

## Human Rights Essay Contest

### Gay Rights and LGBTQ Activism in Morocco: A Case Study

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According to the 2016 Global Prosperity Index, an index ranking 149 of the world's nations, Morocco ranked number ninety-seven based on select criteria including economic equality, governance, education, etc. Morocco is one of the most prosperous country in North Africa, and undeniably Morocco has a bright economic future indicated by positive trends in the tourism sector ("Rankings," 2016). Despite these positive trends, present-day Morocco struggles to find a balance between modernizing the country and adhering to its deeply ingrained islamic roots. As a result, today there exists a strong secularitist and modernization movement in a country that is governed by Islamic law. One such movement is the LGBTQ social movement and the respective tolerance of the constitutional monarchy against the prohibition of homosexuality in accordance with Sharia Law. In this essay, I will be examining the right to sexuality, and the status of LGBTQ individuals in Morocco under Sharia Law.

As a gay individual myself who comes from a preconceived "Western" country, it is easy to take for granted the rights I have back home compared to Morocco. As of June 2017, there is no census data on the size of the LGBTQ population in Morocco. PhD student Bella Pori from Harvard University, after putting together surveys and compiling other forms of data, predicts that the number of gay individuals in Morocco is around 3-4%. However, even if 1% of the population was gay, 330,000 (mostly closeted) homosexuals are at risk of societal rejection (Morocco: Sexual Orientation and Gender Identity, 2017). The issue in Moroco, as explained in the article, "Islam and the Spread of Individual Freedoms: The Case of Morocco" is maintaining public order through upholding Muslim values while simultaneously respecting standards of international human rights issues. According to a November 2014 poll conducted by the market research institute TNS, out of the 1,000 individuals 18 and older surveyed, 800 of these people rejected the "homosexual agenda" (Rugeon, 2014). This statistic signals the societal change that

must occur in order for a true and absolute acceptance of homosexuality, not just legislative articles in favor of gay rights. The gay rights issue and freedoms of sexuality in Morocco have been defined by the last several decades, specifically the transition of power from Hassan II to his son Mohammed VI in 1999, who is notoriously more liberal-learning than his father. Under Hassan II's rule and continuing with his son, sexual culture in the past thirty has evolved in a more secularized direction, regardless of the fact that conservative values are still the dominant religious discourse in a country that is 99% Muslim. As evidence of this more secularized direction, In October of 2015 Morocco's Minister of Tourism Taroudante-Lahcen called for the decriminalization of homosexuality. However, this support of gay rights has mostly been applied towards tourists in certain resort and areas, namely cities such as Tangiers, Marrakech, and Agadir. In these areas, there is a degree of tolerance as these cities attract a gay following, even though they don't necessarily have a "gay scene" of their own. These cities have grown accustomed to these types of visitors despite not adopting this same view (Brown, 2015). Nevertheless, the issue of gay travelers intersects with traditional Islamic morality and gender roles, where homosexual relations are seen as immoral.

A gradual acceptance towards LGBTQ individuals in Morocco has manifested itself in different ways. From a position of higher authority, King Mohammed VI allowed British singer Elton John to headline the country's largest music festival, the Mawazine World Rhythms Festival, in 2010 despite vigorous opposition by the Islamist PJD political party and social outcries (Michaels, 2010). Furthermore, the king has permitted the release of books by international writer and filmmaker Abdellah Taia, the first Moroccan writer to have assumed his sexuality publicly. One of his films, titled "Salvation Army" screened at the National Film Festival in Tangier, illustrates his sexual awakening growing up in Morocco and his complex and

verbally abusive relationship with his mother and sister (Alami, 2017). Shockingly, although not confirmed and has widely been under attacked by the parliament, a rumor suggests that King Mohammed VI himself is gay, after a Dutch Television Station reported that Mohammed VI used to frequent gay night clubs when he was a student in Brussels (Ettinger, 2018).

Perhaps more well-known and masking the progressive values of LGBTQ rights in Morocco are the social exclusion and violence faced by LGBTQ individuals in the country today. The legislative basis for discrimination and prohibiting the right to sexuality for homosexual individuals is enshrined in Article 489 of the Moroccan Penal Code of 1962, which specifies “any person who commits a lewd and unnatural act with an individual of the same sex may be sentenced to six months to three years of imprisonment and fined 100-200 Moroccan dirhams.” Under the law, homosexual acts are seen as a greater offense than sexual acts between two unmarried persons (Article 490, one month – one years in prison) and acts of adultery (Article 491, one years – two years in prison). Because of this penal code, the state’s capacity to protect is minimal and it is rare for homosexual individuals to seek protection from the police (The Danish Immigration Service, 2017).

LGBTQ individuals are confronted by not just societal exclusion and marginalization, but also through physical and societal violence. Physical violence against these individuals has been seen through home invasions of assumed gay couples, physical humiliation of being stripped naked, and for those held in prisons, they are at risk of sexual assault by their fellow inmates. The former was illustrated on the night of March 9<sup>th</sup>, 2016, when a group of youth broke into the home of a suspected gay couple, and were beaten and dragged naked into the street before being sent to prison (Human Rights Watch, 2016). O.A., as he was preferred to be called, faced years of abuse by his mothers in order to behave like the other boys in his neighborhood, and recalled

being beaten with stones in the street. O.A. later moved to Slovakia, unable to go to the police about his abuses as there were no laws to protect him from his family (Morocco World News, 2018). In terms of societal violence, repercussions include evictions from the family home, confinement within the home, and forced marriages, among others (Human Rights Watch, 2016).

LGBTQ activism, especially since the Arab Spring of 2011, has taken place in Morocco in an informal rather than a formal and organized setting. For these activists, there is a lot to fight for outside legalizing intercourse between the same-sex, including enacting anti-discrimination laws in employment, same-sex marriage and the recognition of these couples under the law, joint adoption by same-sex couples, being able to serve openly in the military, and the right to change one's legal gender. The need for activism is exemplified by the fact that there are very few places in the public sphere where an LGBTQ person can be themselves. In the capital Rabat there are no restaurants or clubs with an explicit 'gay identity.' For this reason, the Internet has become known as an unregulated and 'space of freedom' for gay individuals. The online LGBT magazine "Akaliyat" is an example of LGBTQ outreach on the internet, as well as the online magazine, "Aswat Magazine," which since 2013 has been used as a forum of communication within the LGBTQ community (Melby, 2017). Lastly, gay hookup apps such as "Scruff" and "Grindr", although risky, have been used beyond their superficial purposes to mobilize gay individuals who may feel isolated from society (Nunez, 2017).

The extent of LGBTQ activism in Morocco is through the limited and informally organized Nongovernmental Organizations (NGOs) that work to advance the causes of LGBTQ individuals. The first LGBT organization in Morocco "Kif Kif" was founded in 2005 and initiated Morocco's first gay magazine "Mithly," but has since moved its operations to Spain to avoid persecution from the Moroccan government. This particular organization hosts sessions to

help LGBTQ youth cope with the negative repercussions that arise from coming out to family and friends. “Kif Kif” also has a center in Casablanca to house youth that are kicked out of their homes. The organization “Akaliyat” operates on a smaller scale and does not have NGO status, but publishes a magazine and seeks to educate people about LGBTQ issues. Another organization, “Aswat” has operated on an ad hoc basis since 2012 with the goal to promote reform of the law and the abolish Article 489. This organization primarily operates on social media and through WhatsApp to communicate with LGBTQ individuals, and is also not officially registered as an NGO nor does it have a formal office, for fear of prosecution by authorities. Lastly, the organization MALI (Alternative Movement for Individual Freedoms) focuses on individual cases of discrimination and utilizes social media platforms to campaign for LGBTQ rights. In 2016, MALI used facebook and twitter to circulate petitions to release two men convicted of homosexual acts in Beni Mellal. The same year, MALI attempted to organize a Moroccan gay pride parade, although the parade never came to being (Hirsch, 2016).

As Morocco heads towards a more secular direction under the leadership and guidance of King Mohammed VI, there are reasons to be optimistic for the future of LGBTQ individuals. However, LGBTQ activists in Morocco must also work towards a societal change in respect to more accepting views of the homosexual populace, rather than solely focusing on changing laws. Nongovernmental organizations and activists must take advantage of liberal loopholes within their governments, find new ways to interpret the Quran in favor of human rights, integrate activists into common organizations, and continue to use social media platforms to educate the general population about LGBTQ issues. At the same time, it is necessary for the Moroccan government to recognize these efforts and continuously reaffirm their commitment to human rights, and more specifically gay rights. On my last day in Morocco, my host mom was shocked

to find out that being gay in Morocco was illegal, and professed that homosexual tendencies were natural, even under Islam. I hope that in the near future, these attitudes will have traversed the rest of the population, in order to ensure a buoyant future for homosexual individuals in Morocco.

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