

COUNTRY REPORT

IMMIGRATION DETENTION IN MOROCCO: STILL WAITING FOR REFORMS AS EUROPE INCREASES PRESSURE TO BLOCK MIGRANTS AND ASYLUM SEEKERS

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GLOBAL**DETENTION**PROJECT

THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: Migrants are led by Moroccan soldiers back to Morocco from El Tarajal beach, at the fence between the Spanish-Moroccan border, after thousands of migrants swam across the border at Ceuta, 19 May 2021
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GLOSSARY

AMDH	<i>Association Marocaine des Droits Humains</i> (Moroccan Association for Human Rights)
CAT	UN Committee against Torture
CCPR	UN Human Rights Committee
CMW	UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CNDH	<i>Conseil National des Droits de l'Homme</i> (National Human Rights Council)
CRC	UN Committee on the Rights of the Child
DGAPR	General Delegation for Prison Administration and Reintegration
ENP	European Neighbourhood Policy
SNIA	<i>Stratégie nationale d'immigration et d'asile</i> (National Strategy on Immigration and Asylum)



KEY FINDINGS

- Use of police stations and ad hoc facilities for immigration detention purposes.
- Summary expulsions.
- Lack of access to asylum procedures at land borders and in airports.
- Detention of vulnerable people, including children, asylum seekers, and refugees.
- On-going use of migration-related detention measures during the pandemic.
- Punitive criminal penalties for migration-related violations.
- Lack of transparency in the application of immigration enforcement measures, including no publicly available statistics on detention and no clear information on facilities used to detain migrants and asylum seekers.
- Poor detention conditions.
- Externalisation of migration controls by European countries and the European Union.
- Failure to adopt asylum and migration legislation.



1. INTRODUCTION¹

As an important transit and destination country for migrants, refugees, and asylum seekers, Morocco has witnessed significant migratory flows in recent decades. Many non-nationals use the country as a departure point in their passage to Europe: either by sea to mainland Spain or the Canary Islands, or overland via Africa's only land borders with Europe at the Spanish enclaves of Ceuta and Melilla.²

The country has become an important focal point for European efforts to externalise “migration management,” with Moroccan authorities under pressure to block migration flows, with generous funding from Europe. Since 2019, increased cooperation between Spain and Morocco has led to stepped up Moroccan navy patrols intercepting migrant boats.³ In December 2019, the EU announced an aid package of 101.7 million EUR (via the Emergency Trust Fund for Africa) to help the country combat irregular migration and human trafficking.⁴ As migratory routes have become more difficult to navigate, increasing numbers of migrants and asylum seekers have been stranded in Morocco, including thousands of sub-Saharan non-citizens as of 2019.⁵

In September 2013, Morocco's National Human Rights Council (*Conseil National des Droits de l'Homme*, or CNDH) issued recommendations for a new migration and asylum policy. They recommended that the country's legal framework be amended to ensure that it is compliant with international standards to which Morocco is committed and called for the establishment of an institutional framework to encourage migrant integration. King Mohammed VI endorsed these recommendations, announcing a new “humanitarian approach” to migration and asylum affairs.

Morocco subsequently adopted, in 2014, a National Strategy on Immigration and Asylum (*Stratégie nationale d'immigration et d'asile*, or SNIA) and implemented a series of

¹ The Global Detention Project would like to acknowledge the advice, corrections, and additions to this report that were provided by anonymous reviewers who have experience working on migration and asylum issues in Morocco for international civil service and non-governmental organisations.

² Mixed Migration Centre, “Mixed Migration Review 2020,” 2021, <https://mixedmigration.org/wp-content/uploads/2020/11/Mixed-Migration-Review-2020.pdf>

³ Mixed Migration Centre, “Mixed Migration Review 2020,” 2021, <https://mixedmigration.org/wp-content/uploads/2020/11/Mixed-Migration-Review-2020.pdf>

⁴ European Commission, “The EU is Boosting Its Support to Morocco with New Programmes Worth €389 Million,” 20 December 2019, https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6810

⁵ D. El Ghazouani, “A Growing Destination for Sub-Saharan Africans, Morocco Wrestles with Immigrant Integration,” Migration Policy Institute, 2 July 2019, <https://www.migrationpolicy.org/article/growing-destination-sub-saharan-africans-morocco?>

regularisation programmes, including in 2014 and 2017.⁶ One regularisation scheme has included refugees recognised by the UN High Commissioner for Refugees (UNHCR), with the exception of Syrians—who were excluded from the 2017 regularisation scheme and thus prevented from getting refugee status—and LGBTI people because homosexual acts are criminalised in Morocco.⁷

According to data provided by the CNDH, during the first regularisation programme in 2014, roughly 27,000 migrants submitted applications, while NGO sources in Morocco reported that less than 23,000 received favourable rulings—though that did not necessarily mean that they all received temporary stay permits.⁸ While the Interior Ministry said that during both regularisation campaigns, approximately 50,000 people received favourable rulings, non-governmental sources reported that for the 2017 regularisation programme, only the total number of regularisation requests was made available (27,660) and not the number of positive decisions.⁹

The SNIA also resulted in the development of three draft laws: one related to human trafficking, which was adopted and has been implemented; one on asylum; and another on migration. However, as of mid-2021, Morocco had still not adopted concrete new asylum and migration legislation. Thus, Law No. 02-03 of 11 November 2003 (the Migration Act), which provides key detention provisions and criminalises irregular entry of both migrants and asylum seekers, remains the principal piece of legislation governing the entry and stay of foreign nationals, emigration, and irregular migration – despite concerns raised by international observers (including the UN Committee on Migrant Workers)¹⁰ regarding its provisions.

Coinciding with these campaigns was a noticeable hardening in the official posture towards migrants, especially after the onset of Europe’s “refugee crisis” and stepped up EU efforts to pressure countries in North Africa over migration control.¹¹ Authorities announced that they would take a tougher stance against migrants seeking to enter Spain and Europe via the Spanish enclaves of Ceuta and Melilla.¹² This was followed by repeated waves of arrests,

⁶ A. Jacobs, “Morocco’s Migration Policy: Understanding the Contradiction Between Policy and Reality,” *Moroccan Institute for Policy Analysis*, 30 June 2019, <https://mipa.institute/6872>

⁷ According to an anonymous source in Morocco with knowledge of the country’s asylum system, as of 2021, of the approximately 8,000 people recognised by UNHCR as refugees as part of this regularisation scheme, slightly more than 2,000 were granted interviews by Moroccan authorities, and only the non-Syrians received national refugee documents.

⁸ FIDH-GADEM, “*MAROC: Entre rafles et régularisations: Bilan d’une politique migratoire indécise*,” March 2015, https://www.fidh.org/IMG/pdf/rapport_maroc_migration_fr.pdf

⁹ GADEM, “*Note du GADEM à l’Attention du Comité pour la Protection des droits de tous les travailleurs migrants et des membres de leur famille*,” 22 February 2021, <https://www.gadem-asso.org/note-du-gadem-a-lattention-du-comite-pour-la-protection-des-droits-de-tous-les-travailleurs-migrants-et-des-membres-de-leur-famille/>

¹⁰ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), “Concluding Observations on the Initial Report of Morocco Adopted by the Committee at its Nineteenth Session (9-23 September 2013),” CMW/C/MAR/CO/1, 8 October 2013, <https://bit.ly/2VdYDnF>

¹¹ I. Majcher et al, “Inside Out: How the EU Encouraged the Growth of Immigration Detention beyond Its Borders as it Consolidated Detention Regimes Internally,” in *Immigration Detention in the European Union: In the Shadow of the “Crisis”* (Springer 2020), <https://bit.ly/3eWAQzF>

¹² A. Kassam, “Morocco Destroys Migrant Camps Near Border with Spanish Enclave,” *The Guardian*, 11 February 2015, <https://bit.ly/3l4atvk>

relocations, detentions, and expulsions of non-nationals.¹³ In February 2015, thousands of non-nationals, including asylum seekers and children, were arrested in northern Morocco, and forcibly relocated to areas of the country further south to prevent them from accessing EU territory. Hundreds of others were arbitrarily detained in [facilities across the country](#).¹⁴

Raids reportedly became increasingly common after an incident in July 2018, when hundreds stormed the border fence surrounding the Spanish enclave of Ceuta—and have even continued during the COVID-19 pandemic.¹⁵ Pregnant women, accompanied and unaccompanied children, UN-recognised refugees and asylum seekers, and migrants in possession of valid residency cards, have all been included in these raids and relocations,¹⁶ though observers in the country report that asylum seekers with certificates continue to be protected from refoulement.

At the same time, however, the “threat” of increased migration has been tacitly wielded by Morocco in its relations with Europe. For instance, in May 2021, when approximately 8,000 migrants and asylum seekers entered Ceuta in a single day, Spain accused Morocco of abetting the large migrant flow as “blackmail” over Spain’s decision to allow a leader of a Western Sahara sovereignty faction to receive medical treatment in Spain.¹⁷

Importantly, collaboration between Europe and Morocco are increasing the vulnerability of migrants to a range of human rights abuses, helping fan the flames of racism targeting sub-Saharan Africans, encouraging forced displacements, and spurring new forms of ad hoc detention situations. These developments were highlighted by the UN Special Rapporteur on Racism in 2019, shortly after her visit to the country that year: “Pressure to prevent migration from Africa to Europe ... appears to be shifting the situation of migrants, refugees, and also Moroccans, in regions in the south of the country. ... [T]he forced relocation of black sub-Saharan irregular migrants, and in some cases asylum seekers, from northern to southern regions appears to be creating de facto regions of migrant containment that will only become increasingly volatile. Such displacement is leading to human rights violations against these migrants in the southern regions to which they are relocated. Under the current conditions, the growing presence of these migrants risks escalating anti-migrant and xenophobic tensions within Moroccan communities that have previously welcomed migrant and refugee populations. This volatile situation requires urgent attention and requires that Morocco

¹³ GADEM, “*Couts et Blessures*,” 2018, <https://www.gadem-asso.org/couts-et-blessures/>

¹⁴ GADEM, “Facebook Update,” 17 February 2015, <https://www.facebook.com/159136160864164/photos/a.416062071838237.1073741827.159136160864164/680705752040533/?type=1&theater>; GADEM and CCSM, “*Note d’information conjointe CCSM – GADEM: sur les déplacements et les détentions arbitraires de migrants au Maroc à la suite des rafles du 10 février 2015*,” February 2015, https://www.gadem-asso.org/wp-content/uploads/2015/02/20150219-NoteCCSM_GADEM-detention-migrants-VF.pdf

¹⁵ Moroccan Association for Human Rights (AMDH) (Section Nador), Facebook Update, 29 April 2021, <https://www.facebook.com/AmdhNador/photos/a.1693125780899690/2914114118800844/>; K. Ahmed, “Moroccan Police Accused of Burning Migrant Shelters Near Spanish Enclave,” *The Guardian*, 12 March 2021, <https://bit.ly/3i6JwVW>

¹⁶ UN Human Rights Council, “Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Joy Ngozi Ezeilo, Addendum, Visit to Morocco,” A/HRC/26/37/Add.3, 1 April 2014, <https://undocs.org/A/HRC/26/37/Add.3>

¹⁷ BBC, “Ceuta: Spain Sends Troops as 8,000 Migrants Enter Enclave,” 18 May 2021, <https://www.bbc.com/news/world-europe-57156320>

remain firm in an approach rooted in human rights with no interference from Europe. Morocco must cease any and all immigration enforcement policies that result in gross human rights violations, including in forests in the north and other regions close to its frontiers with Europe.”¹⁸

¹⁸ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, “Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019),” *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>



2. LAWS, POLICIES, PRACTICES

2.1 Key Norms

Core pieces of national legislation providing a framework for immigration detention

- Law No. 02-03 of 11 November 2003 (the Migration Act)
- Degree No. 2-57-1256 of 29 August 1957
- Moroccan Constitution

The key norms relating to immigration detention are provided in [Law No. 02-03 of 11 November 2003](#) (hereto, the Migration Act) (*Loi No. 02-03 relative à l'entrée et du séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières*). An expert source in Morocco told the Global Detention Project that Law 02-03 was adopted at the same time as a new law against terrorism, shortly after a series of deadly suicide bombings in Casablanca in 2003. Thus, activists have long complained that the tone and orientation of the law is heavily weighted towards security. In addition to its provisions related to immigration detention, Law 02-03 has provisions concerning the criminalisation of illegal entry, which fail to provide an exception for refugees and asylum seekers, making it non-compliant with the 1951 Refugee Convention.

Relevant provisions are also in No. 2-57-1256 of 29 August 1957 (*Décret No. 2-57-1256 du 2 safar 1377 (29 août 1957) fixant les modalités d'application de la convention relative au statut des réfugiés signée à Genève le 28 juillet 1951*). Decree No. 2-57-1256 established Morocco's national asylum system, *le Bureau des Réfugiés et Apatrides*, which in practice is not in charge of refugee status determinations (RSD) as that remains UNHCR's role in the country.

The Moroccan Constitution of 2011 includes safeguards against arbitrary detention, guarantees the right to information regarding grounds for detention and legal assistance, mentions a national asylum law, and provides for the same individual freedoms shared by nationals and non-nationals alike. Importantly, too, the Constitution enshrines in its preamble the primacy of international agreements that Morocco has ratified over domestic laws.

2.2 COVID-19 Response

Did authorities issue a moratorium on new migrant detention orders?	No
Were immigration detainees released as a pandemic-related measure?	No
Were deportations temporarily ceased?	Yes

Following the identification of COVID-19 cases in Morocco in March 2020, the country adopted several measures to combat the pandemic including compulsory quarantine from 20 March, the grounding of all flights, school and university closures, and reducing public transportation.¹⁹

The vulnerabilities of migrant workers and asylum seekers in Morocco were heightened during the pandemic, in particular because they lost access to work in the informal jobs market during the lockdown. Additionally, large numbers of migrants, particularly those who are undocumented, lack any form of assistance or support in the country. On 1 April 2020, a coalition of human rights groups issued a joint statement urging the country's authorities to: provide assistance to the most vulnerable non-nationals, particularly those living in unsanitary accommodation or in makeshift camps; guarantee access to healthcare for those with chronic illnesses; ensure the automatic extension of residence permits to prevent non-nationals from finding themselves in an irregular situation; and ensure that all official information is translated into English and French so that all persons can access and understand the self-protection measures.²⁰

While authorities did not implement all of these recommendations, a source in Morocco informed the Global Detention Project that as per instructions from the king, "health policy was made inclusive. Also, new social housing was opened for the most vulnerable, especially children, ... [and] great assistance work was provided by civil society associations in different locations, with an inclusive approach as well. Some of them focused on migrants, refugees, and asylum seeker assistance, in coordination with the Interior Ministry. UNHCR as well provided cash assistance to all refugees and most vulnerable [asylum seekers] AS during this period."

Despite the widely-acknowledged dangers of detention during the COVID-19 crisis,²¹ significant numbers of migrants have faced detention in Morocco during the pandemic—often purportedly to ensure that they are tested for the virus. Since the first case was confirmed in the country in March 2020, numerous incidents have been reported in which migrants have been rounded up and detained. On one occasion, approximately 50 sub-Saharan migrants were arrested—reportedly based purely on their skin colour—in Laâyoune on 21 June 2020 and detained in a local school for seven days. During their detention, the group had no access to running water, clean clothes or sufficient food; no information on when they would be released; and no ability to leave the building for fresh air. Those who tested positive were placed in a quarantine in a nearby hotel.²² Testimonies collected by the Moroccan Association for Human Rights (AMDH) confirm that since the start of the pandemic, similar incidents have occurred across the country, with migrants detained in ad hoc facilities such as schools, youth centres, and hotels for periods ranging from a few days

¹⁹ 15-38 Méditerranée, "COVID-19: Après Un Mois, Le Maroc Se Bat Pour Minimiser les Dégâts," 1 April 2020, <https://www.1538mediterranee.com/le-maroc-se-bat-pour-minimiser-les-degats/>

²⁰ Moroccan Association for Human Rights (AMDH) "Les Mesures de Confinement Prises par les Autorités Marocaines pour faire face à l'Epidémie de COVID-19 Sont Essentielles," 1 April 2020, <http://www.amdh.org.ma/contents/display/314>

²¹ UN Network on Detention, "COVID-19 and Immigration Detention: What Can Governments and Other Stakeholders Do?" *Working Group on Alternatives to Detention*, 2020, <https://bit.ly/3i22Gwo>

²² InfoMigrants, "Coronavirus: Au Maroc, des Dizaines de Migrants sub-sahariens arrêtés et confinés de force," 29 June 2020, <https://bit.ly/3y9UBvk>

to several months.²³ Previously in May, some 80 migrants held in Laâyoune for more than two months had launched a hunger strike to demand an end to their detention.²⁴ According to the National Human Rights Council (CNDH), the ad hoc facility was also the scene of a violent confrontation between migrants and security forces, when detainees attempted to leave the facility.²⁵

Observers such as AMDH have also reported numerous instances in which non-nationals—principally black migrants and asylum seekers—have been arrested and detained, before being forcefully relocated out of urban areas into remote rural provinces. Most recently, in late April 2021 a group of migrants—some of whom allegedly possessed residence documents—were arrested in Rabat, detained in a police station, and abandoned in Khourigba and Beni-Mellal (towns south-east of Rabat).²⁶ Many others have reportedly been forced to the south of country, having been arrested and detained in targeted raids in northern cities and transported south in overcrowded buses.²⁷

There appears to be little or no information available regarding steps that authorities may have taken to protect immigration detainees against the spread of the virus. In its list of issues prior to Morocco's submission of its second periodic report (February 2021), the UN Committee on Migrant Workers (CMW) requested that Morocco describe the efforts taken to prevent infections in detention facilities and to provide health care to those requiring it.²⁸

Early in the pandemic, many observers, including those associated with the UN Network on Migration, urged governments to cease deportations and forced returns.²⁹ However, Morocco—like neighbouring [Algeria](#)—while initially shutting down deportations during the lockdown, quickly restarted collective expulsions, which have continued throughout the crisis.³⁰ According to the NGO Caminando Fronteras, between March and mid-May 2020, Morocco deported more than 100 people, including children, to the Algerian desert—despite the closure of the country's borders. Some migrants recounted being deported in the middle of the night, forced to walk many kilometres without food or water, and alleged that officers had confiscated and destroyed their mobile phones.³¹

²³ Global Detention Project and Moroccan Association for Human Rights, "Joint Submission to the UN Committee on Migrant Workers: Morocco," 17 September 2020, <https://bit.ly/3iPhUDX>

²⁴ S. Lemaizi, "Twitter Update," 22 May 2020, <https://twitter.com/LemaizO/status/1263836068098564096>

²⁵ National Human Rights Council (CNDH), "*Rapport annuel sur l'état des droits de l'homme au maroc au titre de l'année 2020 intitulé : Covid-19 : Situation exceptionnelle et nouvel exercice des droits de l'homme*," 2020, <https://bit.ly/3rCeOaI>

²⁶ Moroccan Association for Human Rights (AMDH) (Section Nador), "Facebook Update," 29 April 2021, <https://www.facebook.com/AmdhNador/photos/a.1693125780899690/2914114118800844/>

²⁷ Yabiladi, "*Rabat: Rassemblement ce vendredi contre les refoulements des migrants vers le sud*," 19 February 2021, <https://bit.ly/2VatDoK>

²⁸ UN Committee on Migrant Workers (CMW), "List of Issues Prior to Submission of the Second Periodic Report of Morocco," CMW/C/MAW/QPR/2, 23 February 2021, <https://bit.ly/3nTOEy6>

²⁹ UN Network on Migration, "Forced Returns of Migrants Must be Suspended in Times of COVID-19," 113 May 2020, <https://www.unicef.org/press-releases/forced-returns-migrants-must-be-suspended-times-covid-19>

³⁰ See, for example, Médecins Sans Frontières, "Deportations Put Migrants' Lives at Risk in Niger," 20 April 2021, <https://www.msf.org/deportations-put-migrants%E2%80%99lives-risk-niger>

³¹ J. Vargas and R. Soto, "*Marruecos Abandona en el Desierto a Migrantes Detenidos Durante la Covid: 'Anduvimos 6 Días sin Agua ni Comida'*," *Público*, 14 May 2020, <https://bit.ly/3iMRH9I>

Given Morocco's use of police stations—alongside other informal sites—for the detention of non-nationals, COVID-19 measures implemented in prisons and other criminal justice installations can have an important impact on the safety and health of detained migrants and asylum seekers.

On 18 March 2020, the General Delegation for Prison Administration and Reintegration (DGAPR) announced new measures in the country's prisons, aimed at preventing the spread of COVID-19, including restricting the number of visitors per detainee to one a month.³² In order to decongest the country's prisons, on 5 April 2020, Morocco's king pardoned 5,654 prisoners and ordered their release. The Justice Ministry stated that detainees who would be freed were to be selected based on their age, health, good conduct, and length of detention. Prisoners were to be released in stages and the king also ordered authorities to take all necessary "measures to reinforce the protection of detainees in prisons."³³

Nonetheless, prisoners appear to have been disproportionately impacted by the pandemic. For instance, on 23 April 2020, all 309 prisoners at the Ouarzazte prison were tested for infection and 133 tested positive. These prisoners were reportedly isolated and separated from those who had tested negative.³⁴ Other prisons in the country also recorded positive COVID-19 cases such as Tanger 1 where 66 prisoners were diagnosed with the virus.³⁵ Between April and November 2020, Moroccan prison authorities registered 586 positive cases and four COVID-19 deaths of prisoners, along with 515 positive cases amongst prison staff.³⁶

2.3 Grounds for Detention

Are grounds for administrative migration-related detention provided in law?	Yes
Are there reports of arbitrary migration-related detention?	Yes

While the Migration Act provides various grounds for the administrative detention of non-nationals, reports have frequently highlighted instances of arbitrary detention in the country.

³² T. Mebtoul, "COVID-19: New Preventive Measures for Moroccan Prisons," Morocco World News, 18 March 2020, <https://www.moroccoworldnews.com/2020/03/296631/covid-19-new-preventive-measures-for-moroccan-prisons/>

³³ Middle East Eye, "Coronavirus: Morocco's King Pardons 5,654 Prisoners to Avoid Contagion," 5 April 2020, <https://www.middleeasteye.net/news/coronavirus-moroccos-king-mohammed-vi-pardons-5654-prisoners-avoid-contagion>

³⁴ Hespress, "Coronavirus: 133 Détenus Contaminés à la Prison de Ouarzazate et Un Seul Cas à Ksar El Kébir," 23 Avril 2020, <https://fr.hespress.com/141467-coronavirus-133-detenus-contamines-a-la-prison-de-ouarzazate-et-un-seul-cas-a-ksar-el-kebir.html>

³⁵ ALM, "COVID-19: 75 Prisons Indemnes," *Aujourd'hui*, 5 June 2020, <https://aujourdhui.ma/societe/covid-19-75-prisons-indemnes>

³⁶ S. Ibriz, "Virus: Zoom sur la Gestion de la Pandémie dans les Prisons Marocaines," *Medias 24*, 9 November 2020, <https://www.medias24.com/virus-zoom-sur-la-gestion-de-la-pandemie-dans-les-prisons-marocaines-14114.html>

The law also provides criminal penalties, including imprisonment, for some migration-related infractions (see 2.4 Criminalisation below).

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

Importantly, according to sources in Morocco consulted for this report, “authorities don’t use these articles as a legal basis for administration detention” because it requires the use of detention centres which, although called for in the Migration Act, have never been established.

The country’s Migration Law also provides grounds for deportation and expulsion (or escort to the border). Grounds for deportation are contained in Article 21 of the Migration Act. These include: 1) unauthorised entry; 2) remaining in the country without a valid visa or residence permit; and 3) use of counterfeit or stolen identity documents. In addition, deported non-nationals can be prohibited from re-entering Morocco for up to one year (Article 22).

Meanwhile, according to Articles 25 and 26, non-nationals considered a threat to public order may be expelled from the country, with the exception of vulnerable persons. Article 29 also stipulates that a non-national issued with an expulsion order can be deported to his/her country of nationality; the country that issued his/her travel documents; or to another country that he/she is legally permitted to enter. On the other hand, pregnant women, minors, and persons who face a threat to their life or freedom or who will be exposed to cruel, inhuman or degrading treatment in their country of origin cannot be returned (Articles 26, 29-31).

There have been repeated reports of non-nationals being arbitrarily detained in Morocco. Observers, for example, have pointed to large-scale arrests following raids of camps close to the Spanish enclaves of Ceuta and Melilla, followed by the arbitrary detention of large numbers of non-nationals in ad hoc facilities across the country.³⁷ In February 2021, the Moroccan Association for Human Rights (AMDH) reported on the month-long “illegal” detention of 26 migrants—including five children—in a children’s home in Guelmim, southern Morocco.³⁸

³⁷ V. Wriedt, “Update on Detentions and Deportations of Sub-Saharan Migrants in Morocco,” 1 April 2015, <https://rightsindex.tumblr.com/post/115239528027/update-iii-on-detentions-and-deportations-of>

³⁸ Moroccan Association for Human Rights (AMDH), “Facebook Update,” 17 February 2021, <https://www.facebook.com/AmdhNador/videos/476629980382587>

2.4 Criminalisation

Does the country use criminal facilities to confine immigration detainees?	Yes
Can people be sentenced to prison for immigration status-related violations?	Yes
Are people incarcerated in practice for migration-related offenses?	Rarely

Chapter VII of the Migration Act, “Criminal Provisions” (Articles 42-56), provides the legal framework for criminally prosecuting people for various migration-related violations, including unauthorised entry *and* exit.

Article 42 provides for imprisonment for up to six months and/or a fine of 2,000 to 20,000 MAD (between approximately 186 and 1,860 EUR) for foreign nationals who enter or attempt to enter the country irregularly, or who remain on Moroccan territory beyond the period authorised by their visa (the penalty can be doubled for recurring offences). According to Article 45, foreign nationals who evade or attempt to evade the execution of an expulsion or deportation order at the border or who re-enter the country after having been banned or expelled face imprisonment for six months to two years. Additional fines and prison sentences are also provided for other offences, such as if a foreigner does not declare a change to their place of residence (Article 47).

In addition, significant penalties exist for the irregular exit from the country, and for anyone who assists or organises the irregular exit from the country. Any person who attempts to leave Moroccan territory in a clandestine way, using fraudulent means to cross a border by land, sea, or air; who fails to provide valid travel or visa documents; who uses forged or impersonated documents to enter the country; or who enters or departs from Moroccan territory at places other than those created for the purpose is liable to pay a fine of up to 10,000 MAD (approximately 930 EUR) and/or face imprisonment for up to six months (article 50).

A somewhat unique feature of this provision is that upon return, Moroccan nationals who have “irregularly” left Morocco and are deported back to the country by a third country (possibly after serving a penal sentence) risk another prison sentence and/or a fine for “irregular emigration.”³⁹

This also creates obstacles to the right to return to one’s country. Under Article 39, only authorised migrants can freely return to their country. In practice, unauthorised migrants cannot leave Morocco without an exit permit. Attempting to do so can result in deportation. In practice, this means they are driven to the Algerian border, even though they wished to leave the territory or risk prosecution and conviction for illegally staying based on Articles 43 and 44.⁴⁰

³⁹ GADEM, “Note à l’attention du comité de protection des droits des travailleurs migrants et des membres de leur famille sur l’application au Maroc de la Convention sur l’application internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille,” 2013, <http://www2.ohchr.org/english/bodies/cmw/cmws19.htm>

⁴⁰ GADEM, “Note à l’attention du comité de protection des droits des travailleurs migrants et des membres de leur famille sur l’application au Maroc de la Convention sur l’application internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille,” 2013, <http://www2.ohchr.org/english/bodies/cmw/cmws19.htm>

Observers have criticised the criminalisation of irregular “exit” from the country as a violation of Article 13 of the Universal Declaration of Human Rights, which safeguards the right of all individuals “to leave any country, including his own.”⁴¹ These provisions are also stipulated in Article 12(2-4) of the International Covenant on Civil and Political Rights, ratified by Morocco in 1971.

According to Morocco’s Head of Migration and Border Management (within the Interior Ministry) in 2019 approximately 74,000 irregular attempts to enter Spain from Morocco were stopped by the country’s security forces, and 208 trafficking networks were dismantled.⁴² In an interview with AFP, the minister said: “In 2019, Morocco strengthened its system to fight against trafficking networks, because the pressure we felt in 2017 and 2018 remained sustained. ... Our results are very positive since we have been able to reduce arrivals on the Spanish coasts by around 60%.”⁴³

Those who assist the unauthorised entry or exit of non-nationals are also liable to criminal charges and penalties (articles 51 and 52). Members of organised crime rings established for these purposes can be punished according to Article 294 of the Penal Code. Penalties are more severe for those assisting illegal entry or exit to the country if disability or death results (Article 52). In addition, all means of transportation belonging to those used to commit such crimes can be confiscated by authorities (Article 53).

2.5 Asylum Seekers

Is the detention of asylum seekers provided in law?	Yes
Are asylum seekers detained in practice?	Yes

Morocco has ratified both the 1951 Refugee Convention (1956) and its 1967 Protocol (1971), but to date it has not ratified the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness – despite ratification of the 1954 stateless persons convention being foreseen in the 2014 *Stratégie nationale d’immigration et d’asile*.

Since September 2013, authorities have been drafting an asylum law—which will reportedly include the principle of *non-refoulement*, amongst other protections. Although the country’s plans to adopt such a law have been met with applause by some in the international

⁴¹ GADEM, “Le cadre juridique relatif à la condition des étrangers au regard de l’application du pouvoir exécutif et de l’interprétation du juge,” January 2009; GADEM, “Note informative sur le procès des cinq réfugiés,” 7 July 2009.

⁴² Telquel, “Khalid Zerouali : 74.000 tentatives d’immigration clandestine avortées en 2019,” 3 February 2020, https://telquel.ma/2020/02/03/khalid-zerouali-74-000-tentatives-dimmigration-clandestine-avortees-en-2019_1667617

⁴³ J. N. Ngoma, “Migrations irrégulières : au Maroc, 74 000 tentatives avortées en 2019 (officiel),” *Africanews*, 3 February 2020, <https://fr.africanews.com/2020/02/03/migrations-irregulieres-au-maroc-74-000-tentatives-avortees-en-2019-officiel/>

community,⁴⁴ to date the law has not been finalised, and instead the country's Migration Law remains applicable to asylum seekers despite the fact that it is not in compliance with the 1951 refugee convention in its failure to prohibit the criminalisation of irregularly entering asylum seekers.

According to the Migration Act (Article 38), non-nationals who enter Morocco seeking asylum can be held in waiting areas—*zones d'attente*—located in airports and other ports of entry, for the time required to arrange departure or to determine if there are reasonable grounds for the non-citizens to enter asylum procedures. The act grants authority to the “administration”—in practice the border police (*Police Aux Frontières*, or PAF) operating under instructions from the Director General for National Security (*La Direction Générale de la Sûreté Nationale*, or DGSN)—to allocate a space for detention and requires authorities to provide a written order authorising detention for up to 48 hours, which can be renewed for an additional 48 hours. If the person cannot be deported within four days, or if they request asylum, a judge can authorise an additional eight days of detention in the transit zone, which may be legally appealed although the appeal is not suspensive.

In exceptional cases, beyond twelve days in the transit zone, a non-citizen can be held for up to an additional eight days in the transit zone if a judge deems it necessary, thereby providing for a total of 20 days (Article 38 of the Migration Act). If a judge fails to provide official authorisation for the detention of a non-citizen within the prescribed time, the non-citizen may enter Moroccan territory with a temporary eight-day visa. They must leave the country within that time, unless granted a temporary residence permit or a registration card application receipt (Article 38).

According to rights advocates, unauthorised migrants have at times become stranded in the Casablanca Airport Transit Zone for an indefinite period without legal basis, where they have been unable to access rights and guarantees provided for in Migration Act (Articles 35, 36, and 38). According to sources consulted by the Global Detention Project for this report, asylum seekers “do not have effective access to asylum procedures at the airport nor on the territory, denying some of the most important international protection rights provided by the 1951 convention.”

Morocco has consistently faced criticism for its treatment of asylum seekers. In 2017, observers accused the country of flouting its international obligations by refusing to permit entry to a group of 25 Syrian asylum seekers (including 10 children) stranded in the desert area between Algeria and Morocco, denying them access to asylum procedures and humanitarian assistance. According to Amnesty International, on 5 June 2017 ten of the refugees attempted to reach the Moroccan town of Figuig, only to be apprehended and forcibly returned to the border area by border police.⁴⁵ Others have highlighted the presence of asylum seekers amongst those caught up in raids, relocations, detentions, and expulsions.

⁴⁴ See: Maroc.ma, “Immigration and Asylum Policy: Morocco Sets Example, UNHCR,” 2 October 2018, <https://www.maroc.ma/en/news/immigration-and-asylum-policy-morocco-sets-example-unhcr-0>

⁴⁵ Amnesty International, “Syrian Refugees Trapped in Desert on Moroccan Border with Algeria in Dire Need of Assistance,” 7 June 2017, <https://www.amnesty.org/en/latest/news/2017/06/syrian-refugees-trapped-in-desert-on-moroccan-border-with-algeria-in-dire-need-of-assistance/>; Euromed Rights, “Journée internationale des réfugiés – Algérie/Maroc: la convention de Genève piétinée,” 19 June 2017, <https://euromedrights.org/fr/publication/journee-internationale-des-refugies-convention-de-geneve-pietinee/>

2.6 Children

Is the detention of unaccompanied children provided in law?	No
Is the detention of accompanied children provided in law?	No
Number of detained children	Not available

While the Migration Act does not provide for migration-related detention of children, it does not explicitly prohibit it either. Although the act protects children from expulsion (Article 26) and deportation (Article 29), numerous reports have alleged that children—including unaccompanied minors—have numbered amongst those abandoned in the desert between Morocco and Algeria by security forces.⁴⁶

According to numerous reports, children have also faced arrest and detention in Morocco. In 2014, the UN Committee on the Rights of the Child (CRC) drew attention to the “deteriorating health conditions of children present in the Migrant Reception Centre.”⁴⁷ More recently, observers have reported the presence of child detainees in ad hoc detention facilities. In February 2021, the Moroccan Association for Human Rights (AMDH) highlighted the case of 26 migrants—including five children—detained for almost a month in a children’s home in Guelmim, southern Morocco.⁴⁸

Proposed EU funded projects discussed in September 2013 alongside the EU Morocco Mobility Partnership declaration of June 2013 (see 2.15 Externalisation, readmission, and third-country agreements) include a project related to unaccompanied minors—both Moroccan youth on EU territory as well as unaccompanied minors from third countries on Moroccan territory. There was also a Dutch proposal for “Technical assistance in developing methods and procedures to tackle the detention of unaccompanied minors on Moroccan territory, with a view to returning the unaccompanied minors to their country of origin through specialised AVR programmes for unaccompanied minors; identification of accommodation centres.”⁴⁹

⁴⁶ GADEM, “Note à l’attention du comité de protection des droits des travailleurs migrants et des membres de leur famille sur l’application au Maroc de la Convention sur l’application internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille,” 2013, <http://www2.ohchr.org/english/bodies/cmw/cmws19.htm>; J. Vargas and R. Soto, “Marruecos Abandona en el Desierto a Migrantes Detenidos Durante la Covid: ‘Anduvimos 6 Dias sin Agua ni Comida,’” *Público*, 14 May 2020, <https://www.publico.es/sociedad/deportados-marruecos-argelia-marruecos-abandona-desierto-argelino-migrantes-detenidos-covid-andamos-6-dias-agua-comida.html>

⁴⁷ UN Committee on the Rights of the Child (CRC), “Concluding Observations on the Combined Third and Fourth Periodic Reports of Morocco,” CRC/C/MAR/CO/3-4, 14 October 2014, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MAR/CO/3-4&Lang=En

⁴⁸ Moroccan Association for Human Rights (AMDH), “Facebook Update,” 17 February 2021, <https://www.facebook.com/AmdhNador/videos/476629980382587>

⁴⁹ Council of the European Union (CEU), “Addendum to “I/A” Item Note,” 6139/13, ADD 1 REV 3, 3 June 2013.

2.7 Length of Detention

Maximum length for administrative immigration detention in law	26 days
Are there reports of this maximum limit being exceeded in practice?	Yes

According to Article 35 of the Migration Act, a court order is required for the detention of foreign nationals beyond 24 hours, which can be extended for up to 15 days, plus 10 additional days. As such, the cumulative maximum length of detention appears to be 26 days (Articles 34 and 35 of the Migration Act). In practice, observers have told the Global Detention Project (GDP) that immigration detainees are sometimes held in detention for periods exceeding this limit.⁵⁰ (In 2015 for example, a Sri Lankan asylum seeker was detained in Casablanca Airport for 39 days.⁵¹) Other sources have told the GDP that “authorities don’t use these articles as a legal basis for administration detention” because it requires the use of detention centres which, although called for in Migration Law 02-03, have never been established.

2.8 Procedural Standards

What basic procedural standards are required by law?	<ul style="list-style-type: none">• Detainees to be informed of their rights (via an interpreter if necessary)• Right to request assistance of an interpreter, doctor, lawyer, and/or their consulate or a person of their choice.
Are these standards routinely applied?	No

The Migration Act provides important rules for the proper treatment of non-citizens taken into custody, including detailed specifications on lengths of detention and access to rights. According to Article 34, non-citizens detained on administrative grounds should be immediately informed of their rights (with the assistance of an interpreter if necessary); the prosecutor should be immediately informed; and during their detention, the detainee should be able to request the assistance of an interpreter, doctor, lawyer, and/or their consulate or a person of their choice (Article 36). In addition, detailed records of all detainees should be maintained at detention facilities, including information on the progress of the foreign national’s situation (Article 35). These rights also apply to persons confined in a transit zone (Article 38).⁵² However, observers argue that authorities routinely fail to apply the provisions of the Act.⁵³

⁵⁰ H. Rachidi (GADEM), Information provided to the Global Detention Project, March 2011.

⁵¹ Aeroport de Casablanca, “Sri Lankan Stranded for 39 Days at Casablanca Airport Sent Back to His Country,” 11 August 2015, https://www.aeroport-de-casablanca.com/fr/informations_aeroport.php?idnew=514

⁵² H. Rachidi (GADEM), Global Detention Project Questionnaire, November 2011.

⁵³ Global Detention Project, “Submission to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families: Morocco – 33rd Session, 5-16 October 2020,” September 2020, <https://www.globaldetentionproject.org/joint-submission-to-the-committee-on-migrant-workers-morocco>

Article 23 of the 2011 Moroccan Constitution also provides protection against arbitrary detention and guarantees the right to information regarding grounds for detention, legal assistance, and communication with relatives. The provision also provides for due process rights including the presumption of innocence and the right to a fair trial.

According to various observers, many of the protections provided to non-nationals in the Migration Act—including rights and procedures for administrative detention, guarantees offered in the context of removal procedures, and appeal procedures—are not applied in practice.⁵⁴ The [Euro-Mediterranean Human Rights Network](#) (EMHRN) claims that “in practice, removal and expulsion orders are made in various ways (decisions communicated verbally or not communicated in advance, etc.); and reasons for expulsions and deportations are rarely provided, in clear violation of the Migration Act. In practice, there is no procedure for appealing expulsion orders, except with respect to the destination country, if specific in the order. Even where an appeal procedure exists, in the case of administrative removals, the procedure is largely ineffective due to insufficient information being provided to the migrants and the failure of officials to follow procedures.”⁵⁵

During her visit to Morocco in 2019, the Special Rapporteur on Racism also noted failures to adhere to protections provided by the Migration Act. She stated: “In the north of the country, the Special Rapporteur received credible reports of harassment, arbitrary arrest and detention, excessive use of force, and forced relocation, in some cases targeted at regular and irregular migrants alike, where officials employed racial profiling in the course of law enforcement.” She also noted: “The Special Rapporteur is seriously concerned about the use of racial profiling and the absence of due process in the conduct of forced relocations of migrants in the northern regions of Tangier, Nador and Tétouan.”⁵⁶

Advocates report that the grounds for detention are only provided orally (contrary to provisions in the Migration Act, articles 23 and 24), which makes it difficult to challenge the detention within the legal forty-eight hours deadline. Access to legal assistance, appeals, and complaints procedures is not systematically afforded to detainees and documents and proceedings rarely use Arabic so that detainees are unable to understand the reasons for detention and to appeal decisions.⁵⁷ Legal assistance is mainly provided by civil society organisations and UNHCR.⁵⁸

⁵⁴ GADEM, “*Le cadre juridique relatif à la condition des étrangers au regard de l’application du pouvoir exécutif et de l’interprétation du juge*,” January 2009; GADEM, “*Note informative sur le procès des cinq réfugiés*,” 7 July 2009; Euro-Mediterranean Human Rights Network (EMHRN), “Study on Migration and Asylum in Maghreb Countries: Inadequate Legal and Administrative Frameworks Cannot Guarantee the Protection of Migrants, Refugees and Asylum Seekers,” July, 2010, <https://www.refworld.org/docid/515018942.html>

⁵⁵ Euro-Mediterranean Human Rights Network (EMHRN), “Study on Migration and Asylum in Maghreb Countries: Inadequate Legal and Administrative Frameworks Cannot Guarantee the Protection of Migrants, Refugees and Asylum Seekers,” July, 2010, <https://www.refworld.org/docid/515018942.html>

⁵⁶ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, “Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019),” *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>

⁵⁷ H. Rachidi, Global Detention Project Questionnaire, November 2011.

⁵⁸ H. Rachidi, Global Detention Project Questionnaire, November 2011.

2.9 Non-Custodial Measures (“Alternatives to Detention”)

Does the law require consideration of non-custodial measures as part of detention procedures?	Yes
Are non-custodial measures used in practice?	No

The Migration Act provides that a foreigner served an expulsion order or who is to be deported but cannot leave the Moroccan territory can be placed under home arrest for up to one month and must regularly report to the police or the royal gendarmerie (Article 31). According to migrants’ advocates, Moroccan authorities tend to use deportation and/or expulsion as “alternatives to detention.”⁵⁹

2.10 Detaining Authorities and Institutions

Does the law call for specialised immigration detention centres?	Yes
Does the country operate specialised immigration detention centres?	No

Article 34 of the Migration Act provides that Morocco is to establish officially designated immigration detention centres, which do not fall under the authority of the prison administration (*“locaux ne relevant pas de l’administration pénitentiaire”*). According to sources in Morocco, this provision has led officials to avoid detention under grounds provided in this provision because dedicated facilities have not yet been established for this purpose.

After her visit to Morocco in 2019, the UN Special Rapporteur on Racism reported that Morocco had decided against building dedicated detention centres, saying that the country had “rejected policies of immigration detention.” Her report added: “The Special Rapporteur commends the decision of Morocco to reject the warehousing of migrants in immigration detention centres, and instead to adopt a formal policy aimed at integrating migrants into its society. The Special Rapporteur also commends the recent decision by Morocco to reject European Union attempts to locate offshore asylum processing or “regional disembarkation” centres within Moroccan territory.”⁶⁰

The decision by the Special Rapporteur to “commend” Morocco’s commitment not to develop a dedicated immigration detention system stands in stark contrast to recommendations that other human rights bodies have made when faced with ad hoc immigration detention systems that rely heavily on police stations, prisons, and other non-specialised facilities for immigration purposes. Both the UN Committee on Migrant Workers (CMW) and the European Committee for the Prevention of Torture (CPT), for instance, have repeatedly highlighted how detention in such systems violates the rights of migrants, and the

⁵⁹ H. Rachidi, Global Detention Project Questionnaire, November 2011.

⁶⁰ M. Flynn, “Be Careful What You Wish For,” *Forced Migration Review*, September 2013, <https://www.fmreview.org/detention/flynn>

CPT in particular has consistently encouraged countries to create appropriate institutions to avoid these types of violations.⁶¹

2.11 Domestic Monitoring

Do NGOs attempt to monitor migration-related detention sites?	Yes
Has the country established a National Preventive Mechanism (NPM)?	Yes

The new 2011 Constitution strengthened the mission of the National Human Rights Council (CNDH) and established its role as a monitor of places of detention, including airport transit zones. Following Morocco's ratification of the [Optional Protocol to the Convention against Torture](#) in 2014, in 2018 authorities passed [Law n° 76-15 of February 2, 2018](#), which designated the CNDH as the country's National Preventive Mechanism (NPM).

The CNDH submitted a report to the UN Committee on Migrant Workers (CMW) in September 2013 calling for effective access to justice, including access to lawyers and interpreters, consular representatives, asylum procedures, and health care in cases of arrest and detention of irregular migrants.⁶² The report prompted the government to announce reforms of the laws on migration, asylum, and trafficking in human beings, as well as a regularisation operation (for more, see: Introduction).

National non-governmental organisations have also closely monitored the situation of irregular migrants. The 2013 CNDH report argues that the integration of migrant associations in the reform process is fundamental and advocates for the "regularisation" of the legal registration status of migrant assisting associations, including GADEM.⁶³ GADEM confirmed that its situation was "regularised" in December 2013 after seven years of administratively underground operations (*clandestinité administrative*) and acknowledged the CNDH for its support.⁶⁴

⁶¹ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, "Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019)," *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>

⁶² Conseil national des droits de l'homme (CNDH), "*Conclusions et recommandations du rapport - Etrangers et droits de l'Homme au Maroc: pour une politique d'asile et d'immigration radicalement nouvelle*," 2013, <http://www.ccdh.org.ma/fr/communiqués/le-cndh-elabore-un-rapport-sur-lasile-et-limmigration-au-maroc>

⁶³ Conseil national des droits de l'homme (CNDH), "*Conclusions et recommandations du rapport - Etrangers et droits de l'Homme au Maroc: pour une politique d'asile et d'immigration radicalement nouvelle*," 2013, <http://www.ccdh.org.ma/fr/communiqués/le-cndh-elabore-un-rapport-sur-lasile-et-limmigration-au-maroc>

⁶⁴ GADEM, "*Pour les dix ans de la loi sécuritaire n°02-03, en finir avec la vision répressive de la migration*," 6 December 2013, <http://www.gadem-asso.org/Pour-les-dix-ans-de-la-loi,178>

2.12 International Monitoring

Has the country ratified the Optional Protocol to the Convention against Torture (OPCAT)?	Yes
Does the country receive visits from the Subcommittee on Prevention of Torture (SPT)?	Yes
Has the country received comments from international human rights mechanisms regarding its immigration detention practices?	Yes

Morocco ratified the [Optional Protocol to the Convention against Torture](#) in 2014, and received its first visit from the [Subcommittee on the Prevention of Torture \(SPT\)](#) in 2017. During its visit, the committee advised the government on the establishment of a National Preventive Mechanism and visited several detention facilities—including police stations. The committee’s findings, however, remain confidential.⁶⁵

Several human rights bodies have scrutinised Morocco’s immigration and asylum practices, including its detention and deportation policies and practices.

Regarding detention, in 2016 the UN Human Rights Committee (CCPR) condemned the country’s detention of child migrants.⁶⁶ Previously in 2014, the UN Committee on the Rights of the Child (CRC) had noted the arrest and detention of refugee and asylum-seeking children. The CRC urged the country to cease the arrest, arbitrary detention, and deportation of children and to “accelerate the adoption of a legal and institutional framework that ensures that the rights of non-accompanied migrant, asylum-seeking and refugee children are respected at all times, in accordance with international refugee and human rights law.”⁶⁷ In 2013, the UN Committee on Migrant Workers (CMW) recommended that the State party “decriminalize irregular migration and make provision for appropriate penalties for such offences.”⁶⁸

Collective arrests, detention, and expulsions have been raised repeatedly by various treaty bodies and special procedures. In 2016, the CCPR expressed its concerns regarding such incidents, as well as the excessive use of force and the participation of Moroccan security

⁶⁵ Office of the High Commissioner for Human Rights, “UN Torture Prevention Body Concludes First Visit to Morocco,” 31 October 2017, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22330&LangID=E>

⁶⁶ UN Human Rights Committee (CCPR), “Concluding Observations on the Sixth Periodic Report of Morocco,” CCPR/C/MAR/CO/6, 1 December 2016, <https://undocs.org/CCPR/C/MAR/CO/6>

⁶⁷ UN Committee on the Rights of the Child (CRC), “Concluding Observations on the Combined Third and Fourth Periodic Reports of Morocco,” CRC/C/MAR/CO/3-4, 14 October 2014, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MAR/CO/3-4&Lang=en

⁶⁸ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), “Concluding Observations on the Initial Report of Morocco Adopted by the Committee at its Nineteenth Session (9-13 September 2013),” CMW/C/MAR/CO/1, 8 October 2013, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fMAR%2fCO%2f1&Lang=en

forces during these events.⁶⁹ Previously, in 2014 the CRC highlighted the case of five children who were deported “at risk of their life” in the desert between Morocco and Algeria. The committee called on authorities to conduct an inquiry so that sanctions were taken against those responsible and measures adopted to prevent such an event recurring, and emphasised the need to protect children from deportation in breach of the law.⁷⁰

In 2013 the Working Group on Arbitrary Detention (WGAD) highlighted the allegations that it had received regarding collective arrests and expulsions, and authorities’ failure to “provide information about those allegations or about the places and regimes of detention used for foreign nationals awaiting deportation who do not come under the authority of the Prison Service.”⁷¹ That same year, the CMW expressed its concern regarding collective expulsions, and highlighted in particular the fact that pregnant women and unaccompanied minors had been abandoned in desert areas “including in mined areas and areas where they are likely to become victims of violence, including sexual violence against women, in precarious conditions that leave them more vulnerable to attacks and exploitation.”⁷²

Most recently, in 2019 the UN Special Rapporteur on Trafficking in Persons noted: “Morocco must cease any and all immigration enforcement policies that result in gross human rights violations, including in forests in the north and other regions close to its frontiers with Europe. At the same time, regional and international actors, in particular the European Union and its member States, must take responsibility for the role they must play in ensuring migrants’ human rights in Morocco.”⁷³

Also in 2019 the UN Special Rapporteur on Racism urged Morocco to: “Eliminate all practices of racial profiling and all other racially discriminatory immigration enforcement practices, including the forced relocations, arbitrary arrest and detention, regional containment of, and excessive use of force against, black, sub Saharan Africans.”⁷⁴

International observers have also criticised the country’s asylum and refugee system. In 2016, the CCPR urged Morocco to follow-through on the regularisation process announced in 2014 by boosting efforts to regularise the situation of persons in need of international

⁶⁹ UN Human Rights Committee (CCPR), “Concluding Observations on the Sixth Periodic Report of Morocco,” CCPR/C/MAR/CO/6, 1 December 2016, <https://undocs.org/CCPR/C/MAR/CO/6>

⁷⁰ UN Committee on the Rights of the Child (CRC), “Concluding Observations on the Combined Third and Fourth Periodic Reports of Morocco,” CRC/C/MAR/CO/3-4, 14 October 2014, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MAR/CO/3-4&Lang=En

⁷¹ UN Working Group on Arbitrary Detention (WGAD), “Report of the Working Group on Arbitrary Detention, Addendum, Morocco,” A/HRC/27/48/Add.5, 4 August 2014, <https://undocs.org/en/A/HRC/27/48/Add.5>

⁷² UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), “Concluding Observations on the Initial Report of Morocco Adopted by the Committee at its Nineteenth Session (9-13 September 2013),” CMW/C/MAR/CO/1, 8 October 2013, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fMAR%2fCO%2f1&Lang=en

⁷³ UN Human Rights Council (HRC), “Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Joy Ngozi Ezeilo, Addendum, Visit to Morocco,” A/HRC/26/37/Add.3, 1 April 2014, <https://undocs.org/A/HRC/26/37/Add.3>

⁷⁴ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, “Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019),” *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>

protection by granting them legal status and national refugee cards so as to uphold their right to non-discrimination. It similarly encouraged authorities to establish procedures for the determination of refugee status at entry points—including airports.⁷⁵

The country also received numerous relevant recommendations during its review for the third cycle of the UN Universal Periodic Review (UPR) in 2017, including: “continue the implementation of the policy of effective promotion and protection of the rights of migrants (Central African Republic) (para. 144.237)” and “thoroughly review the national legislation on migration and asylum (Honduras) (para. 144.239).”⁷⁶

2.13 Transparency and Access to Data

Is there a publicly accessible official list of currently operating detention centres?	No
Does the country provide annual statistics of the numbers of people placed in migration-related detention?	No

Morocco provides little access to data and statistics concerning immigration detention measures. Nevertheless, the government has reported that it is taking steps to improve its collection of migration statistics, though it remains unclear if these efforts will include data on detention and removal. According to the Special Rapporteur on Racism, during her visit to the country in 2019 she was “informed about plans to conduct a large-scale national survey, which will collect detailed disaggregated data that can be used to analyse important trends, causes and effects of international migration in Morocco. She recalls the importance of pursuing such initiatives in a manner that fully complies with equality and non-discrimination.”⁷⁷

In response to the lack of available data, in 2020 the Global Detention Project—together with the Moroccan Association for Human Rights (AMDH)—submitted information to the UN Committee on Migrant Workers (CMW) relevant to the list of issues for Morocco, which included a recommendation for the committee to request: “Disaggregated data on the number of migrants in detention, and the numbers that are expelled and deported, including with respect to age, gender, grounds for detention and/or deportation.”⁷⁸ In its list of issues

⁷⁵ UN Human Rights Committee (CCPR), “Concluding Observations on the Sixth Periodic Report of Morocco,” CCPR/C/MAR/CO/6, 1 December 2016, <https://undocs.org/CCPR/C/MAR/CO/6>

⁷⁶ UN Human Rights Council (HRC), “Report of the Working Group on the Universal Periodic Review: Morocco,” A/HRC/36/6, 13 July 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/190/71/PDF/G1719071.pdf?OpenElement>

⁷⁷ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, “Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019),” *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>

⁷⁸ Global Detention Project (GDP) and Moroccan Association for Human Rights (AMDH), “Joint Submission to the Committee on Migrant Workers: Morocco,” 17 September 2020, https://www.globaldetentionproject.org/joint-submission-to-the-committee-on-migrant-workers-morocco#_ftn4

prior to reporting, the CMW subsequently included a request for disaggregated data for the past three years on migrant workers in detention (35(b)).⁷⁹

2.14 Trends and Statistics

Immigration detainee population	Not available
Average length of detention	Not available
Number of asylum seekers	6,461 (March 2021) ⁸⁰
Number of refugees	8,491 (March 2021) ⁸¹

Morocco does not appear to provide publicly available statistics concerning the numbers of people who have been detained for immigration-related reasons. Occasional reports have however emerged such as in January 2014, when the Nigerian ambassador to Morocco declared that at least 100 Nigerians were languishing in various Moroccan prisons, mostly for offences relating to illegal migration, drugs, and petty crimes.⁸²

In 2020, the UN Population Division reported a total of 102,358 international migrants in Morocco.⁸³ Real numbers are difficult to ascertain, however, given the large number of irregular migrants present within the country. Scholars have estimated that there are between 10,000-20,000 irregular migrants in the country, while the government has claimed there are 25,000-45,000.⁸⁴ This includes sub-Saharan, but also many Europeans and Asians. The majority of irregular migrants in Morocco come from sub-Saharan Africa and enter the country through Algeria, near Oujda, after having traversed the Sahara desert.⁸⁵ According to one observer, the main source countries include Nigeria, Mali, Senegal, Ivory Coast, Guinea, and Cameroon; 80 percent are men.⁸⁶

⁷⁹ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), "List of Issues Prior to the Submission of the Second Periodic Report of Morocco," CMW/C/MAR/QPR/2, 23 February 2021, <https://bit.ly/3eZB1tl>

⁸⁰ UN High Commissioner for Refugees (UNHCR), "Morocco – Fact Sheet," April 2021, <https://reporting.unhcr.org/sites/default/files/Morocco%20fact%20sheet%20April%202021.pdf>

⁸¹ UN High Commissioner for Refugees (UNHCR), "Morocco – Fact Sheet," April 2021, <https://reporting.unhcr.org/sites/default/files/Morocco%20fact%20sheet%20April%202021.pdf>

⁸² Premium Times, "100 Nigerians Languish in Moroccan Prisons-Ambassador," January 2014, <http://premiumtimesng.com/news/153206-100-nigerians-languish-moroccan-prisons-ambassador.html>

⁸³ UN Population Division, "International Migrant Stock," 2020, <https://www.un.org/development/desa/pd/content/international-migrant-stock>

⁸⁴ A. Jacobs, "Sub-Saharan Irregular Migration in Morocco; The Politics of Civil Society and the State in the Struggle for Migrants' Rights," 2012, <https://bit.ly/33vz6aF>; L'économiste, "Le Maroc muscle sa politique migratoire," 13 November 2013, <http://www.leconomiste.com/article/912799-le-maroc-muscle-sa-politique-migratoire>

⁸⁵ F. Duvell, and B. Vollmer, "Irregular Migration In and From the Neighbourhood of the EU: A Comparison of Morocco, Turkey and Ukraine," *Clandestino*, September 2009, <https://bit.ly/3zzzB13>

⁸⁶ F. Duvell, and B. Vollmer, "Irregular Migration In and From the Neighbourhood of the EU: A Comparison of Morocco, Turkey and Ukraine," *Clandestino*, September 2009, https://www.hwwi.org/typo3_upload/groups/31/4.Background_Information/4.6.Link_library_InternalDocuments/Transit_report_COMPAS_Sept09.pdf

According to the country's Interior Ministry, in 2019 authorities stopped some 74,000 people from irregularly entering Spain from Morocco.⁸⁷ Previously, in 2018 authorities reported that they had stopped 89,000 people from irregularly exiting the country, while 5,608 opted for voluntary return.⁸⁸ Between 2017 and 2019, IOM assisted over 4,600 migrants to “voluntarily return” to their country of origin.⁸⁹

As of March 2021, UNHCR had identified a total of 14,952 persons of concern (8,491 refugees and 6,461 asylum seekers) in approximately 77 localities across the country. The top countries of origin were Syria (4,705), Guinea (2,054), Cameroon (1,256), and Côte d'Ivoire (1,216).

Although authorities do not disclose statistics related to deportations and expulsions, NGOs and other observers have occasionally been able to share information. According to the Moroccan Association for Human Rights (AMDH), 6,406 people—mostly sub-Saharan and including 22 children—were deported during a six-month period in 2013.⁹¹ In October 2012, more than 5,400 irregular sub-Saharan migrants were deported to the Algerian border—a third of them were unaccompanied minors. According to a security source in Oujda, 10,030 migrants were escorted to the Algerian border between May 29 and October 31, 2012. Another report by the National Sureté in Oujda indicated that 79,000 deportations to Algeria took place between 2005 and 31 October 2012.⁹²

2.15 Externalisation, Readmission, and Third-Country Agreements

Countries with which Morocco has signed readmission agreements

- Spain
- Portugal
- France
- Germany

Morocco has long been a target of European efforts to “externalise” migration controls and asylum processing. These efforts picked up pace in the 1990s, when Morocco’s reputation as a transit country for migrants, refugees, and asylum seekers attempting to reach Europe

⁸⁷ J. N. Ngoma, “Migrations irrégulières : au Maroc, 74 000 tentatives avortées en 2019 (officiel),” *Africanews*, 3 February 2020, <https://fr.africanews.com/2020/02/03/migrations-irregulieres-au-maroc-74-000-tentatives-avortees-en-2019-officiel/>

⁸⁸ Voice of America, “Report: Morocco Foils 89,000 Illegal Migration Attempts in 2018,” 17 January 2019, <https://www.voanews.com/africa/report-morocco-foils-89000-illegal-migration-attempts-2018>

⁸⁹ Migration Data Portal, “Morocco – IOM Assisted Voluntary Returns from Host Country in 2019,” 20 August 2020, https://migrationdataportal.org/data?t=2019&cm49=504&i=avrr_host

⁹⁰ UN High Commissioner for Refugees (UNHCR), “Morocco – Fact Sheet,” April 2021, <https://reporting.unhcr.org/sites/default/files/Morocco%20fact%20sheet%20April%202021.pdf>

⁹¹ Daily Maroc/AFP, “Plus de 6400 migrants subsahariens expulsés du Maroc depuis Janvier,” 1 August 2013, <http://www.dailymaroc.com/2013/08/01/plus-de-6400-migrants-subsahariens-expulses-du-maroc-depuis-janvier/>

⁹² Moroccan Association for Human Rights (AMDH), “Rapport parallèle au premier rapport du Maroc sur la mise en œuvre de la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille,” April 2013, <http://www2.ohchr.org/english/bodies/cmw/cmws19.htm>

became solidified. The impact of this pressure on Morocco's policies and practices have been widely noted. For instance, in 2019, after her visit to the country, the UN Special Rapporteur on Racism noted her "great concern" over the "pressure that Morocco currently faces from Europe in matters relating to migration governance, given the geopolitical significance of the Kingdom's location. It is no secret that in recent years, Europe has escalated its efforts to restrict migration, especially from Africa. ... This situation is at risk of worsening, and Morocco must take proactive steps to avoid further escalation."⁹³

These concerns notwithstanding, European governments continue to see Morocco as a key place for exporting detention practices. In 2020, Morocco was mentioned as being among the countries the UK government was targeting for plans to send asylum seekers to offshore "processing" facilities. According to leaked documents reported by the Guardian in September 2020, the UK's Foreign, Commonwealth and Development Office identified Morocco as among the "options for negotiating an offshore asylum processing facility similar to the Australia model in Papua New Guinea and Nauru."⁹⁴ In December 2019, the EU announced a package of 101.7 million EUR to Morocco (via the Emergency Trust Fund for Africa) to facilitate the country's efforts to combat irregular migration and human trafficking.⁹⁵

In 1992, Morocco signed a readmission agreement with [Spain](#), but it only came into force in 2012 and reportedly has been rarely used.⁹⁶ Other readmission agreements include those with [Germany](#) (1998), [France](#) (2001), and [Portugal](#) (2004).⁹⁷ Since 2000, the European Commission (EC) and Morocco have also been negotiating a readmission agreement, with unresolved disagreements relating to the evidence required to prove that a migrant has transited through Morocco before arriving in Europe.⁹⁸ Fifteen rounds of negotiations took place between 2003 and 2010, when the discussions officially stalled.⁹⁹ In April 2013, Morocco signed a mobility partnership agreement the EU (*Déclaration conjointe établissant un partenariat de mobilité entre le royaume du Maroc et Union européenne et ses états*

⁹³ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, "Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019)," *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>

⁹⁴ See also, UN Human Rights Committee (CCPR), "Concluding Observations on the Sixth Periodic Report of Morocco," CCPR/C/MAR/CO/6, 1 December 2016, <https://undocs.org/CCPR/C/MAR/CO/6>

⁹⁵ European Commission, "The EU is Boosting its Support to Morocco with New Programmes Worth €389 Million," 20 December 2019, https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6810

⁹⁶ Gobierno de España, "Acuerdo entre el Reino de España y el Reino de Marruecos relativo a la circulación de personas, el tránsito y la readmisión de extranjeros entrados ilegalmente," Boletín oficial del Estado (BOE), 13 February 1992, <http://therightsangle.wordpress.com/2013/12/19/the-1992-spanish-morocco-readmission-agreement-in-english/>; J. Chaudier, "Le Maroc va-t-il devoir 'réadmettre' tous les Subsahariens clandestins de Sebta et Méllila?" *Yabiladi*, 6 September 2012, <http://www.yabiladi.com/articles/details/12751/maroc-va-t-il-devoir-readmettre-tous.html>; Return Migration and Development Platform (RDP), "Inventory of the Agreements Linked to Readmission – Morocco," <http://rsc.eui.eu/RDP/research/analyses/ra/maroc/>

⁹⁷ Return Migration and Development Platform (RDP), "Inventory of the Agreements Linked to Readmission – Morocco," <http://rsc.eui.eu/RDP/research/analyses/ra/maroc/>

⁹⁸ M. André, S. Guillet, and N. Sammakia, "Study on Migration and Asylum in Maghreb Countries: Inadequate Legal and Administrative Frameworks Cannot Guarantee the Protection of Migrants, Refugees and Asylum Seekers," *Euro-Mediterranean Human Rights Network (EMHRN)*, July 2010, <https://www.refworld.org/pdfid/515018c62.pdf>

⁹⁹ European Parliament, "Parliamentary Questions: Answer Given by Ms Johansson on Behalf of the European Commission," 30 April 2020, https://www.europarl.europa.eu/doceo/document/E-9-2020-000331-ASW_EN.html

membres).¹⁰⁰ The agreement foresees the conclusion of a readmission agreement despite Morocco's stated reluctance to act as a policeman for Europe, as reiterated in July 2012 by Moroccan Minister of Foreign Affairs and Cooperation Salahuddin el Othmani.¹⁰¹

Observers have questioned whether the agreement might include other bargaining elements, for example on foreign policy.¹⁰² Some observers have denounced the EU's pressure on Morocco to take back clandestine migrants and the "scandalous objective" of the planned readmission agreement.¹⁰³

This new generation of non-binding EU tailor-made migration-related agreements has already been signed with [Moldova](#), Cape Verde, Georgia, and Armenia, and as of this report's publication there were similar agreements in the works with [Azerbaijan](#), [Tunisia](#), and [Jordan](#). A UN human rights expert argues that these agreements lack enforcement mechanisms and independent evaluation and do not provide a clear framework within which human rights can automatically be incorporated into the mobility partnerships, especially due to the opaque nature of the negotiations.¹⁰⁴ Moroccan NGOs contend that in the present context, any mobility agreement condones current practices and signals the EU's intention to ignore the government's treatment of migrants.¹⁰⁵

The EU and Morocco have also established several agreements aimed at managing migration flows. According to one published study, "By strengthening a type of cooperation whose impact remains uneven, the European Union runs the risk of contributing directly to the implementation of migration policies that are contrary to the basic rights of migrants and refugees. In so doing, the EU also encourages bilateral policies and practices between its member states and the countries of North Africa, even though the latter are little concerned with the rights of migrants and refugees."¹⁰⁶

¹⁰⁰ European Commission (EC), "L'UE et le Maroc signent un partenariat pour gérer la migration et la mobilité. European Commission - IP/13/513," 7 June 2013, http://europa.eu/rapid/press-release_IP-13-513_fr.htm

¹⁰¹ Conseil Consultatif des Droits de l'Homme (CCDH), "Rapport sur l'établissement des faits relatifs à l'immigration illégale: Evénements de Ceuta et Melillia durant l'automne 2005," Conseil Consultatif des Droits de l'Homme, 2006 <http://www.ccdh.org.ma/spip.php?article608>; J. Chaudier, "Le Maroc va-t-il devoir "réadmettre" tous les Subsahariens clandestins de Sebta et Melillia?" 6 September 2012, <http://www.yabiladi.com/articles/details/12751/maroc-va-t-il-devoir-readmettre-tous.html>

¹⁰² L. Ringuet, "Maroc et Union européenne. Conclusion du partenariat pour la mobilité : quand se mêlent perspectives nouvelles et réserves," Le portail de référence pour l'Espace de Liberté, Sécurité et Justice, 28 June 2013, <https://bit.ly/3kXWRC6>; J. Chaudier, "Maroc : Les rafles de Subsahariens continuent, un Congolais est mort," Yabiladi, 1 August 2013, <http://www.yabiladi.com/articles/details/18795/maroc-raffes-subsahariens-continuent-congolais.html>

¹⁰³ L'économiste, "Migrations," 13 November 2013, <http://www.leconomiste.com/node/912837>

¹⁰⁴ F. Crépeau, "Report of the Special Rapporteur on the Human Rights of Migrants, Regional Study: Management of the External Borders of the European Union and its Impact on the Human Rights of Migrants," A/HRC/23/46, Human Rights Council, 24 April 2013, <http://www.ohchr.org/en/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx>

¹⁰⁵ GADEM, "Note - Campagne numéro 9 - Stop aux violences aux frontières," 28 June 2013, <http://www.gadem-asso.org/NOTE-Campagne-numero-9,164>

¹⁰⁶ Euro-Mediterranean Human Rights Network (EMHRN), "Study on Migration and Asylum in Maghreb Countries: Inadequate Legal and Administrative Frameworks Cannot Guarantee the Protection of Migrants, Refugees and Asylum Seekers," July 2010, <https://www.refworld.org/docid/515018942.html>

The EU's general framework for bilateral cooperation with Morocco (the Barcelona Process and European Neighborhood Policy, or ENP) was modified in 2005 to include migration as a key area for future collaboration. As part of its participation in the ENP, Morocco receives EU assistance aimed at "reinforcing neighbouring countries' efforts to combat illegal migration and to establish efficient mechanisms for returns, especially illegal transit migration." The ENP has resulted in the commitment of several hundred million EUR to Morocco for implementing projects or reforms in the designated policy area, including a budgetary allocation of 40 million EUR for strengthening border controls between 2004-2006.¹⁰⁷

The EU has provided significant funding to the Interior Ministry since 2003 to train police and improve border monitoring. In return for this assistance, Morocco is expected to assist in "managing the stock" of migrants by "closing down access points into Morocco in the south and blocking exit points to Europe in the north."¹⁰⁸ In 2006, Morocco signed a funding agreement worth 67 million euros with the European Union to provide support to the Moroccan migration strategy. In 2012, in its report to the UN Committee on Migrant Workers, the government wrote: "this investment is well below the costs incurred by Morocco in managing migration issues" and noted that the relevant programme was organised around five lines of action including support for the Directorate-General of National Security, strengthening of the legal framework; upgrading of border operations; technical and scientific capacity-building in criminal investigations and informing and raising awareness among potential migrants.¹⁰⁹

Morocco has also signed several agreements designed to curb irregular migration with individual European states. In August 2020, Morocco and Portugal signed an agreement to collaborate in curbing undocumented migration between the two countries. This agreement was prompted by Portuguese concerns that the country was becoming an increasingly popular destination for irregular arrivals.¹¹⁰ Previously in 2019, Morocco and Spain reached an agreement to curb irregular migration, according to which Spanish sea rescue services would be permitted to return rescued migrants to Moroccan ports.¹¹¹ In recent years, Spanish authorities have also conducted increasing numbers of "hot returns" from Ceuta and Melilla—returning non-nationals to Morocco immediately following their arrival, without providing them with an opportunity to claim asylum. In February 2020, the European Court of Human Rights ruled in Spain's favour in a "hot return" case concerning two non-nationals. In this case—*N.D and N.T vs Spain (Application Nos., 8675/15 and 8697/15)*—the court stated

¹⁰⁷ Euro-Mediterranean Human Rights Network (EMHRN), "Study on Migration and Asylum in Maghreb Countries: Inadequate Legal and Administrative Frameworks Cannot Guarantee the Protection of Migrants, Refugees and Asylum Seekers," July, 2010, <https://www.refworld.org/docid/515018942.html>

¹⁰⁸ M. Flynn and C. Cannon, "Detention at the Borders of Europe: Report on the Joint Global Detention Project – International Detention Coalition Workshop in Geneva, Switzerland," *Global Detention Project*, November 2010, <https://www.globaldetentionproject.org/detention-at-the-borders-of-europe-report-on-the-joint-global-detention-project-international-detention-coalition-workshop-in-geneva-switzerland-2%E2%80%90october-2010>

¹⁰⁹ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), "Consideration of Reports Submitted by States Parties Under Article 73 of the Convention Initial Reports of States Parties Due in 2004 Morocco," CMW/C/MAR/1, 1 November 2012, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fMAR%2f1&Lang=en

¹¹⁰ Mixed Migration Centre, "Mixed Migration Review 2020," 2020, <https://mixedmigration.org/wp-content/uploads/2020/11/Mixed-Migration-Review-2020.pdf>

¹¹¹ M. Martín and L. Abellán, "Spain and Morocco Reach Deal to Curb Irregular Migration Flows," *El País*, 21 February 2019, https://english.elpais.com/elpais/2019/02/21/inenglish/1550736538_089908.html

that the men had “placed themselves in an unlawful situation” by entering “as part of a large group and at an unauthorised location.”¹¹²

In her 2019 recommendations after her visit to Morocco, the Special Rapporteur on Racism also offered recommendations for Europe in its engagements with Morocco, saying: “Regional and international actors, in particular the European Union and its member States, must take responsibility for the role they must play in ensuring migrants’ human rights in Morocco. Europe must take active steps to create legal pathways for migration, including for Moroccans and other African migrants who seek to migrate. And international organisations, including the International Organisation for Migration, must ensure that human rights are front and centre in all of their work nationally and locally, with regular and irregular migrants.”¹¹³

¹¹² Mixed Migration Centre, “Mixed Migration Review 2020,” 2020, <https://mixedmigration.org/wp-content/uploads/2020/11/Mixed-Migration-Review-2020.pdf>

¹¹³ UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, “Visit to Morocco: Report of the Special Rapporteur on Contemporary Forms of Racism (24 June–12 July 2019),” *UN Human Rights Council*, 28 May 2019, <https://undocs.org/A/HRC/41/54/ADD.1>



3. DETENTION INFRASTRUCTURE

Article 34 of the Migration Act provides that Morocco is to maintain a system of officially designated immigration detention centres, which do not fall under the authority of the prison administration (“*locaux ne relevant pas de l’administration pénitentiaire*”). To-date however, the country has not established any dedicated immigration detention facilities. Instead, apprehended non-nationals are confined in prisons and police stations, as well as transit zones and ad hoc detention facilities such as schools, children’s homes, and homeless shelters. After her visit to Morocco in 2019, the UN Special Rapporteur on Racism reported that Morocco had decided against building dedicated detention centres, saying that the country had “rejected policies of immigration detention.”¹¹⁴

However, this assessment is complicated by Morocco’s continuing use of ad hoc sites and police stations for migration detention purposes, which have drawn the attention of international organisations for years. In 2010, UNHCR noted that Morocco had a number of informal and temporary detention areas at key locations along its frontier, including the maritime border near Laâyoune, and in the area surrounding Ceuta and Melilla.¹¹⁵ Other human rights bodies have endeavored to focus attention on this issue in their monitoring. Both the UN Committee on Migrant Workers (CMW) and the European Committee for the Prevention of Torture (CPT), for instance, have repeatedly highlighted how migration-related detention in non-specialised systems violates the rights of migrants, and the CPT in particular has consistently encouraged countries to create appropriate institutions to avoid these types of violations.

Morocco’s decision not to create such a system makes it challenging to document migration detention practices in the country. Since the Global Detention Project (GDP) began documenting detention reports in Morocco, we have documented the use of [18 different sites](#), including airports, police stations, and ad hoc centres.¹¹⁶ In 2015, GADEM reported the locations of 18 ad hoc facilities and police stations used to arbitrarily detain non-nationals apprehended in raids conducted in northern Morocco. These sites were located across

¹¹⁴ M. Flynn, “Be Careful What You Wish For,” *Forced Migration Review*, September 2013, <https://www.fmreview.org/detention/flynn>

¹¹⁵ UN High Commissioner for Refugees (UNHCR), “Refugee Protection and International Migration: A Review of UNHCR’s Role and Activities in Morocco,” March 2010, <http://www.unhcr.org/4ba8ce896.html>

¹¹⁶ Global Detention Project, “Morocco Detention Centres,” <https://www.globaldetentionproject.org/countries/africa/morocco#detention-centres>

central and southern Morocco, and at least one facility was reported to be detaining more than 100 non-nationals.¹¹⁷

The Moroccan Association for Human Rights (AMDH) has also reported the detention of non-nationals in ad hoc facilities that have extremely poor conditions of detention. In 2020, the NGO reported the detention of approximately 50 sub-Saharan migrants in a Laâyoune school. According to AMDH, during their detention the group had no access to running water, clean clothes, or sufficient food; no information on when they would be released; and no ability to leave the building to go outside.¹¹⁸

Conditions in police stations appear to be similarly poor. In a 2018 report, GADEM identified a host of concerns regarding the conditions non-nationals faced in Tangier's police stations, including restricted access to food and toilets; a lack of beds; daily violence; and a lack of medical assistance for injured and sick detainees.¹¹⁹ According to the NGO, in Tangier, non-nationals arrested for migration-related reasons are brought to the Central Police Station from which they are then directly expelled to their country of origin. People are held in the basement, which according to reports looks like an open garage on one side, closed with a gate. Detainees therefore have a limited amount of space, which is insufficient for a group that on some occasions has reached approximately 90-100 people. GADEM also found that detainees were forced to sleep on the floor on small mattresses without blankets and many detainees complained about the cold temperatures. There was only one bathroom in the facility for detainees and no showers or adequate washing facilities. The toilet was not accessible at night and detainees were forced to urinate in plastic bottles, which were piled up next to their mattresses. Detainees were provided with bread (sometimes only once a day), water, and milk, which led to digestive disorders. GADEM also reported on altercations between police and detainees, including one incident that left a Cameroonian national with a severe head wound.¹²⁰

Although police stations are not equipped for longer-term detention periods and appear to be rarely used for periods exceeding 1-2 days, according to GADEM detention at Tangier's Central Police Station can last for more than a month. During one four-week period in 2018, the NGO documented 142 arrests leading to detention for expulsion at the police station. Of these, 89 were expelled from the country and 48 were still held at the station at the time of finalising the report (9 October 2018), including 42 Cameroonians, three Senegalese, and three Guinean nationals. Amongst those expelled were 26 Senegalese, 25 Ivorian, 16 Guinean, 15 Cameroonian, three Malian, and two Togolese nationals, as well as two other people whose nationality was not determined. Five people were released, including two

¹¹⁷ GADEM, "Facebook Update," 17 February 2015, <https://www.facebook.com/159136160864164/photos/a.416062071838237.1073741827.159136160864164/680705752040533/?type=1&theater>

¹¹⁸ InfoMigrants, "Coronavirus: Au Maroc, des Dizaines de Migrants sub-sahariens arrêtés et confinés de force," 29 June 2020, <https://www.infomigrants.net/fr/post/25682/coronavirus-au-maroc-des-dizaines-de-migrants-sub-sahariens-arretes-et-confines-de-force>

¹¹⁹ GADEM, "Expulsions Gratuites," 11 October 2018, https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf

¹²⁰ GADEM, "Expulsions Gratuites," 11 October 2018, https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf

students from the Democratic Republic of Congo, a Guinean minor, and two Senegalese nationals.¹²¹

GADEM has also reported on the use of other police stations, which are used to confine people who are rounded up and forcibly moved to other parts of the country, including the Beni Makada (second district of Tangier) police station and a police station in the Al Aouama neighbourhood. Although GADEM obtained very little information regarding the latter station, according to testimonies the Beni Makada police station is used to round up and detain people prior to their forced displacement within the country. Some non-nationals were moved from the station on the same day of their arrest, but others remained in detention for several days.¹²²

On 2 October 2018, around 150 people were in the Beni Makada station, including six minors, at least six people in regular administrative situation, and four sick people who were subsequently treated. That day, a total of six buses departed from the Beni Makada station for destinations far from border areas. According to GADEM, there are two rooms within the station where people are held and conditions are difficult, but they cannot be compared with the descriptions of the basement of the central police station.¹²³

The country also detains non-nationals awaiting deportation in facilities within airports. For instance, in the Mohammed V Casablanca Airport, non-nationals are held in transit zones and in police stations at the airport terminals. However, these facilities appear to not be officially recognised as transit detention sites because the decrees regulating these were not enacted.

Ad hoc detention sites that have been identified by civil society groups include a hotel of around sixty spaces within the transit zone; a surveillance room close to the transit zone of round 100-150 square metres with beds and bathrooms (this room is reportedly employed to hold those whose entry into the country was refused and those awaiting deportation); and a hangar owned by Royal Air Maroc close to the departure runways, on the outskirts of Terminal 3, guarded both by police and company staff. According to a 2017 report by Anafé and GADEM, conditions vary from one location to another. However, in general, the report notes that access to food is not always guaranteed; it can be provided by airlines, border guards, and members of the National Airports Authority; and sometimes the detainee is required to pay for their food. Testimonies from detainees revealed that food was provided only twice a day in the form of a sandwich or bread with cheese, and sometimes included juice. Additionally, detainees can keep their belongings with them including their mobile phones, but their luggage sometimes continues to their final destination, leaving them without a change of clothes or toiletries.¹²⁴

¹²¹ GADEM, “*Expulsions Gratuites*,” 11 October 2018, https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf

¹²² GADEM, “*Expulsions Gratuites*,” 11 October 2018, https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf

¹²³ GADEM, “*Expulsions Gratuites*,” 11 October 2018, https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf

¹²⁴ Anafé and GADEM, “*Privés de Liberté en ‘Zone de Transit’*,” June 2017, http://www.anafe.org/IMG/pdf/rapport_zs_maroc_-_anafe-gadem_complet.pdf

Detainees can be kept in transit zones for an initial period of 48 hours and the administration may extend the duration of detention for an additional 48 hours. In consequence, a person may be deprived of liberty by an administrative decision for four days, without any specific judicial review. In order to extend detention beyond four days, the administration must file an application with the President of the Court of First Instance and state the reasons why the person should remain in the transit zone. According to the legislation, detention within a transit zone is only possible “for the time strictly necessary for his or her departure or for an examination to determine whether his or her application is not manifestly unfounded.”¹²⁵

¹²⁵ Anafé and GADEM, “*Privés de Liberté en ‘Zone de Transit’*,” June 2017, http://www.anafe.org/IMG/pdf/rapport_zs_maroc_-_anafe-gadem_complet.pdf



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