opinions condemn homosexuality, it is today necessary to find some legitimacy for homosexuality in the name of Islam itself. Dialmy, who has been among the first sociologists to publically tackle the issue of Sharia and LGBT, asserts that “indeed a Muslim continues to be a Muslim despite same-sex acts (or non-marital hetero sex acts). The indisputable level of being Muslim is the faith, the belief in Allah and His Prophet. As for rites (*ibadate*) and contracts (*mu’amalate*), it is a disputable question between school readings..... Consequently, Islamic laws should be updated because of the social evolution of Muslim societies and because of the homosexual needs of some Muslim categories. (A. Dialmy, 2009)

So what is the best way to raise awareness as to LGBT rights? In my opinion, protest in public spaces is undeniably a way to make voices heard. Demonstrations and public protest may do well to extract the

---

<sup>20</sup>From the website: [www.hespress.com/opinions/11915.html](http://www.hespress.com/opinions/11915.html)

<sup>21</sup>Morocco’s Constitution of 2011. English version, p.3. The constitution Project, 2012.Web. 12 Sep.2018.

[https://www.constituteproject.org/constitution/Morocco\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Morocco_2011.pdf?lang=en)

<sup>22</sup> Danish Report (2017)

community's natural human rights. But there are many challenges preventing the start of this project due to the lack and the limited potential of the defenders working in this area. The authorities do not help when they often limit human rights organizations by not authorizing such public gatherings. According to a Moroccan scholar, Abdelilah Belkziz (2017), the 'Moroccan democratic spring had set a great example on the importance of benefiting from social and ethnic diversity as not only to challenge the long standing oppression, but also to unify around themes such as fighting all forms of marginalization and aspiring for social and political justice'. By joining the protesters in 2011, Moroccan LGBT hoped to see the public more engaged in addressing questions related to homosexual minority than before. These powerful ways of activism could only be defined, in Asef Bayat's words (2010), 'the art of presence': the courage and creativity to assert collective will in spite of all odds, to circumvent constraints, utilizing what is available and discovering new spaces within which to make oneself heard, seen, felt, and realized." (A. Bayat, 2010).

Currently there is still no political will to harmonize the procedures of the Penal Code with the Constitution. Even if I don't belong to this community, I think that the LGBT people are a vulnerable group. The issue of their social inclusion should be seen in the context of individual liberty and should be examined in today's context of serious socio-political changes and the current change of value systems.

### REFERENCES

- [1]. Aengus, C. (2016) *State Sponsored Homophobia. A World Survey of Sexual Orientation Laws: Criminalization, Protection and Recognition.* ILGA. [https://ilga.org/downloads/\\_02\\_ILGA\\_State\\_Sponsored\\_Homophobia\\_2016\\_ENG\\_WEB\\_150516.pdf](https://ilga.org/downloads/_02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf)
- [2]. Antony, A. T. (2016). *Human rights contestations: sexual orientation and gender identity.* The International Journal of Human Rights, Volume 20 - Issue 6, pp. 703-723. Published Online: 01 Mar 2016: <http://dx.doi.org/10.1080/13642987.2016.1147432>
- [3]. Badi, M (2017). *I'm a woman with a Beard and a Mustache.* [https://www.huffpost.com/entry/world-im-a-woman-with-a-b\\_b\\_10320288](https://www.huffpost.com/entry/world-im-a-woman-with-a-b_b_10320288)
- [4]. Baily S. (2013). *Sexuality and Development in the Maghreb: Origins of Institutionalized Homophobia and the Disruption of Development* (p: 5-16). Master Thesis. Brandis University. <http://bir.brandeis.edu/handle/10192/24711>
- [5]. Barkachi, S. (2009) *les homosexuels marocains sortent de l'ombre*, Les observateurs. observeurs.france 24.com
- [6]. Bayat, A. (2010). *Life As Politics: How Ordinary People Change The Middle East.* Stanford University Press. P.26
- [7]. Belkziz, A. (2017). "«Beyond the Arab Spring". Casablanca: Cultural Center of Books.
- [8]. Butler, Judith. (2015). *Senses of the Subject.* Fordham University Press. P.177
- [9]. Crenshaw, K. (2004). *Intersectionality: The Double of Bind of Race and Gender.* Interview by Sheila Thomas. American Bar Association. P.2.
- [10]. Country report for use in refugee claim based on prosecution relating to sexual orientation and gender identity. <http://Ihrp.Law.Utoronto.ca>
- [11]. Danish Report. Danish Immigration Service. (2017). *Morocco: Situation of LGBT Persons.* <https://www.refworld.org/docid/58e245704.html> [accessed 12 February 2020]
- [12]. Dehgham, S. K. (2015). *Moroccan gay men to serve four months for posing close together for photograph.* <https://www.theguardian.com/world/2015/jun/22/moroccan-gay-men-four-months-prison-photograph>
- [13]. Dialmy, A. (2013). *Cinéma et minorités sexuelles.* Communication au festival du film transsaharien. « Cinéma et minorités », Zagora, 18-21 Novembre 2013.
- [14]. Dialmy, A. (2008). *Réhabiliter les doctrines islamiques marginalisées, séculariser, faire du Marocain un citoyen, les trois voies pour reconnaître les LGBT comme minorité sexuelle,* Entretien donné au quotidien arabophone Al Watan Al Ane.
- [15]. Dialmy, A. (2009). Interview with Telquel. Explosion sexuelle au Maroc. [www.telquelmaroc.ma](http://www.telquelmaroc.ma)
- [16]. Dialmy, A. (2019). *Transitional LGBT in Morocco: LGBT between Islam and Human Rights. Dynamics of Inclusion and Exclusion in the MENA Region: Minorities, Subalternity, and Resistance.* Tayebi, H. & Lobah, J. (Eds). <http://www.hssma.org/publication.cfm?id=353>
- [17]. Fraser, Nancy. (1990). *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy.* Duke University Press. pp, 56-80.
- [18]. Lacroix, J. (2016). *Les agressions homophobes sont le quotidien de la population LGBTI au Maroc selon Aswat.* (Article in French). <http://tetu.com/2016/04/08/entretien-collectif-aswat-maroc/>
- [19]. Longley, R. (2018). *Understanding Sexual Orientation from a Psychological Perspective.* <https://www.thoughtco.com/what-is-sexual-orientation-4169553>

- [20]. Massad, J.A. (2002). *Re-Orienting Desire: The Gay International and the Arab World*. Public Culture. Duke University Press. Volume 14, Number 2. PP. 361–385
- [21]. Mediany, A. & Ahdani, J. (2017). *Le pèlerinage homosexuel entre mythes et réalité*[https://telquel.ma/2017/12/05/reportage-a-sidi-ali-ben-hamdouch-le-pelerinage-homosexuel-entre-mythes-et-realite1571679/?utm\\_source=tq&utm\\_medium=normal\\_post](https://telquel.ma/2017/12/05/reportage-a-sidi-ali-ben-hamdouch-le-pelerinage-homosexuel-entre-mythes-et-realite1571679/?utm_source=tq&utm_medium=normal_post)
- [22]. Morocco World News. (2018). *Moroccan gayasylum applicants face abuse harassment in ceuta and Melilla in migrant centers*. <https://www.morocoworldnews.com>
- [23]. Morocco's Constitution of 2011. English version, p.3. The constitution Project, 2012. Web. 12 Sep. 2018. [https://www.constituteproject.org/constitution/Morocco\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Morocco_2011.pdf?lang=en)
- [24]. Taia, Abdellah. (2008). *Une mélancolie arabe (an Arab Melancholia)* Editions du Seuil.
- [25]. The Guardian. (2016). Moroccan teenage girls to face trial on homosexuality charges. <https://www.theguardian.com/world/2016/nov/02/moroccan-teenage-girls-to-face-trial-on-homosexuality-charges>
- [26].

Naima BENLARABI. "Gender Based Violence: Violence against LGBT in Morocco." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 25(6), 2020, pp. 01-11.