

Manifesto for the Elimination of all Forms of Discrimination based on Gender and Sexuality

Manifesto at the initiative of Aswat¹

Legal Repositories

For the former High Commissioner of the United Nations to human rights, Navi Pillay, « *the case for extending the same rights to LGBT persons as those enjoyed by everyone else is neither radical nor complicated. It rests on two fundamental principles that underpin international human rights law: equality and non-discrimination* ». We, signatories of this manifesto, consider the Universal Declaration of Human Rights (UDHR) as a reference framework for the protection of human rights and diversity, particularly in its following articles:

- **Article 1:** “All human beings are born free and equal in dignity and rights.”
- **Article 7:** “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”.

We, signatories of this manifesto, call for the respect of international conventions signed by Morocco, including the aforementioned UDHR, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), supplemented by the United Nations Declaration on Human Rights, Sexual Orientation and Gender Identity; particularly the following articles :

- **Article 26 of the ICCPR:** “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...”
- **Article 17 of the ICCPR:** “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”
- **Article 5 of the CEDAW:** “State Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

We, signatories of this manifesto, firmly determined that the human rights provisions decreed in the Constitution of 2011 are applied; ask for the harmonization of Moroccan laws in accordance with the State's Constitutional Framework, particularly with regards to the following articles:

¹Aswat is an independent, not-for-profit group, which aims to contribute, through peaceful means, to eliminate all forms of discrimination based on gender and sexuality at the institutional and socio-cultural levels in Morocco.

- **Preamble:** "With fidelity to its irreversible choice to construct a democratic State of Law, the Kingdom of Morocco resolutely pursues the process of consolidation and of reinforcement of the institutions of a modern State, having as its bases the principles of participation, of pluralism and of good governance. It develops a society of solidarity where all enjoy security, liberty, equality of opportunities, of respect for their dignity and for social justice, within the framework of the principle of correlation between the rights and the duties of the citizenry (...). Considering the imperative to reinforce the role which belongs to it on the international scene, the Kingdom of Morocco, active member within the international organizations, is committed to subscribe to the principles, rights and obligations enounced in their respective charters and conventions; it affirms its attachment to Human rights such as they are universally recognized(...)The Kingdom of Morocco commits itself to protect and to promote the mechanisms of Human rights and of international humanitarian law and to contribute to their development within their indivisibility and their universality."
- **Article 19:** "Men and women enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title and in the other provisions of the Constitution, as well as in the international conventions and pacts duly ratified by Morocco and this, with respect for the provisions of the Constitution, of the constants and of the laws of the Kingdom."
- **Article 23:** "No one may be arrested, detained, prosecuted or condemned outside of the cases and forms provided by the law... The presumption of innocence and the right to an equitable process are guaranteed. (...)All incitement to racism, to hatred and to violence is prohibited."
- **Article 24:** "Any person has the right to the protection of their private life. The domicile is inviolable. Searches may only intervene in the conditions and the forms provided by the law. Private communications, under whatever form that may be, are secret. Only justice can authorize, under the conditions and following the forms provided by the law, the access to their content, their total or partial divulgation or their summons at the demand of whosoever."

Demands:

We call the Moroccan Government to fulfill its constitutional and international obligations and to respect the principles of non-discrimination, protection of privacy, the right to fair trial, as well as to abolish all prejudices based on the stereotyped roles of men and women.

On the occasion of the International Day against Homophobia and Transphobia, held on May 17, 2015, we call on the various components of Moroccan civil society to join our struggle for individual freedoms and the universal values of human rights that are bound to it: Democracy, citizenship, rule of law, gender equality and respect of diversity.

We also declare the launch of a communication and advocacy campaign to the following ends:

- **To stop imprisoning and persecuting Moroccan citizens over their gender identity and/or sexual orientation.**
- **To revoke article 489 of the current Penal Code** punishing « six months to three years of imprisonment and a fine of 200 to 1,000 DH, unless the fact constitutes a more serious offense, anyone who commits an indecent act or act against nature with an individual of the same sex.»
- **To abolish article 489 of the new Penal Code project**, which punishes « six months to three years of imprisonment and a fine of 2000 to 20,000 DH, unless the fact constitutes a

more serious offense, anyone who commits an indecent act or act against nature with an individual of the same sex."

- **To amend article 431-1 of the current Penal Code**, which discrimination as "any distinction made between persons on ground of national or social origin, color, sex, family status, health status, disability, political opinions, trade union memberships, membership or non-membership, real or supposed, to an ethnic group, nation, race, or religion" by adding the concepts of discrimination on the grounds of gender and sexuality.

We, signatories of this manifesto, believe with strength and determination that only abolishing of all forms of discrimination, including those mentioned above, will allow Moroccan citizens to live in dignity.

Signatories:

- **Khadija Rougani - Lawyer, Feminist activist**
- **Chama Bendoum - Feminist Activist**
- **Mohamed Qnouch - Human Rights Activist**
- **Khadija Riyadi - Human Rights Activist**
- **Latifa Jbabdi - Feminist Activist**
- **Moulim Laarousi - Philosopher, Human Rights Activist**
- **Omar Benjelloun - Lawyer**
- **Khadija Rouissi - Feminist Activist**
- **Yassin Bazzaz - Human Rights Activist**
- **Mehdi Alioua - Sociologist**
- **Kenza Sefrioui - Writer**
- **Zhor Baki - Journalist**
- **Amine Belghazi - Journalist**
- **Ghassan El Hakem - Playwright, Activist**
- **Ghassan Waïl El Karmouni - Journalist**
- **Hamza Hachlaf - Artivist**
- **Israfil Al Maghribi - Journalist**
- **Youssef Wahboun - University Professor**
- **Fettah Bennani - President of the Association Bayt Alhikma**
- **Abdelmajid Moudni - President of the Association Médias et Cultures**
- **Nizar Benamate - Journalist**
- **Mounir Bensalah - Human Rights Activist**
- **Jean Zaganiaris - Researcher resident in Morocco**
- **Abdelah Taïa - Writer**
- **Nadia Naïr - Feminist Activist**
- **Zahra Wardi - Feminist Activist**

- **Salaheddine Elmaizi - Journalist**
- **Nezha Lamrani - Feminist Activist**
- **Zahra Dghoghi - Feminist Activist**
- **Kenza Benjelloun - Artist, Activist**
- **Mohamed Sektaoui- Human Rights Activist**
- **Othman Mellouk- NGO Actor, ITPC**
- **Fatima Maghanoui - Activist**
- **Ali Bedar - Activist , Podcasteur**
- **Said Tbel - Human Rights Activist**
- **Myriem Khrouz - Feminist Activist**
- **Naima Zitan - Playwright**
- **Driss Khrouz - Professor**
- **Abdellah Baïda, Researcher Writer**
- **Akram Moumen - Journalist**
- **Hicham Kadiri - Pilot**
- **Othmane Tazi - Blogger**
- **Yassine Barkech - President of the Alliance des jeunes initiatives**
- **Marike Minnema - Trainer in intercultural competencies resident in Morocco**
- **Najat Ikhich - Feminist Activist**
- **Oum Elghait Ben Essahraoui (OUM) - Artist**
- **Latifa Bouhssini - Professor at the National Institute for Social Action**

This manifesto is open for signatures, until actions are made with regards to the aforementioned demands.

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