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Human Rights Violations Based on Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics in Morocco

Joint Stakeholder Submission by the Moroccan Coalition for Gender and Sexual Diversity for the Universal Periodic Review

The Moroccan Coalition for Gender and Sexual Diversity is a consortium of independent Moroccan human rights organizations, groups, and collectives working to promote gender equality and to defend the rights of persons with diverse SOGIESC in Morocco.

Submitted By: **Trans Dynamics**

Trans Dynamics for Transgender,



Non-Binary, and Gender Non-Conforming People in Morocco

In Coalition with:



Nassawiyat



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مجموعة الفعل النسوي المغربي
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Table of Contents

Glossary.....	2
I) Introduction.....	3
1) Executive Summary.....	3
2) Implementation of Recommendations from Previous Cycle.....	3
II) Civil and Political Rights.....	4
1) Criminalization.....	4
2) Homophobic and Transphobic Violence and Threats to Life and Security.....	5
3) Police Abuse and Barriers to Access to Justice.....	6
4) Torture and Cruel, Inhuman or Degrading Treatment.....	7
5) Stigmatization, Hate Speech, and Discriminatory Social Norms.....	8
6) Right to Recognition before the Law.....	8
7) Freedom of Expression, Association, and Peaceful Assembly.....	9
III) Economic, Social, and Cultural Rights.....	10
1) Right to Health.....	10
2) Right to Education.....	11
3) Right to Work.....	12
4) Right to Housing and Adequate Standard of Living.....	12

Glossary:

LGBTI : Lesbian, Gay, Bisexual, Transgender, and Intersex

SOGIESC: Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

Persons of Diverse SOGIESC: Designate all persons whose sexual orientation, gender identity, gender expression, and/or sex characteristics varies from dominant societal norms. This category includes but is not limited to people who identify as LGBTI.

Key Populations: Designates populations which are more vulnerable to HIV due to lack of adequate services. Defined by UNAIDS to include gay men and other men who have sex with men, sex workers, transgender people, people who inject drugs, and incarcerated people

I) Introduction

1) Executive Summary

1. LGBTI persons and those with non-normative SOGIESC continue to face high levels of discrimination, violence, and human rights violations in Morocco.
2. Article 489 of the Moroccan penal code criminalizes consensual relations between same-sex adults. This provision directly jeopardizes LGBTI persons rights to security, privacy, freedom from arbitrary detention, freedom from denigrating treatment, and non-discrimination, in violation of multiple treaties and conventions ratified by Morocco.
3. Transgender people in Morocco face alarming degrees of violence and are deprived from many fundamental human rights. Moroccan authorities do not allow transgender persons to obtain identity documents congruent with their gender identities and expressions. Furthermore, access to safe gender-affirming healthcare is impossible, which directly harms the mental and physical health of transgender people.
4. Moroccan legislation surrounding birth registrations forces intersex persons to conform within either dyadic binary sex categories of male or female in order to obtain legal personhood. Intersex persons in Morocco frequently face genital mutilations and medically-unnecessary non-consensual surgeries during infancy and childhood.

2) Implementation of Recommendations from Previous Cycle

5. On September 21 2017, former Minister of Human Rights Mostapha Ramid presented the Kingdom of Morocco's UPR outcomes for the 36th session of the HRC. Morocco officially accepted 190 human rights recommendations, 23 of which were considered to already be fulfilled according to the Moroccan state.¹ Among these so-called "fully implemented" recommendations were the following:
 - 144.72 Prohibit discrimination and criminalize violence against persons on the basis of their sexual orientation or gender identity²
 - 144.73 Put an end to forms of discrimination (including legal ones) faced by lesbian, gay, bisexual, transgender and intersex persons³
 - 144.79 Take urgent measures to repeal the norms that criminalize and stigmatize lesbian, gay, bisexual, transgender and intersex persons and investigate and punish the perpetrators of acts of discrimination and violence against them⁴
6. Exactly one week later in Rabat, a Moroccan journalist asked Mr. Ramid about the conditions of LGBTI people in the country. The Minister retorted: "It's a shame that homosexuality has a value now[...] Listen, we are in Morocco, if we keep talking about [homosexuality] we will give them value. [They're] scum."⁵ Mr. Ramid claiming that Morocco has already "fully implemented" measures to defend LGBTI persons from stigmatization and discrimination while in Geneva, only to participate himself in stigmatizing LGBTI persons by calling them "scum" as soon as he returns to Rabat illustrates the troubling contradictions in the Moroccan government's claims concerning its treatment of persons with diverse SOGIESC.
7. This coalition considers that recommendations 144.72, 144.73, 144.79 **have not been implemented** in any sense in Morocco, that there have been no genuine or significant steps taken in the past 5 years to do so, and that the Moroccan state continues to actively participate in perpetuating discrimination against LGBTI persons.
8. We also note that article 489 criminalizing homosexuality remains the primary factor enabling the discrimination, violence, and stigmatization experienced by LGBTI persons in Morocco, as it

effectively codifies homophobia into law, provides legal foundations for discrimination, forces LGBTI persons to live in fear of persecution, and creates hurdles preventing them from safely accessing justice and redress.

9. Accordingly, we also express our regret that Morocco refused recommendations 144.32, 144.70, 144.74, 144.75, 144.77, 144.80⁶ concerning the decriminalization of homosexuality and the release of detainees unjustly incarcerated on that basis, and we note that these incarcerations have continued since the latest review.
10. Finally, Morocco also supported recommendation about freedom of association, including recommendation 144.122 to “approve the licence applications for all non-governmental associations seeking registration in accordance with the law, including organizations advocating for members of minority populations.”⁷ However, this recommendation has not been implemented, and LGBTI organizations that have sought to register in Morocco have been prohibited from doing so.

II) Civil and Political Rights

1) Criminalization

11. Consensual relations between adults of the same sex remain criminalized in Morocco. Article 489 of the penal code, a legacy of the French colonial administration, punishes “lewd or unnatural acts with an individual of the same sex” with a fine and up to three years’ imprisonment.
12. From 2017 until 2020, a total of 838 persons were prosecuted under article 489. The number of cases increased steadily from 2017 to 2019 (2017: 130 cases⁸, 2018: 147⁹, 2019: 168¹⁰), indicating increased policing of LGBTI people. This trend only slowed down in 2020 (down to 141 cases¹¹), largely owing to the epidemiological conditions and generalized lockdowns which kept LGBTI persons away from public space. In a 2020 study, 29% of surveyed LGBTI people had been arrested or detained, with suspicions of homosexuality being cited as the primary cause of arrest in a majority of cases.¹²
13. While Moroccan legislation makes no explicit mentions of gender identity, the trans community faces de facto criminalization. Transgender and gender diverse people are routinely profiled and persecuted under article 489, as Moroccan authorities interpret their non-normative gender expression as an indication of “sexual deviancy.” Transgender and non-binary people are twice as likely as cisgender LGB persons to have faced arrest or detention.¹³
14. Transgender and gender diverse people are also criminalized through article 483 of the penal code, which punishes anyone who commits “outrage to public decency” through “their voluntary state of nudity or the obscenity of their gestures or of their actions.” Many transgender people, especially transfeminine persons, are criminalized under this law simply because their non-conforming gender expression and appearance (e.g. feminine clothing, hairstyle, make up etc.) are considered to constitute “obscene gestures.” Furthermore, many are also criminalized under articles 490, 491 which criminalize heterosexual extra-marital sex and adultery.¹⁴
15. The Moroccan Penal code also punishes debauchery and activities linked to prostitution. However, it makes no distinctions between sex work practiced by consenting adults on the one hand, and forced prostitution and human trafficking on the other. As a result, sex workers, including LGBTI sex workers, face criminalization and persecution from authorities. Such legislation also disproportionately impacts transgender women, who are often profiled as sex workers based on their gender expression regardless of whether or not they actually practice it.
16. The continued criminalization of homosexuality violates Morocco’s obligations under international conventions and treaties to which it is a signatory. We note that the Human Rights Committee has

repeatedly ruled the criminalization of homosexuality to be in violation of Article 17 of the ICCPR¹⁵, and that the U.N. working group on Arbitrary Detention has found detention motivated by sexual orientation to be arbitrary and in violation of articles 2 para. 1 and 26 of the ICCPR. Similarly, the CEDAW committee has found the criminalization of homosexuality to violate lesbians and bisexual women's rights under articles 2 and 5, 7, 15 and 16 of CEDAW.¹⁶

17. The criminalization of homosexuality also contradicts the 2011 Moroccan constitution, which affirms the primacy of international human rights conventions over national legislation. As article 489 enables all forms of institutional discrimination against LGBTI persons, it also directly contradict Morocco's constitutional engagement to "ban and combat all forms of discrimination against any person based on sex, colour, beliefs, culture, social or regional origin, language, disability, or any other personal circumstances."¹⁷

18. **Recommendations :**

- Abolish article 489 of the penal code criminalizing consensual relations between same-sex adults and release all persons currently incarcerated on that basis
- Abolish articles 490 - 493 of the penal code criminalizing consensual relations between heterosexual adults outside of marriage and release all persons currently incarcerated on that basis
- Issue clear directives and policy guidelines to all competent law enforcement and judicial authorities within the Ministry of Justice, the Ministry of Interior, and the Public Ministry clarifying that non-normative gender expression (including but not limited to morphology, clothing, make-up, hairstyle, and any other external characteristics which differ from those commonly associated with a person's assigned at birth sex) cannot under any circumstances constitute grounds for arrest or prosecution under article 489, 483, 498 or any other article of the penal code.
- Amend article 483 of the Penal Code to only punish voluntary public nudity and indecent exposure, removing the vague and ill-defined provisions against obscene gestures
- Amend the Moroccan penal code to clearly distinguish sex work practiced by consenting adults from human trafficking and remove all provisions which criminalize sex workers
- Ratify the first optional protocol of the ICCPR and the first optional protocol of CEDAW

2) **Homophobic and Transphobic Violence and Threats to Life and Security**

19. LGBTI persons in Morocco face alarming levels of verbal, physical, psychological, and sexual violence. Such violence is widespread in the private and public sphere as well as in digital spaces, constituting a threat on LGBTI persons rights to life and security. 70% of surveyed LGBTI persons had been victims of acts of violence, a rate which rises to 82% for non-binary and gender-non-conforming individuals and 86.5% for transgender women.¹⁸ This societal violence against LGBTI persons is legitimized by criminalization and repression from authorities. Indeed, when LGBTI persons are victimized they are often viewed as easy targets, as they are unlikely to be able to file complaints or obtain police protection.
20. All of the above is worsened in the case of LGBTI sex workers. CSOs in the coalition have received reports which indicate that LGBTI sex workers, particularly trans sex workers, face alarming levels of harassment, extortion, persecution, and physical and sexual violence both from wider society as well as from police.
21. LGBTI persons face high levels of abuse and ill-treatment within the family sphere. Civil society organizations have received reports of domestic violence against LGBTI persons which included physical, psychological, and sexual violence, sequestration in the family home, as well as forced marriages (particularly for lesbian/bi women and assigned-female-at-birth transmasculine persons).

LGBTI persons were left even more vulnerable to domestic violence during Covid-19 lockdowns.¹⁹ These populations were completely left out from the government's response to the spike of domestic violence during the pandemic period, and are generally unable to access resources for violence survivors due to discrimination.

22. In Spring 2020, Moroccan LGBTI people, particularly queer men, were targeted in a coordinated online outing and harassment campaign. Perpetrators infiltrated LGBTI dating websites and illegally publicized users' identities, violating their rights to privacy. This was often accompanied by hate speech, threats, and direct incitation to violence against LGBTI persons. Victims were exposed to violent repercussions, including aggressions, harassment, domestic violence, loss of employment, eviction or expulsion from family homes, and psychological distress which has even led to suicide.²⁰ Members from the coalition addressed an official correspondence to the President of the Public Ministry requesting that authorities take appropriate measures to address this wave of violence. However, the Public Ministry did not respond.
23. Transgender people and those with visibly non-conforming gender expression are frequently subject to harassment and violence when attempting to access public space. These abuses are perpetrated not only by private individuals but also by authorities themselves. In one notable case in November 2020, a transgender woman who had recently moved to a rural area of Morocco was unlawfully ordered by a local authority agent to leave the entire commune, with the agent stating that people like her are not accepted in the area. The trans woman in question was eventually allowed to remain in the commune after civil society organizations mobilized to bring awareness to her case, however the grave abuse of authority she was subjected to is indicative of the kind of social and state-sponsored violence faced by transgender people merely for existing.

24. **Recommendations :**

- Expand resources and services for victims of violence to be accessible and inclusive for persons of diverse SOGIESC, and provide training to social service providers to better serve the needs of LGBTI survivors of violence.
- Pass legislation against hate crimes, including those motivated specifically by sexual orientation, gender identity, gender expression, or sex characteristics, and hold their perpetrators accountable.
- Take all legislative, administrative and other necessary measures to protect the physical and psychological safety of sex workers, including LGBTI sex workers.

3) Police Abuse and Barriers to Access to Justice

25. Given the aforementioned state of criminalization, LGBTI persons face barriers in accessing justice. Only 14% of LGBTI persons who are victims of violence report filing a complaint. Most are reluctant about going to the police for fear of being humiliated, mistreated, or even arrested themselves due to their non-normative SOGIESC.²¹
26. Over 63% of LGBTI people who have experienced arrest said they were mistreated by local authorities, and only 15.3% were able to access a lawyer. Cisgender lesbian women and trans women were the most vulnerable to police ill-treatment, with respective rates of 75% and 77.5%, highlighting the ways in which homophobia, misogyny, and transphobia intersect for LBT women.²²
27. We have documented several incidents of abuse against LGBTI persons by law enforcement authorities during this review period which support these fears. On December 31st, 2019, a transgender woman in Marrakech was attacked by a mob for wearing a dress in public. Instead of receiving protection, she was subsequently arrested and the officers leaked photos of her ID to the

media, thus outing her and severely jeopardizing her security and forcing her to seek asylum outside of Morocco.²³ In April 2020, a Moroccan man went to the police in Sidi Kacem to file a complaint after he received rape and death threats as a result of the homophobic online outing and hate speech campaign that swept the country during this time. He was subjected to discrimination, verbal abuse, and arrest by police because of his non-conforming gender expression. He was sentenced to a suspended prison term and a fine for “outrage to a public agent in the exercise of his duty.”²⁴

28. Recommendations :

- Take all legislative, administrative, and other necessary measures to guarantee equal access to justice and judiciary protection for LGBTI persons
- Implement reforms to safeguard the human rights of persons held in police custody and guarantee their right to access legal representations, and expand use of police body-worn cameras and video surveillance in police stations
- Create mechanisms to receive and investigate complaints and to hold accountable law enforcement agents who perpetrate acts of abuse and discrimination, including discrimination based on SOGIESC

4) Torture and Cruel, Inhuman or Degrading Treatment

29. Member organizations of the coalition have received a number of testimonies from former LGBTI detainees about cruel and inhuman treatment they have faced while incarcerated in Moroccan prisons. Queer men and transgender women incarcerated in men’s prisons are particularly vulnerable to physical violence, sexual exploitation, rape, and inhuman treatment from both inmates and prison staff. Other troubling practices reported also included prison staff intentionally outing LGBTI prisoners to other inmates and placing them in isolation under the guise of protection.
30. Intersex infants and children in Morocco are frequently subjected to medically unnecessary genital mutilations to make them conform to dyadic binary male/female categories of sex. These procedures can sometimes result in life-threatening complications and irreversible physical and psychological harm. We note that the UN Committee Against Torture considers intersex genital mutilations to be human rights abuses which can amount to torture, and which contradict the international Convention against Torture, as well as the International Convention on the Rights of the Child, and other international conventions such as the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities.²⁵

31. Recommendations :

- Conduct a comprehensive investigation concerning the incidence of torture, sexual exploitation, and cruel or degrading treatment against LGBTI persons in Moroccan carceral institutions, including prisons and youth reform centres.
- Take all necessary steps to protect incarcerated LGBTI persons from physical, sexual, and psychological violence, and hold accountable the perpetrators of such violence.
- Enact all necessary legislation in order to prohibit medically-unnecessary surgeries and procedures against intersex children and to protect their bodily integrity.
- Take all necessary steps to provide redress and justice for the survivors of intersex genital mutilations including by guaranteeing them the right to fully access their own medical histories, and providing reparation and compensation

5) Stigmatization, Hate Speech, and Discriminatory Social Norms

32. Stigma and discriminatory attitudes against persons of diverse SOGIESC are rampant in Morocco. These attitudes are entrenched through educational curricula, media representations, discourses of religious and political leaders, and the continued repression of state authorities.
33. Anti-LGBTI hate speech also proliferates through social media platform with little to no reaction from authorities. Such content frequently includes targeted insults and defamation, threats, calls for organized physical violence, incitement to self-harm or suicide etc. Such speech has been shown to have a devastating impact on the safety and mental health of LGBTI persons in the region²⁶
34. State-sponsored media outlets like *ChoufTV* regularly spread misleading, defamatory, and/or discriminatory content against LGBTI persons. They are known to particularly target low-income transgender sex workers, going as far as to expose them through hidden camera operations in violation of their rights to privacy. Authorities condone and at times facilitate such practices.²⁷
35. Despite supporting recommendations to oppose the stigmatization of LGBTI persons, the Moroccan state has actively worked to censor attempts at combatting discrimination based on SOGIESC. For instance, in 2022, an official of the Moroccan ministry of Religious Affairs was fired for including the term “sexual orientation” in the following sentence: “equality implies that people are treated equally, without discrimination, no matter their ethnic origin, sexual orientation, or disability status,” used within a manual for adult literacy programs held in mosques. The manual was also withdrawn swiftly over this mention.²⁸ Such actions indicate the lack of political will from the Moroccan state to actually combat discriminatory norms and attitudes against LGBTI person.
36. **Recommendations :**
 - Pass a comprehensive anti-discrimination law which prohibits discrimination in both public and private sectors, and which explicitly lists sexual orientation, gender identity, and intersex status among the grounds upon which discrimination is prohibited.
 - Pass comprehensive legislation against hate speech and incitement to discrimination, hostility, and violence in adherence with the recommendations of the Rabat Plan of Action
 - Amend article 431-bis of the Penal Code to explicitly list sexual orientation and gender identity among the prohibited grounds for discrimination
 - Amend article 9 of the Law 77-03 relative to audio-visual communication to explicitly ban media content containing incitation to violence or discrimination based on the categories of gender, sexual orientation, and gender identity.
 - Direct the HACA to hold accountable media platforms which spread hate speech against LGBTI people or incite violence or discrimination based on SOGIESC.
 - Develop campaigns to combat stigma against LGBTI persons and to raise awareness about the diversity in sexual orientation, gender identity and expression, and sex characteristics in the country’s official languages using non-stigmatizing and non-derogatory terminology

6) Right to Recognition before the Law

37. There are no legal pathways for transgender persons in Morocco to change their names or gender markers on official documents. Trans people whose appearance is incongruent with their assigned-at birth sex (especially those medically transitioning) face intense scrutiny and discrimination when accessing any services where presenting an ID is necessary (e.g. registering for school, signing a lease, applying for a job, opening a bank account, performing administrative procedures etc.). As a result, transgender people are pushed out of most structured economic activity (in both public and private sector), and many of them face acute poverty, un(der)employment, and housing insecurity.²⁹
38. In 2021, Morocco passed Article 28 of the Law 21.36 relative to the Civil Registry which states: “the declaration of the birth of the hermaphrodite is supported by a medical certificate specifying the sex of the new-born, and the civil registry record is written upon this basis. If there is a change in the sex of the hermaphrodite in the future, it is changed by virtue of a ruling issued by a competent court.” Touted as a positive step by the Moroccan government, this legislation in fact pathologizes intersex bodies by requiring a medical authority to assign them within a binary male/female category, and it forces intersex children to be assimilated within those categories thus further entrenching the practice of intersex genital mutilations. Finally, members of the coalition have noted that the legislation passed uses vague and derogatory terms to refer to intersex people, and that intersex communities were not consulted in any way prior to the passage of the law.³⁰

39. Recommendations :

- Take all necessary measures to enable the legal recognition of transgender people’s self-determined gender identities, without the imposition of unnecessary administrative hurdles or medical requirements.
- Amend article 28 of the law 21.36 to allow the registration of the birth of intersex children without the need to specify a male or female sex, and to allow intersex adults to change this designation based on self-determination, without the imposition of unnecessary administrative hurdles or medical requirements.
- Remove or make optional the marker of sex from national identification cards and passports
- Consider removing sex/gender markers from all civil status documents, including in birth certificates and in the civil status registry, as well as from all administrative and legal ID documentations including national identification cards and passports.

7) Freedom of Expression, Association, and Peaceful Assembly

40. The Moroccan state continues to limit the freedom of association of groups defending the rights of LGBTI persons. For instance, the Moroccan LGBTI rights organization *Association Akaliyat* has applied for registration since 24 December 2016, however, Moroccan authorities have unlawfully prohibited them from registration ever since.
41. Moroccan authorities also greatly restrict the rights of LGBTI individuals to peacefully assemble including for peaceful social gatherings as well as educational, cultural, and artistic events.

42. Recommendations :

- Approve the registration applications of NGOs defending LGBTI rights in accordance with the law, without any discrimination, intimidation, or persecution against LGBTI human rights defenders.
- Approve the organization of peaceful LGBTI gatherings including social, cultural, and artistic events, in accordance with the law, without any discrimination, intimidation, or persecution against

organizers and attendees.

III) Economic, Social, and Cultural Rights

Right to Health

43. LGBTI persons in Morocco face discrimination when accessing healthcare, with transgender people and those with non-conforming gender expressions being disproportionately affected. Members of the coalition have collected numerous testimonies from transgender individuals who were denied treatment at the hospital and/or who faced insults, invasive questioning, humiliating treatment, and other forms of abuse from healthcare providers.
44. Transgender people in Morocco are deprived of their right to access safe medical transitions and life-saving gender-affirming healthcare. Despite the lack of explicit policies on the topic, the overwhelming majority of medical providers refuse to provide transition-related care, and many cite the illegality of such practices. Nevertheless, some hormones are sporadically available and many trans people pursue hormonal therapy without medical supervision. This can put them at risk of experiencing dangerous health complications. If they do experience complications or even unrelated health issues, these individuals are especially reluctant to seek medical attention for fear that they will be dismissed, humiliated, pressured to stop their hormonal transition, or even reported to authorities.
45. Gender-affirming surgeries are similarly prohibited, forcing many Moroccan trans people to go abroad to obtain these surgeries. A few surgeons in Morocco are known to practice certain operations under-the-table, however. This leaves transgender people at risk of experiencing botched surgeries, and deprives them from being able to seek any recourse in the case of complications.
46. Overall, public sector mental health services are scarce in Morocco and LGBTI-competent mental health is extremely difficult to access in Morocco. Since the violence and discrimination faced by LGBTI persons can have devastating psychological effects, many struggle with depression, suicidality, addiction, anxiety and other mental health conditions without adequate resources.
47. LGBTI persons in Morocco also face discrimination in accessing sexual health services, often compounded by criminalization. For instance, police has been known to use the possession of condoms as evidence to prosecute people under articles which criminalize consensual sexual activity, including article 489, thus restricting people's ability to take preventative sexual health measures. Because of stigma and criminalization, same-sex attracted persons are often afraid to seek preventative sexual health services or treatment for STIs or conditions related to their sexual activity, which gravely jeopardizes their right to health.
48. Similarly, there is still high levels of stigma against persons living with HIV in Morocco. Because of the combined effect of criminalization and discrimination, HIV key populations, (including men who have sex with men, transgender people, and sex workers) continue to face barriers in accessing testing, treatment, and information about sexual health.
49. Less than 38% of LGBTI persons surveyed reported having medical insurance coverage, dropping to 20% for transgender people. This is significantly lower than the general population, for whom this rate reaches around 70%.³¹

50. **Recommendations :**

- Guarantee transgender people's rights to health and to bodily autonomy by allowing access to safe hormonal treatment and gender-affirming surgeries, and by removing all restrictions on the provision of transition-related medical care.
- Take all necessary steps to guarantee LGBTI persons' right to health, notably by combatting discrimination within hospitals and healthcare settings and providing training for healthcare providers to better include and serve the needs of patients with diverse SOGIESC
- Develop campaigns to eliminate stigmatization against persons living with HIV and take measures to combat all forms of discrimination based on health status
- Raise awareness and expand access to relevant and accurate information about sexual and reproductive health for LGBTI persons, sex workers, and other key populations.
- Expand key populations' access to sexual health services, HIV treatment, and PreP and work to eliminate all barriers faced by LGBTI persons in accessing these services
- Work to increase resources allocated to underfunded public health services, especially mental health services

2) Right to Education

51. LGBTI persons face many institutional barriers in accessing their right to education. In particular, transgender people with visibly non-conforming gender expressions and/or whose appearance is incongruent with their ID face disproportionate discrimination within schools and higher learning institutions, and are routinely barred from enrolling.
52. LGBTI children and youths face disproportionate levels of bullying and abuse in schools. Furthermore, they are also more likely to face disciplinary sanctions including suspensions and expulsions from school as any expressions of their non-conforming SOGIESC can be considered immoral or disorderly. As corporal punishment remains a widespread practice in Moroccan schools, LGBTI children are also more likely to receive such physical abuse from teachers or school administrators.
53. Educational manuals and curricula in Morocco continue to propagate discriminatory beliefs against LGBTI people and to entrench regressive notions which reify strict binary gender norms

54. **Recommendations :**

- Take all necessary measures to guarantee LGBTI persons' right to education, notably by combatting discrimination within educational settings and providing training for teachers and administrators on gender and sexual diversity and inclusion best-practices for students with diverse SOGIESC
- Create educational programs and awareness campaigns to promote diversity and inclusion in schools and to combat bullying, violence, and discrimination, particularly based on SOGIESC
- Eliminate all content from school manuals and curricula which promotes gender inequality and incites discrimination based on SOGIESC
- Continue efforts to develop new school manuals and curricula based on an inclusive gender approach which promotes diversity and non-discrimination
- Issue a circular note to all directors of educational institutions affiliated with the Ministry of Education, directing them to combat all forms of violence and discrimination and to prohibit the practice of disciplinary sanctions against students based solely on their real or perceived SOGIESC.
- Ban the practice of corporal punishment against children in educational institutions

3) Right to Work

55. LGBTI persons face widespread employment discrimination in both public and private sector. Members of the coalition have collected multiple testimonies from persons who experienced hiring discrimination, workplace harassment, unfair dismissals and other forms of discrimination based on their real or perceived SOGIESC.
56. Transgender people with visibly non-conforming gender expressions and/or whose appearance is incongruent with their ID face particularly intense discrimination which makes it almost impossible for them to find or retain employment.
57. As a result, LGBTI persons, and transgender persons in particular, are more likely to be unemployed, which also causes them to be excluded from social security benefits. They are thus more likely to experience poverty and financial precarity. This is compounded by the fact that they are more likely to experience family rejection, which deprives them of an important social and economic safety net.

58. **Recommendations :**

- Take all necessary measures to ensure the equal inclusion of LGBTI persons in all national socio-economic development programs, including youth employment, entrepreneurship, anti-poverty, and human development initiatives
- Work to expand social security coverage among underserved LGBTI populations
- Guarantee equal access to public-sector employment for LGBTI persons and work to eliminate all discriminations based on SOGIESC in hiring practices

4) Right to Housing and Adequate Standard of Living

59. LGBTI persons also face discrimination in securing safe and adequate housing based on their actual or perceived SOGIESC. Such discrimination most often takes the form of denial of housing applications, harassment from landlords or neighbours, abusive evictions etc.
60. In particular, transgender people with visibly non-conforming gender expressions and/or whose appearance is incongruent with their ID face disproportionate discrimination. They are thus often vulnerable to predatory practices such as renting without contracts, more likely to live in unsafe or insalubrious conditions, and more likely to experience violations of their rights as tenants.
61. Because of the combined impact of housing discrimination, employment discrimination, and family rejection, housing insecurity and homelessness are common within LGBTI populations, which deprives them from the right to shelter and the right to enjoy an adequate standard of living.

62. **Recommendations :**

- Work to combat all forms of housing discrimination including those based on gender and SOGIESC
- Take all necessary measures to guarantee LGBTI persons' right to safe housing and adequate standard of living
- Support the efforts of civil society organizations in addressing LGBTI homelessness and providing shelter services for LGBTI persons, without restrictions on their activities

References

- ¹ A/HRC/36/6/Add.1. Report of the Working Group on the Universal Periodic Review - Morocco - Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 5 Sep 2017.
- ² Recommendation 144.72 from Canada. UPR of Morocco, 3rd Cycle, 27th session.
- ³ Recommendation 144.73 from France. UPR of Morocco, 3rd Cycle, 27th session.
- ⁴ Recommendation 144.79 from Argentina. UPR of Morocco, 3rd Cycle, 27th session.
- ⁵ Hatim, Houssam. « VIDEO. Les homosexuels des "ordures"? Un militant recadre Mustapha Ramid. » *Telquel*. 17 January 2018 (https://telquel.ma/2018/01/17/video-les-homosexuels-des-ordures-un-militant-recadre-mustapha-ramid_1576651). See also: Berkani, Mohammed. « Maroc: le ministre des droits de l'Homme qualifie les homosexuels 'd'ordures' » *France Info : Afrique*. October 16, 2017. (https://www.francetvinfo.fr/monde/afrique/societe-africaine/maroc-le-ministre-des-droits-de-lhomme-qualifie-les-homosexuels-dordures_3058769.html)
- ⁶ Recommendations 144.32 from Ireland, 144.70 from Uruguay, 144.74 from Mexico, 144.75 from Spain, 144.77 from Netherlands, and 144.80 from Iceland. UPR of Morocco, 3rd Cycle, 27th session.
- ⁷ Recommendation 144.122 from the United States of America. UPR of Morocco, 3rd Cycle, 27th session.
- ⁸ Annual Report of the Presidency of the Public Ministry of the Kingdom of Morocco. 2017.
- ⁹ Annual Report of the Presidency of the Public Ministry of the Kingdom of Morocco. 2018.
- ¹⁰ Annual Report of the Presidency of the Public Ministry of the Kingdom of Morocco. 2019.
- ¹¹ Annual Report of the Presidency of the Public Ministry of the Kingdom of Morocco. 2020.
- ¹² Association Akaliyat, *Study of the Needs of the Sexual and Gender Diversity Population in Morocco*. 2019/2020
- ¹³ Association Akaliyat, *Study of the Needs of the Sexual and Gender Diversity Population in Morocco*. 2019/2020
- ¹⁴ Dynamique Trans, "La situation des Trans* au Maroc." In *Conseil Civil de Lutte Contre Toutes les Formes de Discrimination Etat des Lieux des Discriminations au Maroc – 2019* (2nd Edition). 2019.
- ¹⁵ Toonen v. Australia, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994)
- ¹⁶ Flamer-Caldera v. Sri Lanka, Communication No. 134/2018, U.N. Doc CEDAW/C/81/D/134/2018 (2022)
- ¹⁷ Constitution of the Kingdom of Morocco. 2011
- ¹⁸ Association Akaliyat, *Study of the Needs of the Sexual and Gender Diversity Population in Morocco*. 2019/2020
- ¹⁹ Nassawiyat, *Loubya in the Time of Corona: A Report on the Situation of the LGBTQI+ community in 2020*. 2020
- ²⁰ Nassawiyat, *Loubya in the Time of Corona: A Report on the Situation of the LGBTQI+ community in 2020*. 2020
- ²¹ Association Akaliyat, *Study of the Needs of the Sexual and Gender Diversity Population in Morocco*. 2019/2020
- ²² Association Akaliyat, *Study of the Needs of the Sexual and Gender Diversity Population in Morocco*. 2019/2020
- ²³ Younes, Rasha. "Where is the Justice for Moroccan Trans Women?" Human Rights Watch. July 2020.
- ²⁴ Oulmakki, Z. "'If You Were My Son, I Would Burn You': Morocco's Outing Campaigns." *Raseef* 22, 24 Oct. 2020
- ²⁵ Dynamique Trans, "Article 28 of the Law relative to the Civil Registry and Intersex Rights: A missed opportunity for the Moroccan Government!" 26 Oct. 2021.
- ²⁶ Ankh Association, "Hate Speech Spreads Like Wildfire: Survey Analysis on Hate Speech Against the LGBTQI++ Community in the MENA region." 2020.
- ²⁷ ChoufTV. "The bombshell video... sex pervert and his lover found married on new year's eve in Casa. One is named Sara and the other Dalal... and Police found bras and charms and spells in their possession." January 1, 2020. For instance, in this video published in January 1 2020, Chouf TV accompanies law enforcement agents police as they conduct arrests against queer/transfeminine individuals. Officers actively allow their interrogations and searches of the arrested individuals' belongings to be caught on camera. The individuals' names are revealed in the video, as well as gendered personal items such as bras and feminine underwear they held in their bags. Such practices blatantly violate the individuals' rights to privacy, dignity, and due process
- ²⁸ Taia, Abdellah. "Le Maroc écrase les LGBTQ+, encore une fois" *Telquel*. 29 Jan. 2022.
- ²⁹ Dynamique Trans, "La situation des Trans* au Maroc." In *Conseil Civil de Lutte Contre Toutes les Formes de Discrimination Etat des Lieux des Discriminations au Maroc – 2019* (2nd Edition). 2019.

³⁰ Dynamique Trans, “Article 28 of the Law relative to the Civil Registry and Intersex Rights: A missed opportunity for the Moroccan Government!” 26 Oct. 2021.

³¹ Association Akaliyat, *Study of the Needs of the Sexual and Gender Diversity Population in Morocco*. 2019/2020