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MAR102328.FE

05 March 200

Morocco: The treatment of homosexuals, including protection offered by the state and th attitude of the population

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to the director of prevention programs for men who have sex with men of the Moroccan Association for the Fight Against AIDS (Association marocaine de lutte contre le sida, ALCS), [translation] "there is no state protection" for Moroccan homosexuals (24 Jan. 2007). In addition, two international non-governmental organizations indicate that sex between adults of the same sex is prohibited in Morocco (ILGA Nov. 2006, 3; AI July 2006). According to the magazine *Te/Que!*, Article 489 of the Moroccan Penal Code of 1962 states that any person who [translation] "commits a lewd or unnatural act" with an individual of the same sex may be sentenced to 6 months to 3 years of imprisonment and fined 120 to 1,000 Moroccan dirhams (MAD) [approximately CAD 16 to 136 (Canada 15 Jan. 2007a and b)] (6-12 Jan. 2007; Ottosson 2006, 11; ALCS 1 Feb. 2007).

Corroborating sources indicate that there is no organization in Morocco that defends the rights of Morocco's gay community (ALCS 23 Jan. 2007; OMDH 19 Jan. 2007). The President of the ALCS stated that there is [translation] "only the ALCS, which does not work with homosexuals in general, but with male professionals to raise awareness and prevent the transmission of sexually transmitted infections and AIDS" (23 Jan. 2007).

In 23 January 2007 correspondence, the President of the ALSC stated that, although homosexuality is quite common in Morocco, homosexuals are stigmatized. An article in the Moroccan daily *Aujourd'hui le Maroc* states that Moroccan homosexuals are subject to [translation] "jeers and public condemnation" and that [translation] "those who are regularly called 'fags' rarely go out in public" (11 June 2004b). Another *Aujourd'hui le Maroc* article indicates that [translation] "homosexuality in Morocco is tolerated behind closed doors but repressed in public" (*Aujourd'hui le Maroc* 11 June 2004a; *ibid.* 15 June 2004). In 24 January 2007 correspondence, the ALCS director of prevention programs for men who have sex with men provided the following information. The director stated that although one progressive French-language media outlet has made some progress in dealing with the topic of homosexuality, [translation] "Moroccan society is still largely homophobic." He also indicated that Moroccan homosexuals [translation] "keep their homosexuality to themselves," and that those who come out are [translation] "rejected" by their friends and family. Moreover, Moroccan society does not even [translation] "suspect" that lesbians exist.

A Radio France Internationale (RFI) article states that the Moroccan police [translation] "harass" and often [translation] "raid" places where homosexuals meet (RFI 30 June 2003).

Two articles from *Aujourd'hui le Maroc* report that, in June 2004, 43 homosexuals celebrating a birthday in a reception hall were arrested and detained (*Aujourd'hui le Maroc* 15 June 2004; *ibid.* 11 June 2004b). The detainees were released 48 hours later (*ibid.*; see also ILGA 16 June 2004). Moroccan sources of the International Lesbian and Gay Association (ILGA) explained that the incident was [translation] "a mistake on the part of a homophobic public servant and not a deliberate action by the state" (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Last updated: 2007 06 08

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