



Groupe antiraciste  
d'accompagnement  
et de défense  
des étrangers  
et migrants

## MOROCCO

SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW  
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ISSUES RELATED TO MIGRATION-RELATED DETENTION AND BORDER ENFORCEMENT  
MEASURES

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This submission has been prepared by the Global Detention Project, a Geneva-based non-profit association that promotes the human rights of migrant detainees, and the Groupe

antiraciste d'accompagnement et de défense des étranger.e-s et migrant.e-s (GADEM), a Morocco-based association that campaigns for the effective implementation of migrants' rights, their equal treatment, as well as against all forms of discrimination and racism.

## 1. CONTEXT

- 1.1. Morocco has become an important focal point for European efforts to externalise “migration management,” with Moroccan authorities under pressure from European countries to block migration flows and supplied with generous funding to do so. Since 2019, increased cooperation between Spain and Morocco has led to stepped up Moroccan navy patrols intercepting migrant boats. For instance, in December 2019, the EU announced an aid package of 101.7 million EUR (via the Emergency Trust Fund for Africa) to help the country combat irregular migration and human trafficking.<sup>1</sup>
- 1.2. In September 2013, Morocco's National Human Rights Council (*Conseil National des Droits de l'Homme*, or CNDH) recommended the adoption of a new migration and asylum policy. They proposed that the country's legal framework be amended in compliance with international standards and called for the establishment of an institutional framework to encourage migrant integration. King Mohammed VI endorsed these recommendations, announcing a new “humanitarian approach” to migration and asylum affairs.
- 1.3. In December 2014, Morocco subsequently adopted a National Strategy on Immigration and Asylum (*Stratégie nationale d'immigration et d'asile*, or SNIA) and implemented two exceptional regularisation campaigns, one in 2014 and the other in 2017.<sup>2</sup> As part of the new migration policy, Morocco decided to reactivate the operations of the Moroccan Office for Refugees and Stateless Persons (*Bureau des réfugiés et apatrides*, or BRA) - whose activities had been frozen since 2004 - and to proceed with a new examination of the situation of the refugees under UNHCR's mandate. In all, about 1,000 people have obtained a refugee card from the Moroccan government and a residence permit, with the exception of Syrians —who benefited from the 2014 regularisation operation, but were excluded from the one in 2017 —, Yemenis, and LGBTI people because homosexual acts are criminalised in Morocco.<sup>3</sup> The Interior Ministry said that during both regularisation campaigns, approximately 50,000 people received favourable rulings, although non-governmental sources have questioned these numbers. Indeed the figure of 50,000 (27,649 in 2014 and 27,660 in 2017) is only the number of applications submitted for regularisation. For the 2014 operation, 23,096 persons received a positive response, but no figures have been published for the 2017 operation, and no data is available on the number of residence permits actually issued.<sup>4</sup>
- 1.4. The SNIA also resulted in the development of three draft laws: one related to human trafficking, which was adopted and has been implemented; one on asylum; and another on migration. However, as of the end of 2021, Morocco had still not adopted concrete new asylum and migration legislation and its Law No. 02-03 of 11 November 2003 (the Migration Act) remains the principal piece of legislation governing the entry and stay of foreign nationals, emigration, and irregular migration – despite concerns raised by national and international observers (including the UN Committee on Migrant Workers)<sup>5</sup> regarding its provisions.
- 1.5. At the end of both exceptional regularisation campaigns, in 2015 and 2018 respectively, there was a noticeable hardening in the official posture towards migrants. On 9 February 2015, the Moroccan Ministry of the Interior announced the end of the first regularisation campaign and subsequently the dismantling of informal migrant camps in northern Morocco in order to “release several migrants, including women and

children, who were forced to live in this forest by smuggling and human trafficking networks"<sup>6</sup>.

- 1.6. Moroccan authorities also announced that they would take a tougher stance against migrants seeking to enter Spain and Europe via the Spanish enclaves of Ceuta and Melilla. In February 2015, around 1,200 non-nationals, including asylum seekers, women, and children, were arrested in northern Morocco, and forcibly relocated to parts of the country further south away from the border areas to prevent them from accessing EU territory.<sup>7</sup> Most of these migrants were arbitrarily detained in facilities in at least 18 different localities in southern Morocco.<sup>8</sup>
- 1.7. From June 2018, after the end of the second regularization campaign, the Moroccan authorities adopted a tougher stance on migrants to prevent anyone entering European territory. This was followed by repeated waves of arrests, relocations, detentions, and expulsions of non-nationals.<sup>9</sup> This measure came at a time when Spain was considered the main gateway for migrants into Europe. Spain played an important role in persuading other European countries to commit to support Morocco in its fight against irregular migration and to strengthen its border controls.
- 1.8. Raids and forced relocations became increasingly common after an incident in July 2018, when hundreds of migrants attempted to cross the border fence surrounding the Spanish enclave of Ceuta. These have continued, even during the COVID-19 pandemic.<sup>10</sup> Pregnant women, accompanied and unaccompanied children, UN-recognised refugees and asylum seekers, and migrants in possession of valid residency cards, have all been included in raids and forced relocations,<sup>11</sup> though observers in the country report that asylum seekers with certificates continue to be protected from refoulement.
- 1.9. At the same time, however, the “threat” of increased migration has been tacitly wielded by Morocco in its relations with Europe. For instance, in May 2021, when approximately 10,000 people, most of them Moroccans, entered Ceuta in two days,<sup>12</sup> Spain accused Morocco of abetting the large migrant flow as “blackmail” over Spain’s decision to host the Polisario Front leader when he was receiving medical treatment in Spain without telling the Moroccan government.<sup>13</sup>
- 1.10. Collaboration between Europe and Morocco is increasing the vulnerability of migrants to a range of human rights abuses, helping fan the flames of racism targeting West and Central African nationals, encouraging internally forced displacements, and spurring new forms of ad hoc detention situations.

## **2. RECOMMENDATIONS DURING THE 3<sup>RD</sup> CYCLE UPR REVIEW, 2017<sup>14</sup>**

- 2.1. During the 3rd cycle of the Universal Periodic Review of Morocco (36th session, September 2017), Morocco accepted the following recommendations and reported that it was in the process of implementing them:
  - Continue the implementation of the policy of effective promotion and protection of the rights of migrants (Para 144.237) [Central African Republic];
  - Continue efforts to promote and protect the rights of migrants, (144.238) [Djibouti];
  - Thoroughly review the national legislation on migration and asylum (Para 144.239) [Honduras];
  - Speed up the review of the legal framework on migration and asylum in order to align it with the International Covenant on Civil and Political Rights (Para 144.240) [Uganda]

- Accede to and domesticate the conventions relating to the status of stateless persons and the reduction of statelessness in order to grant nationality to children who would otherwise remain stateless (Para 144.242) [Kenya].

### 3. RECOMMENDATIONS FROM OTHER HUMAN RIGHTS BODIES

**3.1. UN Special Rapporteur on Racism:** Following her visit to Morocco in 2019, the UN Special Rapporteur on Racism urged the Government to: “Eliminate all practices of racial profiling and all other racially discriminatory immigration enforcement practices, including the forced relocations, arbitrary arrest and detention, regional containment of, and excessive use of force against, black, sub-Saharan Africans.” She reported on racism and racist stereotyping targeted at black, sub-Saharan African migrants in Morocco with respect to access to housing, health care, and education for children. Black, sub-Saharan African migrants also face individual racist and xenophobic attacks, acts of violence, and abuse which are seldom investigated by the police. Of particular concern to the Special Rapporteur on Racism, was the increasing pressure on Morocco from Europe to prevent the onward movement of migrants – in particular, black, sub-Saharan African migrants – to European countries. She expressed serious concerns about human rights violations against black, sub-Saharan African in the north of Morocco, and reported receiving credible reports of “harassment, arbitrary arrest and detention, excessive use of force, and forced relocation, in some cases targeted at regular and irregular migrants alike, where officials employed racial profiling in the course of law enforcement.” In particular, she raised concerns about the use of racial profiling and the absence of due process in the conduct of forced relocations of migrants in the northern regions of Tangier, Nador, and Tétouan, which increased dramatically following the storming of the border fence at the Spanish enclave of Ceuta in July 2018. To keep migrants away from land or sea crossings, the authorities transported them in buses to other regions of Morocco, including to remote areas such as around Tiznit and areas close to the Algerian border, where they have been abandoned without any form of assistance. Many migrants have been subjected to multiple relocations. Raids by the Moroccan police and migration enforcement authorities are regularly carried out in neighbourhoods and forests in which migrants live, especially targeting sub-Saharan Africans on the basis of their skin colour. Black migrants reported being arbitrarily arrested in their homes, on the street or in public places – sometimes with the use of excessive force – before being taken to the police and forced on buses. The Special Rapporteur raised concerns that the displacement of sub-Saharan migrants to southern regions was leading to increased human rights violations against them and rising anti-migrant and xenophobic tensions within Moroccan communities that have previously welcomed migrant and refugee populations.<sup>15</sup>

**3.2 UN Human Rights Committee (CCPR):** In 2016, the UN Human Rights Committee (CCPR) expressed its concerns regarding the involvement of Moroccan security forces in the collective arrests, detention, and expulsions of migrants and asylum seekers, and condemned the country’s detention of child migrants. It also urged Morocco to follow-through on the regularisation process announced in 2014 by boosting efforts to regularise the situation of persons in need of international protection by granting them legal status and national refugee cards so as to uphold their right to non-discrimination. It similarly encouraged authorities to establish procedures for the determination of refugee status at entry points—including airports.<sup>16</sup>

**3.3 UN Committee on Rights of the Child (CRC):** In 2014, the UN Committee on the Rights of the Child (CRC) urged the country to cease the arrest, arbitrary detention, and deportation of children and to “accelerate the adoption of a legal and institutional framework that ensures that the rights of non-accompanied migrant, asylum-seeking and

refugee children are respected at all times, in accordance with international refugee and human rights law.” The CRC highlighted the case of five children who were deported “at risk of their life” in the desert between Morocco and Algeria. The committee called on authorities to conduct an inquiry so that sanctions were taken against those responsible and measures adopted to prevent such an event recurring and emphasised the need to protect children from deportation in breach of the law.<sup>17</sup>

**3.4 UN Committee on Migrant Workers (CMW):** In its concluding observations on Morocco’s initial report in 2013, the UN Committee on Migrant Workers (CMW) recommended that the State party “decriminalize irregular migration and make provision for appropriate penalties for such offences.” The CMW expressed its concern regarding collective expulsions and highlighted in particular the fact that pregnant women and unaccompanied minors had been abandoned in desert areas “including in mined areas and areas where they are likely to become victims of violence, including sexual violence against women, in precarious conditions that leave them more vulnerable to attacks and exploitation.” It called on Morocco to establish a monitoring mechanism to ensure that the removal of migrants was carried out in full respect of international standards. The CMW highlighted the need for all migrants to be treated equally without discrimination and for Morocco to take steps to combat racial and social stigmatization of migrants, particularly those of sub-Saharan origin.<sup>18</sup>

**3.5 UN Working Group on Arbitrary Detention (WGAD):** In 2013, the Working Group on Arbitrary Detention (WGAD) highlighted allegations that it had received regarding collective arrests and expulsions in Morocco, and the authorities’ failure to “provide information about those allegations or about the places and regimes of detention used for foreign nationals awaiting deportation who do not come under the authority of the Prison Service.”<sup>19</sup>

#### **4. DETENTION AND DEPORTATIONS**

**4.1** Law No. 02-03 of 11 November 2003, (the Migration Act), is the principal piece of legislation governing the entry and stay of foreign nationals, emigration, and irregular migration in Morocco.<sup>20</sup> It provides key detention provisions and criminalises the irregular emigration and immigration of both Moroccans and non-nationals (including asylum seekers). The 2011 Moroccan Constitution includes safeguards against arbitrary detention and guarantees the right to information about grounds for detention, legal assistance, and communication with relatives (Article 23).<sup>21</sup>

**4.2** According to Article 34 of the Migration Act, authorities can detain non-citizens who have been issued an expulsion or deportation order and are unable to immediately leave the Moroccan territory “in facilities that are not under the management of the prison administration,” for 24 hours. According to Article 35 of the Migration Act, a court order is required for the detention of foreign nationals beyond 24 hours, which can be extended for up to fifteen days, plus ten additional days. Furthermore, according to Article 38, a non-citizen that enters Moroccan territory by sea or by air, and who is not authorised to enter, or requests admission for asylum, may be detained in the waiting zone of the port or airport “for the time strictly necessary for their departure or until their request is determined not to be manifestly unfounded”. The Law provides for 48 hours (the detention order can be renewed for a further 48 hours).

**4.3** To date, Morocco has not established dedicated immigration detention facilities and waiting zones and none of the implementing decrees announced in the Migration Act on these issues have been adopted. Reportedly, the authorities do not use the Migration Act as a legal basis for administrative detention. Instead, apprehended non-nationals are confined in transit zones and ad-hoc detention facilities.

- 4.4** The country's migration law also provides grounds for deportation and expulsion (or escort to the border). Grounds for deportation are contained in Article 21 of the Migration Act. These include: 1) unauthorised entry; 2) remaining in the country without a valid visa or residence permit; and 3) use of counterfeit or stolen identity documents. In addition, deported non-nationals can be prohibited from re-entering Morocco for up to one year (Article 22).
- 4.5** According to Articles 25 and 26, non-nationals considered a serious threat to public order may be expelled from the country, with the exception of vulnerable persons. Article 29 also stipulates that a non-national issued with an expulsion order can be deported to his/her country of nationality; the country that issued his/her travel documents; or to another country that he/she is legally permitted to enter. On the other hand, pregnant women, minors, and persons who face a threat to their life or freedom or who will be exposed to cruel, inhuman, or degrading treatment in their country of origin cannot be returned (Articles 26, 29-31).
- 4.6** There have been repeated reports of large-scale arrests following raids of informal camps close to the Spanish enclaves of Ceuta and Melilla, followed by the arbitrary detention of large numbers of non-nationals in ad hoc facilities across the country. Particularly concerning have been the arrests and forced relocations of migrants from the north of the country to areas in the south. The migrant population in these areas is known to be highly vulnerable to trafficking, and yet reports indicate that no screening measures have been adopted to ensure the protection of victims during these raids.<sup>22</sup>
- 4.7** In the summer of 2018, hundreds of migrants from West and Central Africa were arrested during raids conducted by the Moroccan police together with the Royal Gendarmerie and the Auxiliary Forces. Reportedly arrested in their houses, migrants were herded into buses with just the clothes on their backs before being transported away from the north of the country to cities in the south. According to Amnesty International,<sup>23</sup> migrants were handcuffed or in some cases had their hands tied together with rope and even with adjustable plastic clamps, according to information from GADEM.<sup>24</sup> Others were detained in police stations, such as the Central Police Station in Tangiers, videos from which show migrants detained between the station's courtyard and car park.<sup>25</sup> GADEM recorded at least 142 migrants detained in this police station between September and November 2018.<sup>26</sup> Denied information about the reasons for their detention, 89 migrants – including six children – were subsequently deported from the country with no opportunity to challenge the removal decision. In one case, a child from Mali reportedly died when he tried to exit a bus that was transferring him from Tangiers to the south and was subsequently buried in an unmarked grave in Kenitra.<sup>27</sup>
- 4.8** Although Moroccan authorities did not provide details regarding the numbers forcibly removed and relocated, GADEM estimates that between June and October 2018, some 6,500 migrants were arrested and displaced.<sup>28</sup> While Moroccan officials claimed that the raids were designed to target human trafficking and irregular migrants; children, UNHCR-registered asylum seekers, and registered migrants with residency cards were amongst those arrested.<sup>29</sup> According to the country's government spokesman, these operations were in conformity with national laws aimed to tackle illegal immigration.<sup>30</sup>
- 4.9** In 2020, following the implementation of a public health state of emergency to combat the COVID-19 pandemic, GADEM reported the arrests of 490 non-nationals (including 50 minors and 26 women - two of them pregnant), mainly West and Central African nationals, in the cities of Tangiers, Laâyoune, Rabat, Dakhla and Nador. Among them, 283 stated that their arrest was due to violations of the public health state of emergency provisions, and others testified that their detention was ostensibly to protect them against

COVID-19 infection. However, none of them were brought before a judge and no official record of their detention was made.

**4.10** Following their arrest, 311 people were detained in ad-hoc facilities belonging to different ministries in the cities of Laâyoune, Rabat, Assilah and Bir Guendouz. Detainees were told that their detention was to protect them from the pandemic, but according to the interviewees there was no legal procedure and they received no written notification of the decision to detain.

**4.11** In 2021, GADEM reported 792 non-nationals arrested during the year. The information collected concerned arrests in Rabat (347 people), Tangier (304), Laâyoune (60), and around Dakhla (81). Among the arrested persons, there were at least 24 children (including four babies), 13 women, including three pregnant women, 21 asylum seekers with a UNHCR certificate, and six refugees recognised by the UNHCR. Eight people had a valid residence permit.

**4.12** At least 441 people were relocated to cities like Assilah, Kenitra, Rabat, Ben Slimane, Marrakech, Beni Mellal, Safi, Khouribga, Agadir, Tiznit, and Tantan. At least 411 people were detained (including 150 in Fnideq, 120 people in Martil, 81 people in Dakhla, and 60 people in Laayoune) and GADEM was informed that 75 of the 792 people arrested were reportedly deported to Senegal, Ivory Coast, Niger and Guinea, including 12 children, three women and 16 asylum seekers with a UNHCR certificate.

## **5. COVID-19**

**5.1** Since the first COVID-19 case was confirmed in Morocco in March 2020, the country instated a state of emergency and implemented several measures to combat the pandemic, including compulsory quarantine, closure of its borders and grounding of all flights, the closure of schools and universities, and reducing public transport. Migrant workers were particularly hard hit by the pandemic due to the loss of work in the informal jobs market and many migrants, especially those who were undocumented, received no assistance or support from the authorities during the pandemic.

**5.2** On 23 March 2020, GADEM published a press release expressing concern about the situation of migrants in vulnerable situations in the context of the pandemic. GADEM urged the country's authorities to respect the right of residency and to ensure the automatic extension of residence permits to prevent non-nationals from finding themselves in an irregular situation.<sup>31</sup>

**5.3** Concerned that a person's administrative status should not be an obstacle for accessing necessary health care, protection, and assistance during a public health emergency, GADEM issued a second press release on 23 April 2020 calling on the Moroccan government to grant a moratorium on humanitarian grounds for the entire duration of the state of emergency with respect to the application of the Migration Act, in particular those provisions linked to the residence of people regularly settled on Moroccan territory.<sup>32</sup>

**5.4** Significant numbers of migrants were rounded up and detained during the pandemic, often purportedly to ensure that they were tested for the virus or to protect them from the pandemic. Migrants were also arrested and detained under the pretext of violating the public health state of emergency. GADEM reported 81 migrants arrested and detained during the lockdown period, some of whom were kept in the place of confinement well beyond this period, notably in the city of Laayoune.<sup>33</sup>

**5.5** In 2020, GADEM monitored three detention situations related to Covid-19 between Laayoune and Dakhla. In June 2020, a group of 90 people were detained for several

days in facilities run by Entraide Nationale and attached to the Ministry of Family in Laayoune.

- 5.6** In July 2020, a group of 72 migrants from West and central Africa, including women and young children, arrested on 8 July 2020, were detained in ad hoc facilities. After being tested for COVID-19, ten people who tested positive were transferred to another location. On 19 July 2020, the remaining 62 people were tested again. Without any further information, they were moved to Agadir on 25 July 2020, after 14 days of arbitrary detention.
- 5.7** In Bir Guendouz, another group of 36 migrants from West Africa arrested in July 2020 were detained in facilities under the supervision of National mutual aid (*Entraide Nationale*). They were reportedly tested for Covid-19 and after four days of detention, they were moved to Dakhla in small groups.
- 5.8** Early in the pandemic, many observers urged governments to cease deportations and forced returns.<sup>34</sup> However, Morocco—like neighbouring Algeria—while initially halting deportations during the lockdown, quickly restarted collective expulsions, which have continued throughout the crisis.<sup>35</sup> According to the NGO Caminando Fronteras, between March and mid-May 2020, Morocco deported more than 100 people, including children, to the Algerian desert—despite the closure of the country’s borders. Some migrants recounted being deported in the middle of the night, forced to walk many kilometres without food or water, and alleged that officers had confiscated and destroyed their mobile phones.<sup>36</sup>
- 5.9** Given Morocco’s use of police stations—alongside other informal sites—for the detention of non-nationals, COVID-19 measures implemented in prisons and other criminal justice installations had an important impact on the safety and health of detained migrants and asylum seekers. Despite new measures to combat the spread of COVID-19 in prisons announced on 18 March 2020,<sup>37</sup> and the pardoning and release of 5,654 prisoners by the King on 5 April 2020,<sup>38</sup> prisoners nonetheless appear were disproportionately impacted by the pandemic.<sup>39</sup> Between April and November 2020, Moroccan prison authorities registered 586 positive cases and four COVID-19 deaths of prisoners, along with 515 positive cases amongst prison staff.<sup>40</sup>

## **6. ASYLUM SEEKERS**

- 6.1** Morocco has consistently faced criticism for its treatment of asylum seekers. In 2017, observers accused the country of flouting its international obligations by refusing to permit entry to a group of 25 Syrian asylum seekers (including ten children) stranded in the desert area between Algeria and Morocco, denying them access to asylum procedures and humanitarian assistance. According to Amnesty International, on 5 June 2017, ten of the refugees attempted to reach the Moroccan town of Figuig, only to be apprehended and forcibly returned to the border area by border police.<sup>45</sup> Others have highlighted the presence of asylum seekers amongst those caught up in raids, relocations, detentions, and expulsions.
- 6.2** Asylum seekers stranded in the Casablanca Airport Transit Zone for indefinite periods without legal basis, have also been unable to access asylum procedures. According to sources consulted by the Global Detention Project, asylum seekers “do not have effective access to asylum procedures at the airport nor on the territory, denying some of the most important international protection rights provided by the 1951 Convention.”

## **7. WOMEN AND CHILDREN**

- 7.1** While the Migration Act does not provide for migration-related detention of children, it does not explicitly prohibit it either. Although the act protects children from expulsion (Article 26) and deportation (Article 29), numerous reports have alleged that children—including unaccompanied minors—have been amongst those abandoned in the desert between Morocco and Algeria by security forces.<sup>46</sup>
- 7.2** According to numerous reports, children have also faced arrest and detention in Morocco. In 2014, the UN Committee on the Rights of the Child (CRC) drew attention to the “deteriorating health conditions of children present in the Migrant Reception Centre.”<sup>47</sup> More recently, observers have reported the presence of child detainees in ad hoc detention facilities. Between September and November 2018, in the central police station of Tangier, GADÉM recorded at least ten minors arrested and detained. In 2021, GADÉM monitored the situation of 140 people including at least six children detained in unidentified ad hoc facilities in Fnideq between 10 April and 12 May 2021, and in August 2021, the situation of 81 people detained in a centre in Dakhla including four children, the youngest of whom was four years old. In February 2021, the Moroccan Association for Human Rights (AMDH) highlighted the case of 26 migrants—including five children—detained for almost a month in a children’s home in Guelmim, southern Morocco.<sup>48</sup>

## **8. RECOMMENDATIONS**

***We urge the Government of Morocco to take the following steps to protect migrants, asylum seekers, and refugees in Morocco:***

- 8.1** Adopt and implement new asylum and migration legislation as provided for in the 2013 Migration Policy.
- 8.2** Immediately cease all raids, arrests, round-ups, forced relocations, arbitrary detentions, and expulsions of non-nationals in Morocco. Investigate allegations of cruel, inhuman, and degrading treatment of non-nationals.
- 8.3** End all arbitrary detention, forced relocations, and expulsions of pregnant women, children, registered refugees, and asylum seekers, as stipulated under the 2003 Migration Act and respect the fundamental principle of *non-refoulement* which protects against return to a country where a person’s life and freedom would be threatened or where they could face cruel, inhuman, or degrading treatment.
- 8.4** Respect the guarantees provided for in the Migration Act, in particular access to a lawyer or a doctor, and facilitate the access of human rights organisations to detainees.
- 8.5** Ensure the maintenance of the register and judicial control of places of detention as provided for in Migration Act.
- 8.6** Prohibit all practices of racial profiling and all other racially discriminatory immigration enforcement practices, including forced relocations, arbitrary arrest and detention, regional containment, and excessive use of force against, black non-nationals.
- 8.7** Resist pressure from Europe to contain and relocate black non-nationals to southern parts of Morocco, which is leading to increased human rights violations and rising anti-migrant and xenophobic tensions in these areas.

- 8.8** Ensure that asylum seekers being held in airport and port transit zones have full access to asylum procedures and information and can fully access their rights and guarantees under the 2003 Migration Act and the 1951 Refugee Convention.
- 8.9** End the migration-related detention of children and their families in Morocco which has been recognized as an inherent child rights violation by numerous international bodies and human rights mechanisms, including the UN Committee on the Rights of Child, the UN Committee on Migrant Workers, the Council of Europe, and the UN High Commissioner for Refugees, amongst others.
- 8.10** Ensure that all non-nationals have equal access to health services, especially during this pandemic period.
- 8.11** Put in place measures to protect women trafficking victims from arrest, detention, and forced relocation, and/or deportation.
- 8.12** Provide disaggregated data on the number of migrants in detention, and the numbers that are expelled and deported, including with respect to age, gender, grounds for detention and/or deportation.
- 8.13** Provide information on the locations where non-nationals are detained and the conditions in which they are held and basic elements about the conditions of detention in these places, including whether immigration detainees are adequately separated from convicted criminals or people in criminal proceedings
- 8.14** Ensure that national and international observers have access to sites where migrants face deprivation of liberty.

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<sup>1</sup> European Commission, “The EU is Boosting its Support to Morocco with New Programmes Worth €389 Million,” 20 December 2019, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_19\\_6810](https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6810)

<sup>2</sup> A. Jacobs, “Morocco’s Migration Policy: Understanding the Contradiction Between Policy and Reality,” *Moroccan Institute for Policy Analysis*, 30 June 2019, <https://mipa.institute/6872>

<sup>3</sup> According to an anonymous source in Morocco with knowledge of the country’s asylum system, as of 2021, of the approximately 8,000 people recognised by UNHCR as refugees as part of this regularisation scheme, slightly more than 2,000 were granted interviews by Moroccan authorities, and only the non-Syrians received national refugee documents

<sup>4</sup> FIDH-GADEM, “MAROC: Entre rafles et régularisations: Bilan d’une politique migratoire indéçise,” March 2015, [https://www.fidh.org/IMG/pdf/rapport\\_maroc\\_migration\\_fr.pdf](https://www.fidh.org/IMG/pdf/rapport_maroc_migration_fr.pdf); et GADEM, “Note du GADEM à l’Attention du Comité pour la Protection des droits de tous les travailleurs migrants et des membres de leur famille,” 22 February 2021, <https://www.gadem-asso.org/note-du-gadem-a-lattention-ducomite-pour-la-protection-des-droits-de-tous-les-travailleurs-migrants-et-des-membres-de-leur-famille/>

<sup>5</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), “Concluding Observations on the Initial Report of Morocco Adopted by the Committee at its Nineteenth Session (9-13 September 2013),” CMW/C/MAR/CO/1, 8 October 2013, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fMAR%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fMAR%2fCO%2f1&Lang=en)

<sup>6</sup> La Vie Eco, « Migration clandestine : évacuation de la forêt de Gourougou, près de Nador », 11 February 2015 <https://www.lavieeco.com/actualite-maroc/a%0migration-clandestine-a%0vacuation-de-la-foret-de-gourougou-pres-de-nador-32892>:

<sup>7</sup> A. Kassam, “Morocco Destroys Migrant Camps Near Border with Spanish Enclave,” *The Guardian*, 11 February 2015, <https://bit.ly/3l4atvk>

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