



TALAY'AN – The Voice Of Sex Workers In Morocco And The Mena Region

Submission to the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Country Visit to Morocco (23 March – 2 April 2026)

Submitted by **Talayan Mena Organization**

Author: **Reina Malak Elhamidy**, Executive Director and Human Rights Advocate

Prepared for the mandate of Dr. **Alice Jill Edwards**

For consideration in preparation of the report to the **United Nations Human Rights Council**

Country concerned: **Morocco**

Executive Summary

This submission provides information to support the forthcoming country visit of the United Nations Special Rapporteur on torture to Morocco scheduled from 23 March to 2 April 2026.

It documents patterns of criminalization, police abuse, arbitrary detention, and degrading treatment affecting sex workers, transgender individuals, and LGBTQ+ communities across Morocco.

Between December 2023 and December 2024, Talay'an MENA documented approximately **1,203 arrests and more in violence linked to sex work and it related charges** nationwide. In recent months, repression has intensified significantly, particularly in major urban centers such as Casablanca and Marrakesh.

Morocco's legal framework criminalizes consensual sexual conduct and gender expression through provisions of the Penal Code including Articles 483, 489, 490, 491, 501 and 502. In practice, these laws create an environment in which sex workers and LGBTQ+ individuals are exposed to harassment, arrest, extortion, and violence by law enforcement authorities.

This report highlights several major concerns:

- arbitrary arrests and denial of legal safeguards
- degrading treatment during detention
- extortion and abuse by police officers
- digital surveillance and entrapment targeting sex workers
- criminalization of private digital communications
- discrimination and violence against transgender detainees
- denial of justice for victims of violence
- reprisals against LGBTQ+ and sex worker rights activists

The criminalization of sexuality and sex work creates a situation in which individuals cannot report violence without risking arrest themselves. When access to justice is conditional on identity, gender expression, or survival strategies, the legal system becomes a source of harm rather than protection.

Talay'an MENA therefore urges the Special Rapporteur to examine how Morocco's legal framework contributes to environments in which abuse occurs with impunity.

Morocco's International Human Rights Obligations

Morocco is a State Party to several international treaties prohibiting torture and ill-treatment, including the **Convention Against Torture**, the **International Covenant on Civil and Political Rights**, and the **Convention on the Elimination of All Forms of Discrimination Against Women**.

These treaties obligate states to prevent torture, investigate abuses committed by public officials, and guarantee that victims have access to justice and protection.

However, laws that criminalize consensual sexuality, gender expression, and survival-based work undermine these obligations by placing certain groups outside the protection of the law.

When individuals face the risk of arrest simply for seeking protection from authorities, the justice system becomes inaccessible. In such circumstances, violence against marginalized communities can occur with little accountability.

Criminalization of Sexuality and Sex Work

Although Moroccan law does not explicitly criminalize the act of selling sexual services, several provisions of the Penal Code make it effectively impossible to engage in sex work without committing a criminal offense.

Relevant provisions include:

- Article 483 — public indecency
- Article 489 — criminalization of same-sex relations
- Article 490 — sexual relations outside marriage
- Article 491 — adultery
- Article 501 — solicitation in public spaces

- Article 502 — provisions used in prosecutions involving prostitution-related communications or materials

Articles 497–503 further criminalize activities associated with “prostitution”, including operating or residing in places where sex work occurs.

This legal framework produces a situation in which sex workers and LGBTQ+ individuals are exposed to continuous surveillance and policing.

Male sex workers and transgender women who engage with male clients face compounded criminalization due to Article 489.

Moroccan law also fails to clearly distinguish between consensual adult sex work and human trafficking. As a result, individuals engaged in survival work are frequently prosecuted while structural factors such as poverty, exclusion, and discrimination remain unaddressed.

Digital Surveillance and Criminalization of Private Communication

Talay’an MENA has documented an increasing reliance on digital surveillance in morality-related prosecutions.

Law enforcement authorities frequently pose as clients on social media platforms or messaging applications in order to entrap sex workers.

More recently, private digital communications have been used as evidence in criminal cases. Messages, photographs, or exchanges of intimate images between consenting adults on platforms such as WhatsApp or social media have been used to support charges under provisions associated with prostitution offenses, including Article 502.

In several documented cases, individuals were prosecuted on the basis of archived digital conversations even when no meeting or exchange of services occurred.

The use of private digital communication as criminal evidence transforms online spaces into tools of surveillance and repression.

For many transgender sex workers who relied on digital platforms as a safer alternative to street-based work, this development has pushed them back into environments where they face increased violence.

Escalation of Arrest Campaigns

Talay'an MENA documented **1,203 arrests linked to sex work between December 2023 and December 2024.**

These arrests were recorded across multiple regions, with significant concentrations in major urban centers including Casablanca, Marrakesh, Rabat and Tangier (and other small cities).

Police operations targeting sex workers and LGBTQ+ individuals have intensified in recent months and are often accompanied by public rhetoric portraying these communities as threats to social order or public morality.

In some documented cases, family members of sex workers have also been detained under accusations of “living off the proceeds of prostitution.”

Such practices contribute to collective punishment and deepen the stigma faced by marginalized communities.

Abuse and Ill-Treatment in Detention

Testimonies collected by Talay'an MENA describe recurring patterns of degrading treatment during arrest and detention.

Reported abuses include:

- physical violence during arrest
- verbal humiliation targeting gender identity
- sexual harassment by law enforcement officers

- threats of rape or sexual assault and using art.489 against Transgender individuals even if the motif of arrest is different .
- invasive body searches

Some detainees reported witnessing violence inflicted on other detainees inside police stations in order to intimidate them.

These practices create an atmosphere of fear and coercion that is incompatible with international standards governing law enforcement conduct.

Gender Identity and Detention Practices

Transgender women face particularly severe discrimination within Morocco's criminal justice system.

Because Moroccan law does not recognize gender identity, transgender women are often targeted by police simply for their appearance or gender expression.

When arrested, transgender women are frequently placed in male detention facilities according to the sex marker on their identity documents rather than their gender identity.

This practice exposes them to harassment, assault, and sexual violence from other detainees and subjects them to humiliating treatment by authorities.

The forced placement of transgender women in male detention environments creates a serious risk to their safety and dignity and may amount to cruel, inhuman, or degrading treatment.

Denial of Justice and Structural Violence

Sex workers and LGBTQ+ individuals in Morocco frequently encounter insurmountable barriers when attempting to report violence.

Many victims report that police discourage them from filing complaints and warn that they themselves could face prosecution.

When access to justice is denied because of who a person is or how they appear, the legal system ceases to function as a mechanism of protection.

Being forced to live in a society where seeking help from authorities may lead to arrest produces continuous psychological distress and fear.

From a human rights perspective, this structural exclusion from justice raises serious concerns regarding cruel, inhuman, or degrading treatment.

Official Statements Rejecting Decriminalization

Public statements by senior government officials also demonstrate resistance to reforming laws that criminalize consensual same-sex relations.

In several media appearances, **Abdellatif Ouahbi**, Minister of Justice of **Morocco**, stated that Morocco would not decriminalize homosexuality even if international actors encouraged such reforms. In these remarks, the Minister suggested that Morocco would prefer to forgo potential international support rather than amend the legal provisions criminalizing same-sex relations.

Such statements raise serious concerns regarding the political willingness to address laws that contribute to discrimination, arrests, and abuse against LGBTQ+ individuals.

When senior authorities publicly defend criminalization, it risks legitimizing ongoing harassment and violence against already marginalized communities.

Conclusion

The criminalization of sexuality, gender expression, and sex work in Morocco creates structural conditions that enable abuse, discrimination, and impunity.

When individuals cannot seek justice without risking arrest themselves, the legal system becomes a source of harm rather than protection.

Talay'an MENA therefore urges the Special Rapporteur to examine the role of Morocco's legal framework in enabling these violations.

In particular, the organization respectfully calls on the Special Rapporteur to address **Article 489 of the Moroccan Penal Code** and the criminalization of sex work as structural drivers of violence and ill-treatment.

Recognizing the impact of these laws would represent an important step toward ensuring that all individuals in Morocco are able to live with dignity, safety, and access to justice.

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