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HRW – Human Rights Watch

Morocco: Online Attacks Over Same-Sex Relations

Criminalization Fuels Harassment; Protect LGBT People from Discrimination, Abuse

(Beirut) – A campaign of online harassment in [Morocco](#) has trampled the privacy of presumed gay and bisexual men, possibly subjecting them to physical harm, prosecution, and discriminatory measures, Human Rights Watch said today. The government should both enforce the right to privacy and decriminalize same-sex relations.

A rash of people have been going on same-sex dating apps since mid-April 2020 to “out” other app users – disclosing their sexual orientation or gender identity without their consent. For lesbian, gay, bisexual, and transgender (LGBT) people, this [may lead](#) to ostracization by their family and community, expulsion from housing by relatives and landlords, and dismissal from their jobs.

“The consequences of ‘outing’ can be detrimental to LGBT people’s livelihoods, safety, and mental health,” said [Graeme Reid](#), lesbian, gay, bisexual, and transgender (LGBT) rights director at Human Rights Watch. “The Moroccan authorities should immediately step in to protect LGBT people’s privacy and repeal anti-LGBT laws that can only fuel this homophobic behavior.”

Morocco’s constitution enshrines the right to privacy and its penal code [criminalizes](#) the “interception, recording, broadcasting or distribution of conversations or information issued in a private or confidential context, without the consent of their authors.” Article 447-1 of the code punishes offenders with sentences ranging from six months to three years in prison.

However, Moroccan law also criminalizes what it refers to as acts of “sexual deviancy” between members of the same sex, a term that authorities use to refer to homosexuality more generally. Article 489 of the penal code punishes same-sex relations with prison terms of up to three years, and fines of up to 1,000 dirhams (US\$104).

[The campaign of “outing”](#) emerged in Morocco on April 13, when many individuals created fake accounts on same-sex dating applications and then [circulated](#) on social media photos of men who used those applications, captioning the photos with insults and threats against the men based on their perceived sexual orientation.

Moroccan LGBT activists told Human Rights Watch that the “outing” campaign has led to some families expelling people from their homes. It has caused panic among people who need to protect their privacy due to social stigma toward homosexuality and the legal prohibition of same-sex relations.

A 23-year-old gay university student told Human Rights Watch that his brother learned of his sexual orientation when he was “outed” online and kicked him out of the house: “I have been sleeping on the street for three days and I have nowhere to go. Because of the Covid-19 pandemic, not even my close friends are able to host me.” He fears for his safety if he tries to return to his brother’s house, he said.

A representative of one of the dating apps involved told Human Rights Watch that the initiative has sent out messages to users in both French and the Moroccan dialect of Arabic warning them of the rash of “outings” and providing the phone number of a hotline where they can seek legal and/or psychological help. They also encouraged users to report fake accounts or accounts that are spreading anti-LGBT hate speech on the app.

The representative of another app said that it has sent a security message to users in Morocco, and blocked all profiles created since the “outing” campaign began.

Moroccan human rights groups [issued a public statement](#) condemning the online attacks and “outing” of LGBT Moroccans, and expressing their solidarity with the victims. Activists also created online resources dedicated to responding to the “outing” campaign, including [offering assistance](#) to members of the LGBT community who are at risk or otherwise need support.

On April 24, the [Moroccan national security told Agence France Presse](#) that the police have opened a “preliminary investigation” for “incitement to hatred and discrimination,” apparently in connection to the publication of private data targeting LGBT people.

Human Rights Watch has previously [documented](#) the role nongovernmental organizations and LGBT activists have filled in the region in providing vital spaces for LGBT people. In 2018, Human Rights Watch initiated the [No Longer Alone](#) campaign, and in 2019, the [Facing the Myths](#) campaign, both highlighting the strategies LGBT activists and organizations in the Middle East and North Africa, including Morocco, can use to mobilize and build their movements despite government-sponsored repression and social stigma in the region.

The enforcement of the right to privacy provides a critical safeguard against online discrimination, particularly discrimination targeted at LGBT people. Morocco’s constitution and laws prohibit discrimination on various grounds but not sexual orientation or gender identity. This legal gap and the criminalization of homosexuality leaves LGBT people in Morocco particularly vulnerable to discrimination, Human Rights Watch said.

Criminalizing consensual same-sex conduct violates fundamental human rights protected under international law. The International Covenant on Civil and Political Rights (ICCPR), which Morocco ratified in 1979, prohibits interference with the right to privacy and the right to nondiscrimination. The United Nations Human Rights Committee has condemned laws against consensual homosexual conduct as violations of the ICCPR.

In a memorandum published in October 2019, the National Human Rights Council, a state-appointed body, [recommended decriminalizing consensual sex between nonmarried adults](#). More than 25 nongovernmental organizations expressed support for the recommendation, but the Moroccan government [rejected](#) it.

Morocco should repeal article 489, which criminalizes same-sex relations, and introduce legislation protecting people from discrimination on the basis of sexual orientation and gender identity, Human Rights Watch said.

“The onus is on the Moroccan government to protect LGBT people from this type of homophobic harassment and from all forms of discrimination,” Reid said. “Homophobia is a dangerous reality, but it thrives when the government criminalizes same-sex conduct and fails to shield their rights to privacy and equal treatment.”

ecoi.net summary:



Campaign of online harassment targeted at LGBT persons including disclosure of their sexual orientation on social media; appeal to government to decriminalize same-sex relations

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