

Morocco

*Protection and assistance to
victims of human trafficking*



Ministry of Immigration
and Integration

The Danish
Immigration Service

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Disclaimer

This report is written in alignment with the European Asylum Support Office (EASO) Country of Origin Information (COI) report methodology.¹

The report is not, and does not purport to be, a comprehensive account of all aspects of relevance to human trafficking of young male Moroccans. It should be weighed against other country of origin sources. The report does not include any policy recommendations or analysis. Furthermore, it does not necessarily reflect the opinion of the Danish Immigration Service (DIS).

Finally, this report is not conclusive as to the determination or merit of any particular claim to refugee status of asylum. The terminology which is used in the report cannot be viewed as indicative of a particular legal position.

¹ EASO, *EASO Country of Origin Information Report Methodology*, June 2019, [url](#)

Abbreviations

COI – Country of Origin Information

CPP – Code of Criminal Procedure

CSO – Civil Society Organisation

DIS – Danish Immigration Service

EASO – European Asylum Support Office

FLDF – Fédération des Ligues des Droits des Femmes

IOM – International Organization for Migration

MPC – Migration Policy Centre

NGO – Non-governmental Organisation

ToR – Terms of reference

UNICEF – United Nations Children's Fund

USAID – United States Agency for International Development

Introduction

The present Country of Origin (COI) report focuses on Moroccan males who are victims of human trafficking in Europe. Morocco has a history of being a country of transit, destination and origin of migrants. Since the 1990s, legislation in many European countries has been restricting legal entry,² but many Moroccans still attempt migrating to Europe in the pursuit of securing better livelihoods. UNICEF in Spain has in 2018 registered that 68 % of unaccompanied minors were from Morocco.³

This report responds to recent trends in cases regarding Moroccan asylum seekers in Denmark that show an increase in asylum claims revolving around being a victim of human trafficking, and that the majority of these were male minors.⁴ Therefore the present report describes the phenomena of migration of Moroccans to Europe, the Moroccan law on human trafficking from 2016 as well as available assistance to and protection for victims of trafficking in Morocco.

Methodology

The report builds on terms of reference (ToR) which were developed by the Country of Origin Information Division, Danish Immigration Service (DIS) in consultation with the secretariat of the Danish Refugee Appeals Board as well as a Danish advisory group on COI.⁵ The ToR is included in Appendix C.

The information in the report is based on interviews and written sources. Firstly, two interviews over telephone and two interviews via email with sources in Morocco were conducted by DIS. The interviewed sources comprised a representative of a western embassy, two international organisations and one non-governmental organisation (NGO); all selected after an assessment of their position in the field, their knowledge of the situation as well as on their availability. Secondly, a legal expert with experience in migration and human rights law was contracted to compile information on the legal system in Morocco. The contracted legal expert, based in Morocco and with extended experience from its legal system, was asked to examine and describe the juridical system in Morocco in terms of available state protection for different vulnerable groups. Finally, a variety of academic texts, COI-reports and information by relevant policy agencies have been included.

Prior to the present report, a study based on interviews and written sources was conducted to gather a preliminary understanding of the situation of Moroccans who were victims of trafficking. For that purpose, interviews with representatives of three Danish civil society organisations were conducted: two of the organisations worked directly with young Moroccan males who had been victims of human trafficking in

² Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 13; MPC, *The Demographic-Economic Framework of Migration, the legal Framework of Migration, The Socio-Political Framework of Migration*, June 2013, [url](#)

³ UNICEF Comité Español, *Los Derechos de los Niños y Niñas Migrantes no Accompañados en la Frontera sur Española*, February 2019, [url](#), p. 29

⁴ Denmark, DIS, *Marokko: Baggrundsoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#), p. 4

⁵ The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organisations (Danish European Mission and Open Doors), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

Denmark, and one worked in partnership with Moroccan civil society organisations. The approved notes are an integrated part of the present COI report and can be consulted in the report: *Marokko: Baggrundsoplysninger om marokkanere der er ofre for menneskehandel* that was published in March 2019. The report and the interview notes are in Danish.⁶

The sources consulted for this present report are listed in Appendix A and B. The meeting notes include a brief description of each source. The interviews were conducted in either French or English, according to the convenience of the interlocutors. All notes in English are provided in Appendix A. Meeting notes, which were originally in French, have been translated into English. Notes for these interviews which were originally conducted in French are provided in Appendix B.

The interviewed sources were informed about the purpose of the interview and the fact that their statements would be included in the report to be made publicly available. The interlocutors were asked how they wished to be introduced and quoted, and all sources are introduced and quoted according to their own wishes. Some sources are referred to by their name and/or the name of their organisation; others are anonymous in accordance with their own request.

The meeting notes were validated by the sources. All notes were forwarded to the interlocutors for their approval and amendment, allowing the opportunity to offer corrections or make comment on their statements.

The report is a synthesis of the sources' statements and does not include all details from the interview notes. In the report, care has been taken to present the views of the interlocutors as accurately and transparently as possible and reference is made by number to the specific paragraphs in the notes. All sources' statements are found in their full extent in Appendix A and B of this report.

The report was finalised in October 2019.

The report is available on the website of DIS, www.newtodenmark.dk, and thus is available to all stakeholders in the refugee status determination process as well as to the general public.

⁶ Denmark, DIS, *Marokko: Baggrundsoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

Background

Moroccan migration into Europe through Spain

Moroccans migrating to Europe is not a new phenomenon. In the 1960s, the flow was regulated through official agreements about the legal employment of adult Moroccans in specific European states.⁷ Concurrently with restrictions in legal entry for Moroccans and other nationalities, the migration flow shifted from regulated to unregulated influx of undocumented adults as well as of unaccompanied minors.⁸

From January to August 2019 Frontex – the European Border and Coast Guard Agency – discovered 14,824 illegal border crossings at the sea between Morocco and Spain; out of these 4,213 border crossings were made by Moroccans.⁹ A Western Embassy in Morocco estimated that 30-40 % of the migrants arriving at the shores of Southern Spain come from Morocco and the other 60-70 % from different West African countries.¹⁰ Moroccans are hereby the second largest single-nationality group of illegal border crossers at the Western Mediterranean Route.¹¹ There has been an increase in arrivals by Moroccans to Spain, and the Spanish Refugee Aid Commission suggests in a report from 2017 that it might be partly explained by instability in the country of origin and the fact that the Moroccan police have deployed more police officers to control the situation in the Rif region than to the control of national borders.¹²

International criminal networks facilitating illegal migration into Spain

In its 2018 Situation Report, Europol – the EU's law enforcement agency – stated that the control of trafficking and exploitation of migrants in Europe are in the hands of a number of potent organised crime groups.¹³ There are similarities between people smuggling and trafficking, but according to Europol the distinction between these two phenomena lies in the extent to which the person engages voluntarily with the trafficker/smuggler. According to Europol's operational definition of trafficking in human beings, the difference is that people '*...who pay a smuggler to gain illegal entry to a country do so voluntarily whereas the victims of human trafficking are often duped or forced into entering another country.*'¹⁴ Two Danish sources, with empirical knowledge gained through repeated, in-depth interviews with young Moroccan boys and men who had been trafficked, emphasised that it is difficult to distinguish between smuggling and trafficking at an operational level. According to their experience, the relationship between the

⁷ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 13; MPC, *Morocco: The Demographic-Economic Framework of Migration, the legal Framework of Migration, The Socio-Political Framework of Migration*, June 2013, [url](#); CCME, *La convention de la main d'œuvre Maroc-Belgique a 50 ans*, 16 February 2014, [url](#)

⁸ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 13; MPC, *The Demographic-Economic Framework of Migration, the legal Framework of Migration, The Socio-Political Framework of Migration*, June 2013, [url](#)

⁹ The largest group of people entering were persons of unknown nationality; the third largest group with 733 crossings were persons from Algeria. Frontex - European Border and Coast Guard Agency, *Migratory Map*, n.d., [url](#)

¹⁰ Western Embassy: 1

¹¹ Frontex - European Border and Coast Guard Agency, *Migratory Routes, Western Mediterranean Route*, n.d., [url](#)

¹² CEAR, *Refugees and migrants in Spain: the invisible walls beyond the southern border*, 2017, [url](#), p. 5

¹³ Europol mentions in its report the following organised criminal groups: Nigerian networks, other African networks, Vietnamese groups, South American networks, Albanian-speaking networks and trafficking of Afghans. Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#)

¹⁴ Europol, *Trafficking in Human Beings*, n.d., [url](#)

smuggler/trafficker and the young person/the victim may start out as an agreement, which involves a financial transaction to pay for transport, and then later on turns into a coercive relationship in which the young person is forced into prostitution or criminal activity with the purpose of making money for the smuggler/trafficker.¹⁵ The Danish sources explained that there may have been an agreement between the smuggler and the minor (and possibly his family) at the point of departure to Spain, but once in Europe the contact may be lost and then re-established when the victim is approached or kidnapped by criminal groups.

Europol states that there has been ‘a considerable increase’ in intra-EU trafficking over the past few years.¹⁶ The number of victims of trafficking who are under 18 remains unknown, but the agency expects a rise in that number in the future.¹⁷ According to investigations conducted by the agency from 2015 to 2017, there were 268 trafficking cases where underage victims were involved and these cases included a total number of 985 victims.¹⁸ Europol adds that children in migration are at higher risk of trafficking.

In June 2019 Europol was involved in a police operation against trafficking of minors for sexual exploitation, forced begging and labour exploitation which involved 15 EU member states.¹⁹ During this operation 206 potential victims of trafficking were identified and out of these 53 were minors.²⁰ In the same police operation 34 individuals were arrested for trafficking, and 36 individuals were arrested for other crimes including facilitation of illegal immigration.²¹ According to Europol, trafficking in minors is a particular sort of abusive crime: *‘Traffickers abuse the innocence of children to manipulate their sense of right and wrong. Their identities are often stolen and used by abusers for criminal purposes (mainly benefit fraud). Victims are often indoctrinated and are subjected to severe levels of psychological and physical trauma, without having the means to understand what is happening and why. This negatively affects their behavior as children and will often have an adverse impact on their future adult life.’*²² According to Europol, three of the 22 arrested during the 2018 European police action against trafficking of minors were Moroccans who worked at a reception centre for minors in Asturias, Spain.²³ The Danish sources also knew of examples where members of criminal groups had operated at reception centres for minors in Denmark.²⁴

¹⁵ Danish Centre against Human Trafficking and the Danish Red Cross Asylum *cit in* Denmark, DIS, *Morocco: Baggrundssoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

¹⁶ In 71 % of the cases victims were EU citizens (Europol, *Trafficking in Human Beings*, n.d., [url](#)).

¹⁷ Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#), p. 6

¹⁸ Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#), p. 11

¹⁹ The countries which participated in the this police action were Austria, Bulgaria, Croatia, Germany, Hungary, Iceland, Latvia, Lithuania, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.

²⁰ The nationalities of the victims are not stated by Europol.

²¹ Europol, *70 arrests in pan-European action against child trafficking*, 9 August 2019, [url](#)

²² Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#), p. 8

²³ Europol, *More than 100 children smuggled from Morocco to Spain: Police hit two organised crime groups*, 22 June 2018, [url](#)

²⁴ Danish Centre against Human Trafficking and the Danish Red Cross Asylum *cit in* Denmark, DIS, *Marokko: Baggrundssoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

Moroccan citizens are among those nationalities listed by Europol as victims of trafficking in Europe. In 2018, Europol coordinated a trans-European police action about trafficking from Morocco to Spain. According to a press release, 28 members of criminal networks were arrested and the agency found that more than 100 children had been smuggled from Morocco to Spain.²⁵ The country of origin of the victims is not stated in the Europol press release. In the same press release, Europol describes the criminal groups behind this trafficking as 'professional and well-organised' and adds that the police seized 'numerous' falsified ID-documents during the 2018 police action. The agency adds that the criminal groups were well connected in Morocco and had charged the victims or their families between 2,000 and 8,000 euros for the trip. Furthermore, Europol writes that the victims of trafficking were instructed by the traffickers to let the European authorities believe that they were underage once they reached a refugee reception centre.²⁶ To exemplify how Moroccans are recruited into trafficking, Europol notes in a report from 2018 that Moroccan children as young as 11 to 16 had been encouraged to join 'the party scene' in their country of origin and then later on forced into prostitution abroad.²⁷

Moroccans as victims of trafficking: profile

According to sources, the majority of Moroccans who are victims of trafficking in Europe are boys and young men.²⁸ This is in line with the fact that the majority of unaccompanied minors from Morocco who travel to Europe are males.²⁹ Europol states that sexual exploitation and trafficking of minors, who are male, is particularly under-reported in the EU.³⁰

According to a previous study, knowledge about the profile and situation of unaccompanied minors, victims of trafficking or not, is limited.³¹ This statement was corroborated by two organisations that work with young Moroccans who have been subject to trafficking. These sources stated that it is difficult to describe in detail the profile of the Moroccan victims of trafficking, in particular those who are minors.³² The two Danish organisations advised that this group is an understudied topic.³³ According to the Western Embassy in Morocco, the majority is from the Rif-area and of Berber/Amazigh origin. The same source stated that these regions have a troubled history with Rabat and people from there are perceived as 'trouble makers' by the Moroccan leadership. A typical profile would be a young man under 18 years, without a high level of

²⁵ Europol, *More than 100 children smuggled from Morocco to Spain: Police hit two organised crime groups*, 22 June 2018, [url](#)

²⁶ Europol, *More than 100 children smuggled from Morocco to Spain: Police hit two organised crime groups*, 22 June 2018, [url](#)

²⁷ Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#), p. 17

²⁸ UNICEF Comité Español, *Los Derechos de los Niños y Niñas Migrantes no Accompañados en la Frontera sur Española*, February 2019, [url](#), p. 97; Western Embassy: 4; Denmark, DIS, Marokko: *Baggrundsoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

²⁹ Denmark, DIS, Marokko: *Situation of Unaccompanied Minors*, 21 March 2017, [url](#); Denmark, DIS, Marokko: *Baggrundsoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

³⁰ Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#), p. 6

³¹ Denmark, DIS, Marokko: *Baggrundsoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

³² IOM: 13; UNICEF Morocco: 24

³³ Denmark, DIS, Marokko: *Baggrundsoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

formal schooling, originating from rural areas and lacking a livelihood.³⁴ According to a French interview-based study, many had been living on or off the streets in the coastal cities of northern Morocco in the period of time up to their departure to Europe, with little or poor contact with their families.³⁵ Another source stated that many migrants are well-connected with family members in Europe, in particularly in Holland or in Belgium.³⁶ This description is in line with findings from a previous study undertaken by DIS in 2016 about unaccompanied minors who return to Morocco from Europe.³⁷ Economic difficulties combined with poor employment opportunities for many low- and high-skilled young people, in a situation where unemployment rates are estimated to reach 28 % among people aged 15 to 34 years, are among the most important drivers for illegal migration, according to IOM, USAID and a national NGO which were interviewed for the 2016 study.³⁸ Although many Moroccans are increasingly completing tertiary education, many young Moroccans experience that they lack the required employability skills to be able to get a position in the job market according to the same USAID source. According to the Director of the National Mutual Assistance (*Entraide Nationale*), one of the enabling factors for illegal migration is the support by the family. Albeit many of the young people who live in the streets are potentially eager to migrate, few attempt to do so without some level of moral encouragement and financial backing from the family. Europol also points to the involvement of the families in the recruitment of children as a common pattern across countries.³⁹

Another group of Moroccans, who are at risk of trafficking and exploitation for sex work, is young women brought from the countryside to the city where they will work as nannies. They are often abused in a variety of ways by their employers. Some of them will be trafficked to the Gulf States.⁴⁰

According to the Western Embassy, it is characteristic that the problem of young Moroccans ending as victims of trafficking in Europe is a non-issue in the national media in Morocco. Likewise, it is not an issue on the agenda among policy makers.⁴¹ If there is discussion of trafficking in human beings, it is about the situation of women who have been forced into sex work, and not about males who have been coerced into criminal activities and prostitution.⁴²

Situation in Europe

According to the Spanish Refugee Aid Commission, all migrants who arrive illegally by boat at the Spanish coasts, and who are either rescued or apprehended by the authorities, are detained by the National Police or Civil guard (depending on the territorial demarcation).⁴³ Identification and fingerprinting will be carried out during their time with the National Police (or Civil Guard). According to the same source, there is “practically” no identification made of potential victims of trafficking in the towns of Almeria, Malaga,

³⁴ Western Embassy: 4

³⁵ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), pp. 17-21

³⁶ Western Embassy: 4

³⁷ Denmark, DIS, *Morocco: Situation of Unaccompanied Minors*, 21 March 2017, [url](#)

³⁸ IOM: 110; USAID: 60; Bayti: 110 cit in Denmark, DIS, *Morocco: Situation of Unaccompanied Minors*, 21 March 2017, [url](#)

³⁹ Europol, *Criminal Networks Involved in the Trafficking and exploitation of Underage Victims in the European Union*, October 2018, [url](#), p. 7

⁴⁰ Western Embassy: 4; USDO, *2019 Trafficking in Persons Report: Morocco*, 20 June 2019, [url](#)

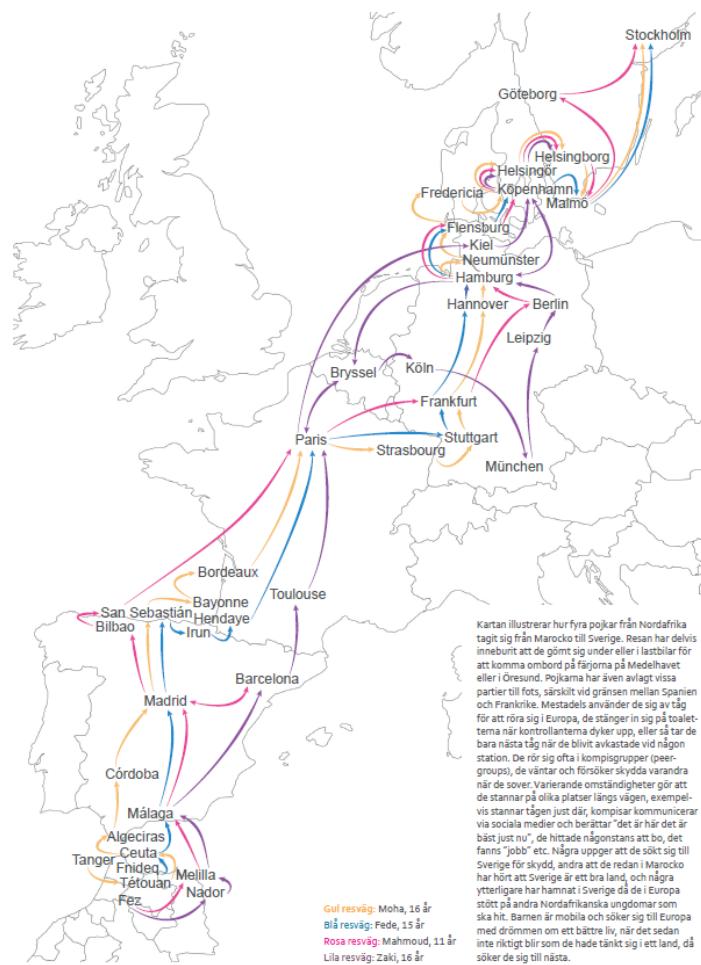
⁴¹ Western Embassy: 5-6

⁴² Western Embassy: 5-6

⁴³ CEAR, *Refugees and migrants in Spain: the invisible walls beyond the southern border*, 2017, [url](#), p. 10

Motril or Cadiz.⁴⁴ Those migrants who are recognised as minors by the authorities are referred to a special public institution charged with the responsibility for youth and adolescents (*Direcció General d'Atencio a la Infànciò i l'Adolescència*).⁴⁵ Minors may be granted a residence permit which is likely to be renewed once the person turns 18. However, this is not automatically followed with a work permit. One precondition for gaining a work permit is that the minor has not resided outside of Spain for the past six consecutive months. However, according to a French study, many of the Moroccan minors are unaware of this condition and travel outside of Spain and thereby lose their residence permit.⁴⁶ Figure 1 offers an example of itineraries from Morocco through northern Europe which have been undertaken by four different young Moroccan males.

Figure 1, Illustration of the routes employed by four unaccompanied minor Moroccans



Source: Bredow, Maria von, 'De kan alltid hitta mig' ['They can always find me'], 2018, [url](#), p. 20

As it appears from figure 1, the young men have made numerous stops on their way from Fez, Tétouan, Mellila or Ceuta before they finally reach the end destination, which in three cases were Stockholm.

⁴⁴ CEAR, *Refugees and migrants in Spain: the invisible walls beyond the southern border*, 2017, [url](#), p. 19

⁴⁵ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 26

⁴⁶ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 29

According to a French study based on interviews with numerous young Moroccans in Paris, some had stayed in 15 cities in Europe over a period of three years.⁴⁷

Through their journey from Southern to Northern Europe, the migrants gain connections and language competencies. According to several sources, Moroccans are often multi-lingual.⁴⁸ According to Danish Centre against Human Trafficking and the Danish Red Cross Asylum, who had had extensive contact with Moroccan victims of trafficking in Denmark, many of the young boys and men explained that they have been kidnapped and detained by organised crime groups at various points in Europe. They had been exposed or forced to intense and purposeful alcohol and drug consumption by the traffickers who used a variety of methods to manipulate them into being willing to taking higher risks during their criminal activities.⁴⁹ According to the same sources, many of the victims had witnessed extreme violence or had committed acts of violence themselves. Furthermore, the source stated that excessive use of drugs and alcohol had been harmful to the young people and affected their cognitive skills, including their control of impulses and had made them less risk-adverse.⁵⁰ According to two Danish sources and a French study, the hardship of moving through Europe, keeping connections and making money through criminal activities can be so enduring, that a prison sentence may be seen as a possibility to break away from drugs.⁵¹

Legal framework

Existing legal framework

In Morocco, a law again against trafficking was adopted 25 August 2016, namely Law 27-14. This law defines human trafficking⁵², penalties, exemptions, state responsibilities and tasks. The possible penalty of human traffickers varies in correlation with the severity of the crime committed. The lowest punishment for committing human trafficking is imprisonment between 5 and 10 years and a fine of 10,000 to 500,000 dirhams,⁵³ and depending on the severity of the crime, the penalty can be up to 30 years of imprisonment and a fine between 6,000,000 and 10,000,000 dirhams.^{54, 55} It is noted in the law that trafficking of minors results in a more severe sentence.⁵⁶

In case the offense is committed by organised criminal groups or a transnational network, the offense is punishable with a prison sentence of 20 – 30 years and a fine between 1,000,000 and 6,000,000 dirhams,⁵⁷

⁴⁷ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 8

⁴⁸ Western Embassy: 4; Denmark, DIS, *Marokko: Baggrundssoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

⁴⁹ Denmark, DIS, *Baggrundssoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#), pp. 5-6

⁵⁰ Denmark, DIS, *Marokko: Baggrundssoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

⁵¹ Peyroux, O., *Recherche-action sur la situation des mineurs non accompagnés marocains*, April 2018, [url](#), p. 36; Denmark, DIS, *Marokko: Baggrundssoplysninger om marokkanere der er ofre for menneskehandel*, [Background information about Moroccan victims of human trafficking], 18 March 2019, [url](#)

⁵² Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 1, 448.1

⁵³ Corresponding to approximately 1,000 and 50,000 USD

⁵⁴ Corresponding to approximately 600,000 and 1,000,000 USD

⁵⁵ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 1, 448.2-448.10

⁵⁶ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 1, 448.4 and 448.10

⁵⁷ Corresponding to approximately 100,000 to 600,000 USD

which gives the possibility of the most severe penalty described in the law.⁵⁸ The severest fine is up to 10,000,000 dirhams⁵⁹ that can be given to a legal entity who commits the offense of trafficking in human beings.⁶⁰

Article 1, 448.14, in Law 27-14 promulgates that victims of trafficking will not be punished for any act committed under duress. Some trafficked Moroccans are in a situation of having committed illegal emigration, which according to Law 02-03 from 2003⁶¹ is a criminal offense. The Code of Criminal Procedure (CPP)⁶² from 2011, which includes the reinforcement of differential treatment between adults and children in conflict with the law, gives a judge the authority to decide whether a minor may be prosecuted for illegal emigration or not.⁶³

The Law 27-14 furthermore defines the responsibilities of the State in the fight against trafficking, which, according to the law, includes assuring, under the constraint of available resources, the protection, medical needs, psychological and social assistance, accommodation for victims, legal assistance, rehabilitation, and voluntary return to country of origin.⁶⁴ Articles 6 and 7 define the mandate and the tasks of the National Commission on Human Trafficking (*Commission Nationale chargée de la Coordination des Mesures ayant pour but la Lutte et la Prévention de la Traite des Ètres Humains*). This includes defining policy and elaborating an action plan, observing developments, prevention, protection of victims and evaluation. The Commission has a coordinating role between relevant authorities, national organisations and international organisations.⁶⁵

The tasks also include, among other things, establishing a database, developing educational programmes, research, and producing an annual report.^{66, 67}

There is an inter-ministerial working group consisting of different representatives from ministries that meet at an ad hoc basis.⁶⁸ In May 2019, the government established the National Commission on Human Trafficking.⁶⁹ It has not been possible to find any documentation for the Commission's activities.

⁵⁸ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 1, 448.5

⁵⁹ Corresponding to approximately 1,000,000 USD

⁶⁰ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 1, 448.6

⁶¹ Royaume du Maroc, *Loi N° 02-03*, 11 November 2003, [url](#)

⁶² Royaume du Maroc, *Code de Procédure Pénale*, 27 October 2011, [url](#)

⁶³ UNICEF Morocco: 28

⁶⁴ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 4

⁶⁵ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 7

⁶⁶ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 7

⁶⁷ The Decree N°7-17-740 specifies the National Commission further: Royaume du Maroc, *Décret N°7-17-740*, 6 July 2018, [url](#)

⁶⁸ Western Embassy: 11

⁶⁹ Western Embassy: 11; IOM: 23; FLDF: 65

Implementation of the law

The interviewed sources with knowledge about the implementation of the legal framework on trafficking concurred that even though the legal framework exists, the implementation remains insufficient.⁷⁰

In 2018, 80 potential trafficking cases were investigated by the Moroccan authorities, 231 alleged traffickers were involved in the cases, 16 cases resulted in prosecution and there were five convictions.⁷¹

According to the Western Embassy interviewed, the legal framework related to the protection of victims of human trafficking in Morocco is well developed and in conformity with international standards. There are clearly aspects to the laws that international organisations and western governments have pressured Morocco to modify and to change. However, enforcement of existing laws is insufficient and weak.⁷²

Furthermore, the source noted that the penalties under the law are sufficiently stringent, but the source noted that regarding human trafficking the prescribed penalties are not enforced stringently. The source advised that the fact that the prosecutors, judges and magistrates have a limited understanding of trafficking poses a problem, and that they have received insufficient training in application of the law. The source opined that the legal system in Morocco is imbued with systemic errors that hinder it in recognising perpetrators of human trafficking and victims hereof.⁷³

UNICEF Morocco stated that even if the legal framework is in place, there still is a lack of appropriate data collection mechanisms enabling better understanding of the prevalence, patterns, trends and manifestations of trafficking in Morocco. There is furthermore a lack of procedures for the proactive identification of victims of trafficking; little action has been taken to investigate child trafficking, prosecute, convict and punish traffickers; and lack of shelters for victims of trafficking. Public shelters hosting women and children who are victims of violence lack financial and human resources and no adequate assistance is available to victims of trafficking.⁷⁴

Available assistance to victims of trafficking

According to the western embassy, the government appears to be quite overwhelmed and ill-equipped to handle the day-to-day receiving and processing cases of trafficking victims. Furthermore, the same source informed that there is no formal victim referral service offered by the authorities.⁷⁵

In a national police action, the Moroccan authorities identified 131 victims in Morocco in 2018. 85 foreign and 37 Moroccan victims were referred to the Ministry of Justice or civil society organisations (CSO) for assistance.⁷⁶ In practice, the government has outsourced the responsibility of identifying and providing assistance to trafficking victims to a number of civil society organisations, including religious organisations (e.g. churches). These organisations primarily offer assistance and protection to women and children; the

⁷⁰ Western Embassy: 7; UNICEF Morocco: 25, 27

⁷¹ USDOS, 2019 *Trafficking in Persons Report: Morocco*, 20 June 2019, [url](#)

⁷² Western Embassy: 7

⁷³ Western Embassy: 8

⁷⁴ UNICEF Morocco: 27

⁷⁵ Western Embassy: 9

⁷⁶ USDOS, 2019 *Trafficking in Persons Report: Morocco*, 20 June 2019, [url](#)

source had no knowledge of any organisation offering protection and assistance to male victims of trafficking.⁷⁷

Regarding trafficked minors, although the specific law has existed since 2016, the mechanisms required to assist victims of trafficking are largely lacking, according to UNICEF Morocco. This is for example the lack of appropriate structures and shelters to accommodate victims of trafficking; the lack of adequate assistance for victims of trafficking, the lack of specialised psychological, medical and social assistance services. The lack of interpreters and legal assistance during the judicial process and interrogation in Morocco is also one of the obstacles preventing these children from benefiting fully from fair and equitable trials.⁷⁸ Law 27-14 defines a minor as under the age of 18 years.⁷⁹ The law does not differentiate between trafficked minors under or above the age of 16.

Migrants and victims of trafficking in Morocco often lack basic knowledge about their rights and possibilities under Moroccan law and about how to claim their rights. Some CSOs offer legal aid to migrants.⁸⁰

IOM offers a range of services to victims of trafficking who return on a voluntary basis.⁸¹ In 2017, IOM assisted six victims of trafficking upon their return to Morocco, in 2018 11 and in the first five months of 2019 nine victims of trafficking; all were individuals who returned from Turkey.⁸² All Moroccan nationals who contact IOM Morocco after their voluntary return have access to information and guidance towards services providers. They are also offered a reintegration package, depending on the programme that the returnee has benefitted from in the host country. Overall, the reintegration assistance in Morocco includes:⁸³

- a. Tailored reintegration packages in cash and in kind. The in kind reintegration assistance can support (i) the creation or reinforcement of a micro-business (ii) a job placement (iii) a vocational training (iv) housing and material assistance;
- b. Counselling and information;
- c. Guidance and referrals to service providers according to the needs/vulnerabilities
- d. Mentorship and close accompaniment;
- e. Psychosocial support sessions (individually or in groups with other returnees).

IOM provided a list of CSOs that work on issues related to assistance to vulnerable migrants. IOM supports and strengthen the capacity of several CSOs. The list includes but is not restricted to the following organisations:⁸⁴

- Maroc Solidarité Médico-sociale (MS2)
- Tadamon
- Association Bayti

⁷⁷ Western Embassy: 10

⁷⁸ UNICEF Morocco: 25

⁷⁹ Royaume du Maroc, *Loi N° 27-14*, 25 August 2016, [url](#), Article 1, 448.4 and 448.10

⁸⁰ Western Embassy: 12

⁸¹ IOM: 16

⁸² IOM: 18

⁸³ IOM: 16

⁸⁴ IOM: 20

- Initiative pour la Protection des Droits des Femmes
- Comité Européen pour la Formation et l’Agriculture
- Réseau Marocain de l’Économie Sociale et Solidaire
- Association Tissaghnasse pour la Culture et le Développement
- Collectif des Communautés Subsahariennes au Maroc

Fédération des Ligues des Droits des Femmes (FLDF), a Moroccan civil society organisation working on the promotion of women’s rights, informed that, to the best of their knowledge, there does not exist any organisations in Morocco which assists trafficked Moroccan males.⁸⁵

Available state protection for victims of trafficking who return to Morocco

As indicated in the section ‘*Situation in Europe*’ those individuals who are victims of trafficking may be involved in criminal activities while they are still in Morocco and about to leave for Europe, as well as during their stay in Europe. This involvement may include, but might not be restricted to, illegal exit: it is punishable to leave the Moroccan territory in secret and without valid travel documents; the punishment is a fine from 3,000 to 10,000 dirhams⁸⁶ and prison between one and six months, according to Law 02-03.⁸⁷ Thus, if and when victims of trafficking return to Morocco, whether deported or voluntarily, they might be in a situation of dual vulnerability: at the same time at risk of repercussions from the criminal group which were involved in their original trafficking, and at risk of being accused of one or several infringements of the law by the authorities.⁸⁸

In this case, the approach of the government depends on whether the concerned victim is a minor or an adult. All Moroccan citizens, whether adults or minors, who are victims of trafficking, may, according to the legal expert, ask the police for protection, if they fear being at risk of repercussions from their traffickers.⁸⁹ They can go directly to the local police station in town and ask to file a complaint; citizens living in the rural areas can go to the Royal gendarmerie. It is also possible to depose a complaint directly with the Public prosecutor.⁹⁰ This is the indicated procedure regardless of whether the complainant is under 18 or an adult. However, sometimes the officer in charge may request the presence of the minor’s legal guardian.⁹¹ A complaint may be submitted orally without written support, except if it is submitted to the office of the Public prosecutor, then it must be in writing.⁹² All of these steps are free of charge.⁹³ A person who considers himself at risk of violence (physical threats) could go directly to the police station or the Royal Gendarmerie to seek protection.⁹⁴ However, in practice, according to the legal expert, the authorities do

⁸⁵ FLDF: 69

⁸⁶ Corresponding to approximately 300 to 1000 USD

⁸⁷ Royaume du Maroc, *Loi N° 02-03*, 11 November 2003, [url](#)

⁸⁸ Denmark, DIS, *Morocco: Situation of Unaccompanied Minors*, 21 March 2017, [url](#)

⁸⁹ Legal expert: 33

⁹⁰ Legal expert: 33

⁹¹ Legal expert: 34

⁹² Legal expert: 35

⁹³ Legal expert: 39

⁹⁴ Legal expert: 40

not take threats of violence against people seriously. Furthermore, according to the same source, the authorities do not have the means to offer protection in the absence of social protection centres or shelters which can provide accommodation to victims at risk of acts of violence.

In principle, the Code of Criminal Procedure⁹⁵ does not contain any provision obliging judicial police officers to systematically register a complaint, so it may happen that judicial police officers refuse to register the victim's complaint. By contrast, any complaint with the office of the Public prosecutor must – as they are submitted in writing – be systematically recorded in a register with a serial number, and the victim must be informed of the follow-up given to his complaint.⁹⁶

However, the legal expert stated that there is no specific legal instrument that offers this protection to a person who has committed a crime and the source added that it is very difficult for a person who has committed a crime to convince the police to protect him, except in the case of crimes committed as part of self-defence.⁹⁷ What happens is that the police may refer the victim of violence or in need of protection to a social protection centre or a shelter; but the source also emphasised that there is no legal instruction stating that the police must accept a request for protection by a potential victim.⁹⁸

For minors, there is a system in place aiming at rehabilitating children in need of special protection and who have been accused of committing offences or found guilty in involvement in criminal activities.⁹⁹ According to the Director of the National Mutual Assistance (*Entreaide Nationale*), under-aged migrants who return to Morocco may benefit from social protection services provided that they are registered by the authorities by inclusion in the category of children in difficult situations.¹⁰⁰ This is determined by a juvenile court judge in a first instance court who assesses whether a child in conflict shall be considered as a child in a difficult situation and under which kind of rehabilitation he or she should be placed. As for minors in conflict with the law, the judge may decide to place the child in a juvenile detention institution or in a child protection centre under the Ministry of Youth and Sports. A person under 18 who returns from abroad and appears to the authorities as having no contact with his or her family or guardians may be recognised within the social category 'a child in a difficult situation' and thereby benefit from the social protection services available to this group of citizens, according to UNICEF Morocco.¹⁰¹ However, UNICEF Morocco was not in a position to offer more detailed examples of this being practiced.

⁹⁵ Royaume du Maroc, *Code de Procédure Pénale*, 27 October 2011, [url](#)

⁹⁶ Legal expert: 36

⁹⁷ Legal expert: 42

⁹⁸ Legal expert: 43, 47

⁹⁹ National Mutual Assistance [*Entreaide Nationale*] cit in Denmark, DIS, Morocco: *Situation of Unaccompanied Minors*, 21 March 2017, [url](#)

¹⁰⁰ Article 513 'a child in a difficult situation' (translation from French, Appendix D): "A minor under the age of sixteen (16) is considered to be in a difficult situation when his or her physical, intellectual, mental, moral security or his or her education is exposed to danger due to his or her contact with delinquents or persons who are exposed to crime or known for their misbehavior or who have a criminal record or if he or she rebels against the authority of his or her parents, of the person who has custody of the minor, of his or her guardian, of his or her kafil, of the person or institution being in charge of his or her protection, or if he or she has the habit of fleeing from the educational institution where he or she receives his or her studies or education or if he or she has left his or her home or if he or she does not have a suitable place to stay". Royaume du Maroc, *Code of Penal Procedure*, 3 octobre 2002, [url](#)

¹⁰¹ UNICEF Morocco: 30

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Appendix A: Notes (English version)

1. Western Embassy, Morocco

Telephone interview

17 June 2019

Migration patterns – routes, trends and trafficking profile

1. Acknowledging that Morocco is a country of destination, transition and departure of migrants and of people who are subject to human trafficking, this well-informed source noted that the majority of those migrants leaving Morocco for Europe are West Africans. Out of the group of migrants leaving Morocco by sea to Spain, an estimated 30-40 % of the people in the boats were Moroccan nationals.
2. Once in Spain, Moroccan nationals are unlikely to be granted refugee status by the Spanish authorities; the Spanish authorities have also adopted a fast and efficient approach to returning Moroccan asylum seekers. Hence, Moroccan migrants do not stay in Spain but move on rather quickly to other European countries.
3. When asked about new trends in migration patterns, the source noted a 125 % increase in people from Sub-Saharan Africa seeking to reach Spain and later on Europe through Morocco. This increase was explained with the fact that the routes through Italy and Greece are closing and the fact that the situation in Libya has become increasingly dangerous for migrants. Morocco is perceived as the most lenient country in the MENA region towards migrants. The government has intensified its diplomatic contact with countries in the West African region, especially West African francophone countries and the government has continued its regularisation efforts to grant legal status to migrants from West Africa and other African countries.
4. When asked about the migrant profile, the source answered that the majority are from the Rif-area and of Berber/Amazigh origin. These regions have a troubled history with Rabat and people from there are perceived as ‘trouble makers’ by the Moroccan leadership. A typical profile would be males under 18, without a high level of formal schooling, coming from the rural areas and lacking a livelihood. Many migrants are well-connected with family members in Europe, in particular in Holland or in Belgium. Moroccans are often multi-lingual. Another profile is young women brought from the countryside to the city where they will work as nannies. They are often abused in a variety of ways by their employers. Some of them will be trafficked to the Gulf States.

Voluntary return and deportations of migrants

5. The source advised that the topic of human trafficking of Moroccans nationals is a sensitive topic to discuss with the government. This will reflect in any discussion with the government of the issue of return of migrants; an issue which the government will be reluctant to address. This is in particular the case for Moroccan nationals who have committed a crime while in Europe.

6. The source advised that most organisations in Morocco are engaged in the topic of women and children who are victims of human trafficking. Few have contact with Moroccans who have experienced human trafficking in Europe and who return to Morocco from Europe. Asked about how those victims would be perceived by the authorities, the source suggested that they would most likely be looked down upon and perhaps seen as 'trouble makers' or as criminals.

Legal framework

7. The legal framework related to the protection of victims of human trafficking in Morocco is well developed and in conformity with international standards on paper. There are clearly aspects to the laws that international organisations and western governments have pressured Morocco to modify and to change. However, enforcement of existing laws is insufficient and weak.
8. Asked about whether the penalties under the law are sufficient stringent the source noted regarding human trafficking the prescribed penalties are not enforced stringently. The source suggested that if the penalties related to trafficking were more severe, the crime of trafficking might be taken more seriously. The source advised that rather than the prescribed penalties, it is the fact that the prosecutors, judges and magistrates have a limited understanding of trafficking that poses a problem. They have received insufficient training in application of the law. The source opined that the legal system in Morocco is imbued with systemic errors that hinder it in recognising perpetrators of human trafficking and victims hereof.

Government interventions to protect and receive victims of trafficking

9. Asked about which efforts the government maintains to identify and protect trafficking victims, the source advised that the government appears to be quite overwhelmed and ill-equipped to handle the day-to-day receiving and processing cases of trafficking victims. There is no formal victim referral service offered by the authorities.
10. In practice, the government has outsourced the responsibility of identifying and providing assistance to trafficking victims to a number of civil society organisations, including religious organisations (e.g. churches). These organisations do primarily offer assistance and protection to women and children; the source had no knowledge of any organisation offering protection and assistance to male victims of trafficking.
11. There is an inter-ministerial working group consisting of different representatives from ministries that meet at an ad hoc basis. In May, the government established an inter-ministerial anti-trafficking Committee with an executive under the auspices of the Prime Minister's Office. The Committee is the primary focal point for implementing trafficking recommendations.
12. Migrants and victims of trafficking in Morocco often lack basic knowledge about their rights and possibilities under Moroccan law and about how to claim their rights. Some civil society organisations offer legal aid to migrants.

2. International Organization for Migration (IOM)

Interview by email correspondence

4 July 2019

The objective of IOM in Morocco is to assist the Kingdom of Morocco, including governmental and non-governmental actors, in all areas that relate to migration management at the policy and operational level, and in line with the National Strategy for Immigration and Asylum (SNIA). IOM in Morocco is active in three key areas: first protection and resilience, then migration, development and governance and lastly youth support.¹⁰² In the field of migrants' protection and resilience, IOM Morocco aims inter alia to assist national as well as non-national vulnerable irregular migrants returning to and seeking to reintegrate into their country of origin.

Trafficking profile

13. Asked about the general situation of trafficking victims and their profiles, IOM Morocco stated that it cannot provide general figures on the profile of victims of trafficking from Morocco. The information available concerns only victims of trafficking who returned voluntarily to Morocco with IOM's support. In the past two years, all returnees who were identified as victims of trafficking were female migrants who were aged 25 in average.

The legal framework

14. Asked about whether the legal framework, in particular Law 27-14 which criminalises sex and labour trafficking is sufficient to protect Moroccan minors and adults against trafficking and to punish traffickers, IOM Morocco advised that it has not conducted any research to assess the efficiency of the Moroccan law and its implementation. National authorities would be in a better position to provide up-to-date information.

IOM's role

15. IOM Morocco is not involved in any of the phases of deportation or forced returns to Morocco and does not provide any assistance to deportees whatsoever. This applies regardless of the type of vulnerability of the migrants, including victims of trafficking. IOM works solely on the protection and assistance to victims of trafficking who choose to return voluntarily to Morocco under the AVRR (Assisted Voluntary Return and Reintegration) programmes that are being implemented by IOM in several European countries.
16. When it comes to reintegration assistance, IOM Morocco offers a range of services to all the beneficiaries including victims of trafficking. All Moroccan nationals who contact IOM Morocco after their voluntary return have access to the same amount of information and guidance towards services providers. To date, the reintegration packages, meaning the amount that the returnee is entitled to, and the type of activities that are eligible, are determined by the programme that the returnee has benefitted from in the host country. Overall, the reintegration assistance in Morocco includes:

¹⁰² IOM Morocco, <http://ma.one.un.org/content/unct/morocco/fr/home/agencesun/OIM.html>

- a. Tailored reintegration packages in cash and in kind. The in-kind reintegration assistance can support (i) the creation or reinforcement of a micro-business (ii) a job placement (iii) a vocational training (iv) housing and material assistance;
 - b. Counselling and information;
 - c. Guidance and referrals to service providers according to the needs/vulnerabilities
 - d. Mentorship and close accompaniment;
 - e. Psychosocial support sessions (individually or in groups with other returnees).
17. Upon request from other missions in Europe or elsewhere in the world, IOM Morocco continues to support the tracking of minors' families in Morocco to conduct family assessment and provide information to competent authorities in the host country with the objective to determine the best interest of the child. In general, IOM facilitates family reunification only when (i) the return is voluntary (ii) the minor will return to his family (iii) the family accepts the return and agrees to care of the child.
18. IOM assistance to voluntary returnees and to victims of trafficking (VoTs)

	2016	2017	2018	2019 (up to 31 May 2019)
Total voluntary returnees assisted by IOM Morocco	490	172	130	54
Moroccan VoTs assisted by IOM Morocco		6	11	9

All Moroccan VoTs mentioned in the table above and assisted for a reintegration returned from Turkey.

19. IOM Morocco has not conducted any research lately on how a minor who returns to Morocco could be recognized as '*enfant dans une situation difficile*' by the authorities.

Civil society interventions

20. IOM advised that there are several CSOs in Morocco that work on issues related to the assistance to vulnerable migrants. Over the past five years, IOM Morocco has put an emphasis on strengthening the capacity of many CSOs and supporting their action. A list includes but are not restricted to the following organisations:

- Maroc Solidarité Médico-sociale (MS2)
- Tadamon
- Association Bayti
- Initiative pour la Protection des Droits des Femmes
- Comité Européen pour la Formation et l'Agriculture
- Réseau Marocain de l'Économie Sociale et Solidaire
- Association Tissaghnasse pour la Culture et le Développement
- Collectif des Communautés Subsahariennes au Maroc

Government interventions to protect potential victims of trafficking

21. Asked about to which extent it is possible for a minor or an adult who fear being trafficked to seek protection by the authorities, IOM noted that in 2016, Morocco adopted the Law 27-14 to fill the legal gap in the fight against trafficking in persons.

Government interventions to receive victims of trafficking

22. When asked to which extent the authorities differentiate between victims of trafficking who are minors and victims who are adults in the treatment of victims who return to Morocco or whether a victim who have broken the law himself and who fear repercussions by traffickers – to seek protection with the authorities – IOM Morocco noted that the organization does not have enough information to provide a concrete feedback.
23. According to IOM, a National Commission was launched in May 2019 with the purpose of coordinating the fight against human trafficking in Morocco.

3. UNICEF Morocco

Interview by email correspondence

5 August 2019

UNICEF is a specialised humanitarian and development UN agency with a mandate to promote the rights and wellbeing of children and youth in the world. UNICEF works through and with local partners as well as with national governments providing technical and financial assistance in the field of child rights protection. UNICEF Morocco is particularly concerned with addressing the needs of vulnerable children through education, health, nutrition, childhood protection and social inclusion programmes.

Trafficking profile

24. Asked about the profile of the 68 % Moroccan minors migrating to Europe via the Spanish border, which are referred to in a Spanish UNICEF report from February 2019¹⁰³, UNICEF Morocco replied, that one of the points mentioned on page 6 in the same report is that “*there is no disaggregated data nor sufficient and trustworthy quantitative and qualitative information to establish these kinds of classifications. The situation of migrant children is far more complex and changeable and does not respond to predetermined profiles or labels.*”

The legal framework in Morocco

25. For child victims of trafficking or at risk of being trafficked, although a specific law exists, the mechanisms required to assist victims of trafficking are largely lacking, such as the lack of appropriate structures and shelters to welcome victims of trafficking; the lack of adequate

¹⁰³ UNICEF Comité Español, *Los Derechos de los Niños y Niñas Migrantes no Accompañados en la Frontera sur Española*, February 2019, [url](#)

assistance for victims of trafficking, the lack of specialized psychological, medical and social assistance services. The lack of interpreters and legal assistance during the judicial process and interrogation investigations in Morocco is also one of the obstacles preventing these children from benefiting fully from fair and equitable trials.

26. Victims of trafficking, especially girls, have difficulty accessing justice. Associations willing to provide shelter or medical or legal support to victims can only rely on contacts and informal networks to do so.
27. Even if the legal framework is in place, there still is a:
 - Lack of an appropriate data collection mechanism to better understand the prevalence, patterns, trends and manifestations of trafficking in Morocco;
 - Lack of procedures for the proactive identification of victims of trafficking;
 - Little action has been taken to investigate child trafficking, prosecute, convict and punish traffickers;
 - Lack of shelters for victims of trafficking. Public shelters hosting women and children who are victims of violence lack financial and human resources and no adequate assistance is available to victims of trafficking.
28. The Code of Criminal Procedure (CPP)¹⁰⁴ includes the reinforcement of the difference of treatment between adults and children in conflict with the law. However, because illegal emigration is considered a crime under Law 02-03, the new CPP gives the juvenile judge the power to decide whether the child, once presented to the judge, may be prosecuted or not.
29. UNICEF Morocco stated that other shortcomings of the Moroccan legal system include the absence of a text regulating the process of repatriation and reintegration of minor Moroccan migrants. These shortcomings may open the way for abuses where the rights of children can be violated during the repatriation process. The absence of neutral legal representatives of children in this process increases the risks for this type of abuses.

Government interventions to receive victims of trafficking

30. Asked about the treatment of victims of trafficking who return to Morocco, UNICEF Morocco advised that currently, there are no national procedures in place for the reception of unaccompanied minors who return from migration. A person under 18 who returns from abroad and appears to the authorities as having no contact with his or her family or guardians may be recognised within the social category of 'children living in difficult situations' and benefit from the social protection services available to this group of children.
31. Regarding possibilities for returnees, who themselves have broken the law, to seek protection from the authorities, the interlocutor answered that according to Law 02-03 (November 2003) on the entry and residency of foreigners in Morocco and on emigration and irregular immigration, the

¹⁰⁴ Royaume du Maroc, *Code de Procédure Pénale*, 27 October 2011, [url](#)

emigrated minors who left the national territory without a regular travel title and who are returned to the Moroccan territory by the authorities of the State where they entered clandestinely are considered as in conflict with the law. The law includes sanctions for irregular emigration (Article 50: imprisonment from one to six months and a fine of 3000 to 10,000 dirhams or one of these two penalties only for anyone who leaves the Moroccan territory illegally). The repatriated minor therefore risks prosecution and a criminal conviction. The law does not include anything for his reintegration in Morocco.

32. Asked about existing assistance to minors who return to Morocco, UNICEF Morocco noted that the problem is not so much the inadequacy of the law as the inexistence of structures capable of taking care of the child effectively. This care should be organised at the level of the border police to whom the child is handed over by social workers able to find and implement reception facilities adapted to each of these minors. As for the prosecution for irregular emigration, the public prosecutor can completely abandon it if it is in the best interest of the child, given the principle of expediency of prosecution provided for by the Code of Criminal Procedure.

4. Legal expert

Email interview

4 July 2019

Lawyer, expert in migration law and human rights law

How to report a crime

33. A person who has been victim of a crime can go directly to the local police station and ask to file a complaint or for people living the rural areas to the Royal Gendarmerie. It is also possible to file a written complaint with the office of the Public prosecutor.

Persons, including minors, who can file a complaint

34. The presence of a parent or legal guardian is not mandatory in order to file a complaint by a minor. However the officers of the judicial police sometimes do not accept the complaints of a minor in the absence of a legal guardian.

Procedures to follow when filing a complaint

35. It is possible to file a complaint directly and orally at the police stations and the brigades of the Royal Gendarmerie without written support. However, complaints filed with the Public prosecutor must be written.

Whether the police or the gendarmerie can dismiss a complaint

36. The Code of Criminal Procedure does not contain any provision obliging judicial police officers to systematically register a complaint, so it may happen that judicial police officers refuse to register

the victim's complaint. However, the victim may file a written complaint with the Public prosecutor; this complaint is systematically recorded in a register with a serial number, and the victim must be informed of the follow-up given to his complaint.

Limitations periods

37. The limitation periods for criminal offenses are:

- 1 year for contraventions
- 4 years for offenses
- 15 years for crimes

These periods of time begin from the date of the commission of the offense, and are interrupted by any investigation launched by the Office of the Public prosecutor or by the investigating judge. The limitation periods for criminal offenses committed against minors begin from the date on which the minor reaches the legal age of majority.

Institution to which the complaint will be transmitted after receipt

38. Upon reception of a complaint, the judicial police must investigate the case and write a report containing a record of the victim's statements and the statements of the perpetrator who must be summoned; then the report must be transferred to the Public prosecutor who decides on the follow-up. The Public prosecutor can either dismiss the complaint without further action or can decide to prosecute the offender by bringing him to the criminal court.

Fee structure

39. The filing of a complaint is free of charge.

Available protection offered by the authorities

40. A person who considers himself at risk of violence (physical threats) could go directly to the police station or at the Royal Gendarmerie to seek protection. However, in practice, the authorities do not take threats of violence against people seriously. Furthermore, the authorities do not have the means to offer protection in the absence of social protection centres or shelters which can provide accommodation to victims at risk of acts of violence.
41. A minor may contact the authorities alone to seek protection, but the authorities often require the presence of their legal guardian.

Whether a person who has committed a crime can seek protection in case of risk of another offense

42. There is no legal instrument that offers this protection. It is very difficult for a person who has committed a crime to convince the police to protect him, except in the case of crimes committed as part of a self-defense.

Whether the authorities have the right to dismiss the request

43. The authorities usually simply refer the victim to a social protection centre or a shelter. Authorities may also advise women to return to the family home or to the marital home in cases of gender based violence. There is no legal instrument which obliges police officers to accept a request for protection.

Available protection offered by the authorities to a person who feels at risk of an act of violence

44. In the absence of social protection centres, the authorities do not have proper protection mechanisms. The police may also follow a specific procedure in which the aggressor is summoned and demanded to not approach the victim any more. It is a preliminary procedure in which matters are dealt with 'informally'. It is undertaken by women's support units within the Ministère Public and at the police stations. They may intervene in order to remind the violent spouse about the legal consequences that he might be subject to should he continue with this behaviour. This procedure is applied in order to avoid that conflicts within marriage are turned into legal affairs and the outcome is that in most cases the victim of violence will abandon the case due to pressure by her family. So it is a sort of reminder of the law intended to support victims of violence. In case that the aggressor refuses to abandon this behaviour, the spouse will face legal consequences following existing procedures.

45. It is not a mechanism which will be applied automatically; it depends on the willingness of both the spouses in the conflict to engage in this mediation process and to accept the intervention of the indicated units. Law 103-13 against violence against women, which entered into force on September 12, 2018, provides for the establishment of a unit dedicated to the fight against violence against women within the Directorate-General for National Security and within the courts¹⁰⁵.

46. The law also provides protection¹⁰⁶ for women who are victims of gender based violence, namely:

- Notify the offender in case of threats against the victim
- Internment of the victim in a hospital or in a social protection centre

In practice these legal provisions are not actively being used. The insufficient capacity of hospitals and social protection centres is a major obstacle.

The extent to which the authorities offer protection to a person who feels that he/she is at risk of a crime

47. The Moroccan authorities do not automatically offer protection to a person at risk of an offense. The authorities usually react only after an offense has been committed and rarely before. The Moroccan legislator has not provided for legal provisions relating to the protection of the victim

¹⁰⁵ Article 10 in Law 103.13

¹⁰⁶ Article 8 in Law 103.13

that would for example allow assigning police to monitor the home of a victim like in Western countries.

5. Fédération des Ligues de Droits des Femmes (FLDF)

Telephone interview

June 24 2019

The interlocutor, Latifa Bouchoua, is the President of La Fédération des Ligues des Droits des Femmes (the Federation of the Leagues of Women's Rights) (FLDF). FLDF has the status of an NGO in the field of women's rights and was legally registered on April 18 1993 and consists of eight regional sections. It coordinates the Réseau des Femmes Solidaires (RFS) (Network of Solidary Women) which consists of approximately 100 local associations. The task of FLDF is to protect and promote women's rights through socio-educational activities and through advocacy.

The legislation and law application regarding vulnerable groups in Morocco

48. The situation of vulnerable groups in Morocco has improved since the 1990s thanks to the dynamic development of the feminist and human rights movement and to the fact that Morocco opened itself to and accepted human rights standards and mechanisms. Morocco has ratified the majority of international conventions and agreements in this field with certain reservations (e.g. CEDAW) which were partially revised and repealed. As a result of this process and considering a certain evolution of the Moroccan society and its players, the domestic legislation has also been subject to some progress within various fields, especially in terms of human rights and equality. In general, Mrs Bouchoua noted that the legislation has progressed since the 1990s.
49. Morocco has experienced some level of progress in terms of legislation concerning women's rights, especially regarding the Family Act (Code de la Famille). Its 2004 version is very advanced compared to the former Personal Status Act (Code du Statut Personnel) which used to be almost untouchable: According to the 2004 version, the principle of equality within the family between women and men is now mentioned in the preamble, and some provisions have been subject to reforms in order to enhance the protection of women's rights. At that time, this was a step forward, and now, due to the changes in the society and of the Constitution, the Family Act requires an overall amendment. Other Acts have been amended and have brought about the emancipation of women and their participation and involvement in public affairs (The Nationality Act (Code de la nationalité), The Labour Act (Code de Travail) which prohibits discrimination and sexual harassment, the electoral laws with the introduction of quotas in order to improve the political representation of women, etc.).
50. In 2011, the Constitution introduced the principle of equality between women and men within economic, cultural, environmental, civil and political rights. It was an enormous step forward: the principle of equality was incorporated in the Constitution together with the Authority in favour of Parity and the Fight against Discrimination (Autorité pour la Parité et la Lutte contre toutes les formes de Discriminations) (APALD). This primary mechanism (APALD) whose status was passed in July 2017 is, however, still insufficient and has not yet been implemented.

51. Mrs Bouchoua emphasised that there have been some delays and insufficiencies as to the implementation of the Acts in accordance with the principle of equality of the new Constitution, e.g. the implementation of the Parity institution. In 2017 and 2018, the introduction of laws resulting from the Constitution finally took place. Some of the positive steps in the field of the protection of women's rights are as follows: Act no. 103.13 concerning violence against women (the Act came into force in September 2018), Act no. 19.12 concerning male and female domestic workers, and Act no. 27/14 concerning the fight against trafficking in human beings. FLDF has launched a follow-up on the application of those Acts and especially of the Act concerning violence against women.

Protection given by the authorities

52. According to Mrs Bouchoua, it is positive that new legislation is being introduced even if the laws are inadequate in terms of responsibility of the State as to the protection of and the assistance to victims. She also emphasised that in practice, the laws are still applied in an insufficient manner.
53. The promotion of the awareness of citizens of their rights is not continuous or sustainable, and remains occasional. FLDF has welcomed government circulars concerning the diffusion and explanation of the provisions of those new Acts and the guidelines regarding their proper application and the follow-up and elaboration of annual reports by judges in competent courts of justice.
54. Regarding women who risk becoming victim of violence, in accordance with the new Act no. 103/13, they may approach the authorities and report the case to the police. However, Mrs Bouchoua emphasised that the percentage of Moroccan women who took such steps in 2018 did not exceed 6 %. One has to be courageous and make use of organisations in order to understand all the procedures. There are many cultural difficulties and other challenges which prevent women from exercising their rights and which do not let them pursue the procedure to the very end.
55. It is possible for women to file a complaint, and usually one has to do it through the police of the neighbourhood which subsequently submit the case to the prosecutor. According to the latest survey on violence against women published in May 2019 by the Ministry of Family, Solidarity, Equality and Social Development, only 6 % of women (for example victims of violence) report their case to the police, and the number of women who have followed the procedure is much lower. In fact, it does not exceed 3 %. In general, resistance prevails, and the institutions do not really always pave the way for a permanent awareness enabling women to file a complaint while being safe.
56. According to FLDF's experience, it is necessary to protect a woman who chooses to report a case and who follows the criminal procedure from protection centres (shelters). This is an assignment that the government and the relevant sectors must ensure within the framework of their responsibility.
57. The women in the centres are usually involved in a conflict with their husband. Sometimes they have family conflicts (father, brother, fiancé, boyfriend or others). Marital and family violence is typically of a physical or sexual character. There are also examples of economic abuse carried out by the husband or a family member of the female victim. Moreover, the women who approach the centres are victims of sexual harassment in public spaces and of rape, and they may be victims of

legal abuse which involves persistent discrimination in relation to the legislation. In several cases, they are victims of multiple types of abuse.

Protection Centres

58. There are centres in every region of Morocco. FLDF has 10 dialogue and information centres for female victims of violence and one accommodation centre named TILILA. Moreover, there are 26 centres run by local organisations under the umbrella of Réseau des Femmes Solidaires (RFS) (Network of Solidary Women), which cover almost all regions and towns in Morocco, and other centres run by women's organizations in Morocco (UAF and AMVEF and others).
59. In general, the centres are financed by international partners. Government funding, mainly from the Ministry of Family, Solidarity, Equality and Social Development, is very limited, complicated and short-term. The framework of the funding granted by the European Union to the Moroccan government has been established recently (since 2012). The dialogue and information centres have been established and supported by organisations since the end of the 1980s, however, those centres still offer a minimum number of services owing to very modest means, and foreign funding has decreased and does not cover the operating costs.
60. There are 44 state run centres for women in a difficult situation (women and girls living on the street, elderly women), but most of these centres are not yet functional. None of the centres are specifically dedicated to abused women although this group of women requires special care according to international standards to fight gender-based violence (GBV).
61. Until now, in dangerous cases regarding female victims which require urgent intervention and protection, in general, it is centres run by organisations which accommodate these women. Several cases are referred by the authorities (police, gendarmes, health service) to the FLDF centres. The victims depend on their families and their destiny.
62. The capacity of the centres run by organisations is inadequate, especially in terms of accommodation. The demand is much higher than the number of places available. As to the state run centres, we are not in possession of information, especially because most of those 44 centres are still not functional.
63. The situation of LGBT persons in the Moroccan society is difficult. The organisations fighting for the rights of LGBT persons are mostly operating in the shadow and most activists and activities are carried out through social networks outside of the official system. The group of LGBT persons is isolated and cannot exercise their rights in public.
64. The LGBT groups do not approach the state run centres known by FLDF. There are young people without a family in some centres, and normally associations like Bayti offer them assistance. The persons in question are typically juvenile offenders.
65. Mrs Bouchoua stated that FLDF is not in possession of any information about young men who are victims of human trafficking. On the other hand, FLDF confirms the existence of „les petites bonnes” (young girls working as house servants and who are victims of trafficking in the larger cities in Morocco). For example, in the centres there are „petites bonnes” (young maids) who have

run away. There exists a law about trafficking in human beings, and a national mechanism has been established in May 2019.

Other vulnerable groups: protection granted by the authorities and treatment by society

66. In Morocco, and according to the Penal Code, it is an offence publicly to declare oneself an atheist or a convert. In such cases there is no protection available. There is an article in the Constitution concerning the right to the freedom of thought, however, according to the Penal Code, it is an offence to broadcast publicly or to influence persons by religious thoughts in order to make them convert from Islam.
67. Religious minorities like Moroccan Jews and non-Moroccan Christians (e.g. sub-Saharan immigrants) are assured freedom of worship. This group practices their religion in churches and synagogues and its members are free to organise their religious manifestations and festivals (e.g. Jewish celebrations in various regions in Morocco).
68. The majority of the members of Moroccan society is against atheists and converts although some differ from this opinion and new forms of spiritual expression do exist. In the society, it may lead to violence. Mrs Bouchoua brought forward certain cases where persons had been beaten (e.g. in universities). This violence was mainly committed by extremist groups.
69. To the best of Mrs Bouchoua's knowledge, there are no organisations that are specialised in trafficked Moroccans in Morocco, except those who offer assistance to the young maids.

Appendix B: Notes (French version)

6. Expert en matière de droits

Interview par email

4 juillet 2019

Avocat, expert en matière de droits d'immigration et des droits de l'homme

Où s'adresser pour une personne qui s'estime victime d'une infraction en informer la justice

33. Toute personne qui s'estime victime d'une infraction peut déposer une plainte devant le commissariat de police pour les habitants des zones urbaines, et devant la gendarmerie royale pour les habitants des zones rurales. La victime peut également saisir le procureur du roi directement en déposant une plainte écrite auprès du ministère public.

Qui peut porter plainte

34. La présence d'un parent n'est pas obligatoire pour porter plainte par un mineur, toutefois les officiers de la police judiciaire refusent parfois d'accepter les plaintes d'un mineur en l'absence de son tuteur légal.

Possibilité de porter plainte par écrit

35. Il est possible de porter plainte directement et oralement devant les commissariats de police et les brigades de gendarmerie royale sans support écrit. Par contre les plaintes déposées devant le procureur du roi doivent être écrites.

Possibilité pour la police ou la gendarmerie de refuser la réception de la plainte

36. Le code de procédure pénale ne comporte aucune disposition obligeant les officiers de la police judiciaire à enregistrer systématiquement une plainte, par conséquent il arrive parfois que les officiers de police judiciaire refusent d'enregistrer la plainte de la victime. Toutefois la victime peut déposer une plainte écrite devant le procureur du roi, cette plainte est inscrite systématiquement dans un registre avec un numéro de série, et la victime doit être informée obligatoirement de la suite donnée à sa plainte.

Les délais pour porter plainte

37. Les délais de prescription des infractions pénales sont de :

- 1 an pour les contraventions
- 4 ans pour les délits
- 15 ans pour les crimes

Ces délais commencent à courir à partir de la date de la commission de l'infraction, et sont interrompus par toute action d'investigation lancée par le ministère public ou par le juge d'instruction. Les délais de prescription des infractions pénales commises sur les mineurs commencent à courir à partir de la date à laquelle la victime mineure atteint l'âge de majorité légale.

Après réception, vers quelle institution est la plainte ensuite transmise (le procureur ?)

38. Après réception de la plainte, la police judiciaire doit établir un procès-verbal comportant les déclarations de la victime et les déclarations de l'agresseur qui doit être convoqué puis le transmettre au procureur du roi qui décide de la suite à donner à l'infraction : soit classer la plainte sans suite où poursuivre pénalement l'agresseur et le traduire devant le tribunal correctionnel.

Frais pour le dépôt d'une plainte simple

39. Oui le dépôt de la plainte est totalement gratuit

La protection mise en disposition par les autorités

40. Une personne qui s'estime en risque de violence pourrait s'adresser au commissariat de police ou à la gendarmerie royale pour demander protection, en pratique les autorités ne prennent pas au sérieux les menaces de violences contre les personnes. En plus les autorités n'ont pas les moyens pour offrir un dispositif de protection en l'absence de centres de protection sociale pouvant héberger les victimes en risque d'actes de violence.

41. Oui un mineur peut s'adresser aux autorités tout seul en vue de demander protection, mais les autorités requièrent souvent la présence de son tuteur légal.

Si une personne qui a commis un délit peut demander protection en cas de risque d'un autre délit

42. Il y a aucun dispositif légal qui propose cette protection, une personne ayant commis un délit va trouver beaucoup de difficultés à convaincre la police à la protéger, sauf dans les cas des délits commis dans le cadre d'une autodéfense.

Si les autorités peuvent refuser la réception de la demande

43. Les autorités se contentent généralement de rediriger la victime vers un centre de protection sociale ou lui proposer de rejoindre la maison familiale où le domicile conjugal pour les cas de violences contre les femmes. Aucune disposition légale n'oblige les officiers de police à accepter une demande de protection.

Protection disponible de la part des autorités pour une personne qui s'estime en risque d'un acte de violence

44. En l'absence de centres de protection sociale, les autorités n'ont pas de dispositifs de protection en bonne et due forme, la police convoque parfois la personne ayant menacé la victime pour le mettre en demeure et lui demander de ne pas s'approcher de la victime. 'Mettre en demeure' est une procédure précontentieuse 'à l'amiable' effectuée par les cellules de soutien des femmes, créées auprès du ministère public et les commissariats de police qui interviennent pour rappeler au conjoint violent les conséquences juridiques qu'il peut encourir s'il continue à menacer où essaie de violenter sa conjointe. Cette procédure est utilisée afin d'éviter de transformer toutes les disputes conjugales en affaires pénales qui se terminent dans la plupart de cas par un désistement de la victime sous la pression des familles. Donc il s'agit

d'une sorte de rappel à l'ordre dans le cadre de l'accompagnement de victimes de violences conjugales. En cas de refus d'obtempérer le conjoint violent va être poursuivi pénalement selon les dispositions en vigueur.

45. Ce dispositif n'est pas automatique, et il dépend de la bonne volonté des conjoints en conflit pour accepter l'intervention des cellules concernées. La loi 103-13 relative à la lutte contre la violence envers les femmes qui est entrée en vigueur le 12 septembre 2018, prévoit la création d'une cellule consacrée aux violences contre les femmes au niveau de la direction générale de la sûreté nationale et auprès des tribunaux.¹⁰⁷

46. La loi prévoit également des dispositifs de protection¹⁰⁸ pour les femmes victimes de violence à savoir :

- Mettre en demeure l'agresseur en cas de menaces contre la victime.
- Internement de la victime dans un hôpital où un centre de protection sociale.

Dans la pratique ces dispositifs restent inactivés. La capacité des hôpitaux et des centres de protection sociale constitue un obstacle de taille.

Dans quelle mesure les autorités offrent la protection à une personne qui s'estime en risque d'un délit

47. Les autorités marocaines n'offrent pas automatiquement la protection à une personne en risque de délit, les autorités ne bougent généralement qu'après la commission de l'infraction et rarement avant. Le législateur marocain n'a pas prévu des dispositions légales relatives à la protection de la victime qui permettraient par exemple d'affecter des policiers pour surveiller le domicile d'une victime à l'instar d'autres pays occidentaux.

7. La Fédération des Ligues des Droits des Femmes (FLDF)

Interview par téléphone

24 juin 2019

L'interlocutrice, Latifa Bouchoua, est présidente de la Fédération des Ligues des Droits des Femmes (FLDF). FLDF a le statut d'ONG dans le domaine des droits des femmes. Enregistrée légalement le 18 avril 1993, elle regroupe 8 sections régionales et coordonne le Réseau Femmes Solidaires (RFS) qui est composé d'une centaine d'associations locales. La FLDF a pour mission la protection et la promotion des droits de la femme à travers des activités socio-éducatifs et des activités relatifs au lobbying et au plaidoyer.

La législation et l'application de la loi autour des groupes vulnérables au Maroc

48. La situation des groupes vulnérables au Maroc s'est améliorée depuis les années 1990s, grâce au dynamisme du mouvement féministe et droits humains, et à l'ouverture et l'adhésion du Maroc aux normes et mécanismes internationales des droits humains. Le Maroc a ratifié la

¹⁰⁷ Article 10 de la loi 103.13

¹⁰⁸ Article 8 de la loi 103.13

plus part des conventions et pactes internationaux dans le domaine, avec des réserves (ex : CEDAW) qui ont été partiellement révisées et abrogées. Suite à ce processus et vue certaines évolutions de la société Marocaine et ses acteurs, la législation interne a elle aussi connu une nette avancée dans plusieurs domaines notamment celui des droits humains et de l'égalité. Généralement, Mme Bouchoua note que la législation est avancée depuis les années 1990s.

49. Le Maroc a connu des avancées dans le cadre législatif concernant les droits des femmes, notamment avec la Code de la Famille. La version de 2004 est très avancée par rapport à l'ancienne Code du Statut Personnel qui était presque intouchable auparavant : dans la version de 2004 le principe de l'égalité entre les femmes et les hommes dans la famille est inscrit au préambule et quelques dispositions ont connu des réformes pour la protection des droits des femmes. Cela a représenté un pas d'avancement en son temps, maintenant vu les changements sociaux et constitutionnel ; ce même code nécessite une révision globale. D'autres lois ont connu des changements et ont permis l'émancipation des femmes et leur participation et gestion des affaires publiques (code de la nationalité, code de travail qui a interdit la discrimination et harcèlement sexuel, les lois électorales avec l'instauration du quota pour améliorer la représentativité politique des femmes, etc.).
50. En 2011, la Constitution a instauré le principe de l'égalité entre les femmes et les hommes dans tous les droits économiques, culturelles, environnementales, civiles et politiques. Cela est une énorme avancée : le principe de l'égalité est instauré dans la Constitution, ainsi que l'Autorité pour la Parité et la Lutte contre toutes les formes de Discriminations (APALD), ce mécanisme primordial (APALD) dont le statut a été adopté en juillet 2017; mais reste insuffisant, et n'est pas encore mis en place.
51. Mme Bouchoua a souligné qu'il y avait des retards et des insuffisances d'implémentation des lois en accords avec le principe d'égalité de la nouvelle Constitution, par exemple la mise en place de l'instance de la Parité. Pendant les années 2017 et 2018 on a enfin connu l'adoption des lois émanant de l'application de la Constitution. Des pas positifs dans la protection des droits des femmes sont les suivantes : la loi 103.13 relative à la violence contre les femmes (entrée en vigueur en septembre 2018), la loi 19.12 relative aux travailleurs et aux travailleuses domestiques ; et la loi 27/14 relative à la lutte contre la traite des êtres humains. La FLDF entame un suivi sur l'application de ces lois surtout celle de la violence à l'égard des femmes.

Protection par les autorités

52. Selon Mme Bouchoua, c'est positif que les lois soient instaurées même s'ils sont incomplets en matière de la responsabilité de l'état dans la protection et la prise en charge totale des victimes. Elle a aussi souligné que les lois restent insuffisamment appliquées en pratique.
53. La sensibilisation des citoyens et citoyennes sur leurs droits n'est pas continue et pérenne et reste occasionnelle. La FLDF a salué les circulaires du Ministère Public concernant la divulgation et l'explication des dispositions de ces nouvelles lois et les instructions pour leur bonne l'application et pour le suivi et l'édition des rapports annuels par les juges dans les tribunaux compétents.

54. Pour une femme qui se sent en risque d'être victime de la violence, selon la nouvelle loi 103/13 elle peut s'adresser aux autorités et déposer plainte à la police. Toutefois, Mme Bouchoua a souligné que les pourcentages des femmes marocaines ayant fait cette démarche en 2018 ne dépasse pas 6 %. Il faut avoir du courage et utiliser les associations pour comprendre toutes les procédures. Il y a beaucoup de difficultés culturelles et autres défis qui empêchent les femmes à exercer leurs droits et qui ne les laissent pas à suivre la procédure jusqu'au bout.
55. C'est possible de porter plainte pour les femmes, et normalement cela se passe par la police du quartier qui par la suite fait parvenir le cas au procureur. Selon la dernière enquête sur la violence à l'égard des femmes, publié en mai 2019 par le Ministère de la Famille, de la Solidarité, de l'Égalité et du Développement Social, il n'y a que 6 % des femmes (victimes de violence par exemple) qui posent plainte et le nombre qui a suivi la procédure est beaucoup plus bas ; il ne dépasse pas 3 %. En général, il y a une résistance, et les institutions ne font pas toujours une vraie et permanente sensibilisation pour que les femmes puissent entamer les procédures de porter plainte en sécurité.
56. Selon les expériences de FLDF, c'est nécessaire de protéger la femme qui s'engage à porter plainte et qui suit la procédure judiciaire dans des centres de protection. C'est une tâche que le gouvernement et les secteurs concernés doivent assurer dans le cadre de leur responsabilité.
57. Les femmes dans les centres ont typiquement un conflit avec leur mari, parfois elles ont des conflits familiaux (père ; frère ; fiancé ; copain et autres). La violence conjugale et familiale est typiquement de nature physique ou sexuelle. On voit aussi la violence économique par le mari ou l'un de proche de la femme victime. En plus, les femmes qui s'adressent aux centres sont victimes de harcèlement sexuel dans les espaces publics et du viol, ainsi que la violence juridique qui engendre la discrimination persistante dans les lois ; et dans plusieurs cas on assiste à plusieurs types de violences.

Les centres de protection

58. Il y a des centres dans chaque région du Maroc. La FLDF a 10 centres d'écoutes et d'orientation des femmes victimes de la violence et un centre hébergement, qui s'appelle TILILA. Il y a 26 centres des associations locales du Réseau des Femmes Solidaires (RFS) qui couvrent presque toutes les régions et localités du Maroc, ainsi que d'autres centres d'associations féminines marocaines (UAF et AMVEF et autres).
59. Généralement les centres sont financés par les partenaires internationaux. Le financement du gouvernement, surtout celui du Ministère de la Famille, de la Solidarité, de l'Égalité et du Développement Social, est très limité, compliqué et non-permanent. Le cadre du financement octroyé par l'Union Européenne au gouvernement marocain est nouvellement établi (depuis 2012). Alors que les centres d'écoutes sont constitués et pris en charge par les associations depuis la fin des années 80s ; ces centres continuent à présenter un minimum de services avec des moyens très modestes, les financements étrangers ont régressé et ne couvrent pas les frais des fonctionnements.

60. Pour les centres de l'état, il s'agit de 44 centres de femmes en situation difficile (femmes et filles des rues ; femmes âgées), mais la plupart de ces centres ne sont pas encore opérationnels. Nul de ces centres sont spécifiquement dédiées aux les femmes violentées ; alors que ces dernières nécessitent une spécialisation selon les normes internationaux de lutte contre la violence basée sur le genre (VBG).
61. Jusqu'à présent et pour les cas dangereux de femmes victimes qui nécessitent une intervention et protection urgente, ce sont généralement les centres des associations qui les hébergent. Plusieurs cas sont orientés de la part des autorités (police, gendarmerie, santé) vers les centres de FLDF. Les victimes se laissent à leurs familles et leur sort.
62. En concernant la capacité des centres des associations, il y un grand déficit, surtout concernant l'hébergement. La demande des places dans les centres est très supérieure à la disponibilité des places réelles. Pour les centres de l'état nous n'avons pas d'informations concernant ce qui se passe dedans les centres surtout que la plus part des 44 centres ne sont pas toujours opérationnels.
63. Dans la société marocaine la situation des personnes LGBT est difficile. Les organisations qui luttent pour les droits des personnes LGBT travaillent dans la plus part dans l'ombre, la plus part des activistes et activités sont exercées à travers les réseaux sociaux civils. Le groupe des personnes LGBT est isolé et ne peut exercer ses droits d'une façon publique.
64. Le groupe LGBT ne se rend pas du tout dans les centres de l'état que connaît la FLDF. Il y a des jeunes sans famille dans des centres – c'est normalement les associations comme Bayti qui s'occupe d'eux. Il s'agit typiquement des jeunes délinquants.
65. Mme Bouchoua informe que FLDF ne dispose pas d'information sur les jeunes hommes victimes de traite. Par contre, FLDF voit 'les petites bonnes' (jeunes filles victimes de la traite au Maroc qui se trouvent dans les grandes villes). On trouve par exemple les petites bonnes échappées, dans les centres. Maintenant il y a la loi sur la traite, et un mécanisme national a été instauré a cet égard en mai 2019.

D'autres groupes vulnérables : protection par les autorités et traitement dans la société

66. Au Maroc et selon le Code pénal, il est criminel de se déclarer publiquement athée ou convertis ; il n'y a pas de protection possible dans ces cas. Dans la Constitution, il y a un article qui évoque le droit de la liberté de pensée, mais c'est interdit selon la Code Pénal de diffuser publiquement ou d'influencer des personnes par des pensées religieuses à se convertir de l'Islam.
67. Le droit de culte est assuré aux minorités religieuses pour les juifs marocains et chrétiens non-marocains (par exemple les immigrés subsahariens). Ce groupe pratique leur culte dans des églises et des synagogues et ils sont libres à organiser leurs manifestations et festivals (par exemple mousmés des Juifs dans plusieurs régions du Maroc..).
68. Culturellement, la plupart dans la société marocaine est contre les athées et les convertis même si il y a des divergences et de nouvelles formes d'expressions spirituelles. Dans la société, cela peut engendrer de la violence. Mme Bouchoua a informé sur certains cas qui

étaient battus (dans les universités par exemple). Cette violence était surtout exercée par des groupes extrémistes.

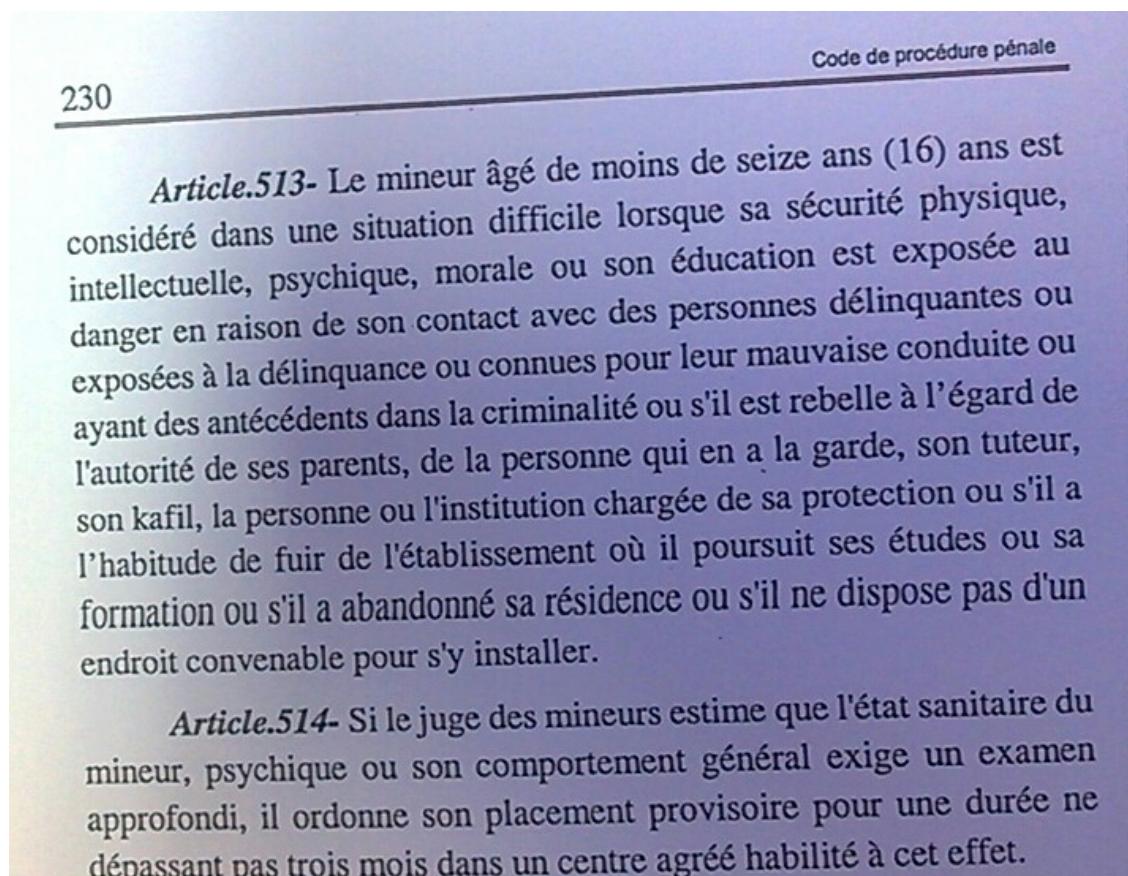
69. Selon les connaissances de Mme Bouchoua, il n'existe pas des organisations qui sont spécialisées dans la traite humaine des marocains au Maroc ; sauf celles qui s'occupent des petites bonnes.

Appendix C: Terms of Reference

Human trafficking

- Extent of human trafficking of Moroccans out of Morocco
- Profile of victims of trafficking from Morocco
- Recent developments in patterns of trafficking
- Availability of government provided protection services and assistance, specifically targeting trafficking victims or open for trafficking victims
- Availability of protection services provided by civil society organisations specifically for trafficking victims or open for trafficking victims

Appendix D: Code of Penal Procedure, Article 513 ‘a child in a difficult situation’



Copy of the Code of Penal Procedure (CPP) (*Dahir 1.02.255 du 25 rajab 1423 (3 octobre 2002), portant promulgation de la Loi n° 22.01 formant le code de Procédure Pénale*) received by email from the Ministry of Justice and Liberties of Morocco on 13 January 2017. There is no official version in French of the CPP on the internet. The Ministry of Justice and Liberties shared the copy in a French version, translated from Arabic, of the CPP by a prosecutor in Morocco. An Arabic version of the Code of Penal Procedure from 2002 is available on the website of the Ministry of Justice and Liberties:

<http://adala.justice.gov.ma/production/html/Ar/38578.htm>

Article 513 in the CPP does not differ in the version from 2002 and the new version from 2011. English translation of article 513:

A minor under the age of sixteen (16) is considered to be in a difficult situation when his or her physical, intellectual, mental, moral security or his or her education is exposed to danger due to his or her contact with delinquents or persons who are exposed to crime or known for their misbehavior or who have a criminal record or if he or she rebels against the authority of his or her parents, of the person who has custody of the minor, of his or her guardian, of his or her kafil, of the person or institution being in charge of his or her protection, or if he or she has the habit of fleeing from the educational institution where he or she receives his or her studies or education or if he or she has left his or her home or if he or she does not have a suitable place to stay.