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Ministry of Immigration
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The Danish
Immigration Service

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Disclaimer

This brief COI report about military service in Morocco was written according to the EASO COI methodology.¹

The report is not, and does not purport to be, a comprehensive account of all aspects of relevance to military service in Morocco. It should be weighed against other country of origin sources. The report does not include any policy recommendations or analysis. Furthermore, it does not necessarily reflect the opinion of the Danish Immigration Service.

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

Introduction and methodology

This report is written as a response to a need for information about the newly reinstated law on military service in Morocco. The report focuses on military service before 2018, the reinstatement of compulsory military service in 2018, exemptions to military service in Morocco, sanctions for draft evaders and provisions for Moroccans residing abroad regarding military service.

The report is based on an email interview with a lawyer with legal expertise in migration law and human rights law. This lawyer has been commissioned by the Danish Immigration Service to examine the new law on compulsory military service for the purpose of this report. In addition to this, media articles and COI material have been included.

For the sake of transparency and accuracy, the full note by the aforementioned legal expert is included as annex to this report. The original text is in French and an English translation has been added.

Military service before 2018

Military service in Morocco has undergone changes over time in terms of length of service as well as with regards to whether it has been mandatory or not. Until 1999, military service was mandatory for all men between 18 and 39 years of age; women who wished to serve had the possibility of doing voluntary service. The time of service was 18 month. However, in 1999 the time of service was reduced by six month to 12 months. According to the sources, the government lacked resources to stringently enforce the law

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

regarding military service and the military itself had more volunteers than it had capacity to handle.² In 2006, mandatory military service was abolished by government decree.³

Reinstatement of compulsory military service

On 26 of December 2018 law N°44.18 was approved by the Parliament,⁴ and on 25th January 2019 the law entered into force.⁵

The law reinstates compulsory military service for Moroccans aged 19 to 25 but with a number of exemption possibilities. The time of service is 12 months in accordance with the law.⁶ For 2019, the media has reported that King Mohammed VI has specified that the government should recruit 10,000 Moroccans and that the number should be increased to 15,000 by the end of 2020.^{7, 8}

The law includes both women and men. Women can enlist voluntarily on the website www.tajnid.ma/, created for this purpose.⁹ So far, 13,000 young women have registered at the website.¹⁰ In a meeting between the Parliament and the Minister of Defence held on 19 December 2018, it was stated, that the military service would be voluntary for women during the first phase of implementation of the law. In Decree N°2.19.46, article 11, published 19 February 2019, it was stated that women wishing to enter military service can register voluntary.¹¹

According to information in the media, two draft decrees have been developed in order to establish the process for identifying, then selecting and finally enlisting those who shall be subject to compulsory military service, under penalty of sanctions.¹² As of March 2019, Moroccans meeting the criteria for conscription and who were on the list of draftees began receiving notifications.¹³ After being summoned the draftees must fill out a census form on the website or at the local administrative office no later than 20 days after the notification. The census form includes, among other things, their surname and family name, CIN number¹⁴ as well as the names of their parents. After completion of this form, the draftee should receive a

² IRBC, Morocco: Whether military service is compulsory for men in Morocco; whether all persons of age receive a call-up notice; penalties imposed upon those who refuse to enlist; whether persons who refuse to serve are prosecuted (2004-2007), 31 October 2007, [url](#)

³ IRBC, Morocco: Whether military service is compulsory for men in Morocco; whether all persons of age receive a call-up notice; penalties imposed upon those who refuse to enlist; whether persons who refuse to serve are prosecuted (2004-2007), 31 October 2007, [url](#)

⁴ Royaume du Maroc, Chambre des Représentants, Législation : Projet de loi N° 44.18 relatif au service militaire, 2019, [url](#)

⁵ Legal expert: 2

⁶ Royaume du Maroc, Secrétariat Général du Gouvernement, Loi N°44.18 relatif au service militaire, 2019, [url](#)

⁷ Morocco World News, Everything You Need to Know About Morocco's Compulsory Military Service, 10 April 2019, [url](#)

⁸ Out of Morocco's total population 16,38 % (5,776,145 persons) are aged between 15 and 24 (WFB, Africa: Morocco, 25 June 2019, [url](#)).

⁹ Legal expert: 4

¹⁰ Legal expert: 8

¹¹ Legal expert: 4

¹² Morocco World News, Everything You Need to Know About Morocco's Compulsory Military Service, 10 April 2019, [url](#)

¹³ Legal expert: 2

¹⁴ *Carte Nationale d'Identité* (CIN) is the national ID card for all Moroccan citizens.

receipt by email. The receipt should also include information about how to apply for exemption. Any application for exemption should be submitted within 20 days of the summons to the relevant authorities who will then make a decision.¹⁵

If a person, who has been drafted, evades the preliminary summons without legitimate cause he is subject to penalties. The punishment is imprisonment between one to three months and a fine of 2,000 to 5,000 DH.¹⁶ The penalties are doubled in case of repetition of the crime.¹⁷

If a person is summoned and does not obey, the offense is punishable by one month to one year's imprisonment and a fine of 2,000 to 10,000 DH.¹⁸ The same penalties apply to persons who incite a draftee not to obey the summons or attempt to prevent the draftee from joining the army.¹⁹ The penalties are doubled in time of warfare. In case of repetition of evading the summons the penalties are doubled once more.²⁰

Exemptions

Law N°44.18 includes a number of exemptions of relevance for those called to serve. A draftee may file for exemption if the person meets one of the following criteria:²¹

- Physical or medical incapacity as established by a medical report from a competent public health service
- Being responsible for supporting a family
- Marriage (for women), or being responsible for children under her guardianship or custody
- Being a student
- Having a brother or a sister who is already a conscript
- Having siblings who are likely to be drafted at the same time to military service, in which case only one may be drafted

Furthermore, a person may be exempted from military service if the person has been convicted for criminal activities or has received a sentence of imprisonment for six months or more. These two exemptions are conditional and can cease if the draftee's case is reevaluated.²²

In the event that any of the grounds for exemption ceases, it is possible to be summoned if a person is in the age group of 25 to 40 years.²³

¹⁵ Morocco World News, Everything You Need to Know About Morocco's Compulsory Military Service, 10 April 2019, [url](#) ; Bulletin Officiel, N°6762, Décret n° 2-19-46 du 13 jourmada II 1440 (19 février 2019) fixant les modalités d'application de la loi n° 44-18 relative au service militaire, 21 March 2019

¹⁶ The equivalent of 185 to 460 euros.

¹⁷ Royaume du Maroc, Secrétariat Général du Gouvernement, Loi N°44.18 relatif au service militaire, 2019, [url](#)

¹⁸ The equivalent of 185 to 920 euros.

¹⁹ Legal expert: 3

²⁰ Royaume du Maroc, Secrétariat Général du Gouvernement, Loi N°44.18 relatif au service militaire, 2019, [url](#)

²¹ Legal expert: 5

²² Royaume du Maroc, Secrétariat Général du Gouvernement, Loi N°44.18 relatif au service militaire, 2019, [url](#)

²³ Royaume du Maroc, Secrétariat Général du Gouvernement, Loi N°44.18 relatif au service militaire, 2019, [url](#)

Moroccans residing abroad

According to Decree N°2.19.46, article 12, Moroccans residing abroad, who meet the conditions for enrolment in military service, may register voluntarily at the public website, www.tajnid.ma/, created for this purpose.²⁴

According to the legal expert, there is an intended confusion in the text of the law regarding the obligation of military service for Moroccans residing abroad. The text states that those wishing to perform military service can do so in their own will by registering at the abovementioned website.

However, the formulations of the law allows the Moroccan government to mobilise any Moroccan residing abroad to perform military service, if needed. The law also allows the government to punish these persons in case of abstention.²⁵

²⁴ Legal expert: 6

²⁵ Legal expert: 7

Source consulted

Legal expert, lawyer, with experience in migration law and human rights law

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Royaume du Maroc, Ministry of Defence, 2019, <https://www.tajnid.ma/>, accessed 4 July 2019

WFB (World Factbook), Africa: Morocco, 25 June 2019, <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html>, accessed 4 July 2019

Appendix 1: Legal expert (in English)

Email interview with a legal expert, lawyer, with experience in migration law and human rights law, conducted between 14 May 2019 and 4 July 2019.

MILITARY SERVICE IN MOROCCO

1. According to the press, Law 44.18 on compulsory military service was approved in December 2018 by the Parliament.

Status of Law 44.18

2. **Has the compulsory military service come into force now or is it only in September 2019 and only for a group of 10,000 young people aged 19 to 25?**

The law entered into force on the date of its publication in the official gazette namely on January 25, 2019 (Number BO 6746 Bis). Young Moroccans meeting the criteria for drafting began to receive their military draft by the end of March 2019.

3. **What are the consequences for those who evade compulsory military service?**

Article 16 under Law 44.18 on military service states that any person summoned to perform military service and who does not obey, is punishable by one month to one year's imprisonment and a fine of 2,000 to 10,000 DH.

The law also punishes by the same penalties anyone who incites a conscript to not obey or attempts to prevent him from joining the army after receiving the summons to military service.

4. **Would military service be mandatory for both sexes? Or will it be optional for young women?**

Law 44.18 makes no distinction between women and men in relation to the obligation to perform military service.

However, article 11 of decree N 2.19.46 published in the official gazette on February 19, 2019 determining the modalities of application of the law 44.18 states that: "young women wishing to perform military service can register voluntarily at the public website created for this purpose".

The Minister of Defense has stated in a meeting with the Parliament on December 19, 2018, that the military service would be voluntary for young women during the first phase of the implementation of this law.

5. **What are the conditions for exemption from service (physical disability, higher education)?**

The exemptions stipulated by the law are the following:

- Physical or health unfitness established by a medical report from competent public hospital services.
- Being responsible for providing for a family.
- Marriage (for women), or being responsible for children under her guardianship or custody.
- Being a student.
- Having a brother or a sister who is already a conscript.
- Having a brother, a sister or others who are likely to be drafted at the same time to military service, in which case only one may be conscripted.

- Being sentenced to imprisonment for more than 6 months.

6. Would military service be mandatory for young people aged 19 to 25 living abroad?

Moroccans living abroad are concerned by the compulsory military service.

However, the article 12 of decree N 2.19.46 published in the official bulletin (official gazette) on February 19, 2019 determining the modalities of application of Law 44.18 states that Moroccans living abroad who meet the conditions for enrolment in military service, may register voluntarily at the public website created for this purpose.

7. Is it correct that for the moment military service is voluntary for Moroccans residing abroad and that there are no penalties for those who do not do military service?

Yes it is correct, however, there is an intended confusion in the text of the law regarding the obligation of military service for Moroccans residing abroad because the text says that those wishing to perform military service can do so in their own will by registering at the dedicated website.

The persons who are tentatively exempted are those who have not been invited to complete the census form.

The goal is to be able to call any Moroccan residing abroad to perform military service and punish him in case of abstention.

8. Are women exempted from military service according to the current formulation of the law text?

Women are not exempted and are obliged to perform military service under the same conditions as Moroccan men who are summoned. However, the decree fixating implementation of the law allows women to voluntarily enlist for military service, and 10,000 conscripts are expected during the first year. According to an official announcement from the Ministry of Interior, 13,000 young women have voluntarily subscribed for military service.

The law leaves the door open and does not in any way mention exemption so as to be able, at any moment, to summon the young women who meet the conditions for doing military service.

Appendix 2: Legal expert (in French)

Entretien par email avec un avocat, expert en matière de droits d'immigration et des droits humain, effectué entre le 14 mai 2019 et le 4 juillet 2019.

Service militaire au Maroc

1. Selon la presse, la loi 44.18 relatif au service militaire obligatoire a été adoptée au mois de décembre 2018 par le Parlement.

Statut de la loi 44.18

2. **Est-ce que le service militaire obligatoire est-il entré en vigueur actuellement ou est-ce que c'est seulement au mois de septembre 2019 et pour une première promotion de 10.000 jeunes âgés de 19 à 25 ans?**

La Loi est entrée en vigueur à la date de sa publication au bulletin officiel c'est-à-dire le 25 Janvier 2018 (Numéro B.O 6746 Bis), les jeunes marocains répondant aux critères pour être appelés au service militaire ont commencé à recevoir les convocations depuis fin mars dernier.

3. **Quelles sont les conséquences stipulées pour les personnes qui évitent le service militaire obligatoire ?**

L'article 16 de la loi 44.18 relatif au service militaire dispose que toute personne convoquée à accomplir le service militaire qui n'obtempère pas est punie d'un mois à une année d'emprisonnement et une amende de 2000 à 10000 DH.

La loi punie également par la même peine toute personne qui incite un conscrit à ne pas obtempérer ou tente de l'empêcher de rejoindre l'armée après avoir reçu la convocation au service militaire.

4. **Le service militaire, serait-il obligatoire pour les deux sexes ou est-ce qu'il sera facultatif pour les jeunes femmes ?**

La loi 44.18 ne fait aucune distinction entre les femmes et les hommes par rapport à l'obligation de l'exercice du service militaire.

Toutefois l'article 11 du décret N 2.19.46 publié au bulletin officiel le 19 Février 2019 déterminant les modalités d'application de la loi 44.18 dispose les jeunes femmes désireuses accomplir le service militaire peuvent s'inscrire de manière volontaire sur le site web public créé à cet effet.

Le ministre de défense a déclaré lors d'une réunion avec le parlement en date du 19 décembre 2018, que le service militaire serait dans une première phase volontaire pour les jeunes femmes.

5. **Quelles sont les conditions pour l'exemption du service (inaptitude physique, études supérieures) ?**

Les exemptions stipulées par la loi sont comme suit :

- Inaptitude physique ou de santé établie par un rapport médical émanant des services hospitaliers publics compétents.
- prise en charge de la famille.
- Mariage en ce qui concerne la femme, ou l'existence d'enfants sous sa garde ou sa tutelle.
- Poursuite des études.

- Présence d'un frère ou d'une sœur dans le service en tant que conscrit.
- Présence d'un frère, d'une sœur ou plusieurs susceptibles d'être convoqués au même moment au service militaire, auquel cas seulement un seul pourra être conscrit.
- Personnes condamnés à une peine d'emprisonnement supérieure à 6 mois.

6. Est-ce que le service militaire serait-il obligatoires pour les jeunes âgés de 19 à 25 ans qui résident à l'étranger?

Les marocains résidants à l'étrangers sont concernés par le service militaire obligatoire.

Toutefois l'article 12 du décret N 2.19.46 publié au bulletin officiel le 19 Février 2019 déterminant les modalités d'application de la loi 44.18 dispose que les marocains résidents à l'étranger répondant aux conditions d'enrôlement au service militaire peuvent s'inscrire de manière volontaire sur le site web public créé à cet effet.

7. Est-ce que correct que pour le moment, le service militaire est volontaire pour les Marocains résidant à l'étranger et qu'il n'y a pas des pénalités pour ceux qui ne font pas le service militaire ?

Oui c'est correct, toutefois, la loi laisse une confusion voulue par rapport à l'obligation du service militaire pour les marocains résidant à l'étranger, en disposant que pour ceux désirant accomplir le service militaire, ils peuvent le faire en s'inscrivant sur le site web dédié.

Les personnes qui sont exemptés provisoirement sont ceux qui n'ont pas été invités à remplir le formulaire de recensement.

Le but est de pouvoir en cas de besoin appeler n'importe quel marocain résidant à l'étranger à accomplir le service militaire et le punir en cas d'abstention.

8. Est-ce que c'est bien compris que les femmes sont exempté (non-inclus) au service militaire tel que la loi est formulée maintenant ?

Les femmes ne sont pas exemptées et sont soumises au service militaire dans les mêmes conditions que les hommes marocains appelés à servir, toutefois le décret d'application a permis aux femmes de s'inscrire de manière volontaire au service militaire, car ils prévoient un nombre de 10000 circons crits pour la première année. Selon un communiqué du ministère de l'intérieur 13.000 jeunes filles se sont inscrit de manière volontaire pour accomplir le service militaire.

La loi laisse la porte entrouverte et ne parle pas aucunement d'exemption pour pouvoir appeler à n'importe quel moment les jeunes filles remplissant les conditions requises pour accomplir le service militaire.

Appendix 3: Decree 2-19-46 articles 11, 12 and 21 (in French)

ART. 11. – Les citoyennes désirant effectuer le service militaire et remplissant à la date prévue pour la convocation du contingent les conditions fixées par la loi n° 44-18 peuvent, remplir, à leur propre initiative, le formulaire de recensement sur le site électronique réservé à cet effet et ce, durant la période du recensement.

ART. 12. – Les marocains résidant à l'étranger désirant effectuer le service militaire et remplissant à la date prévue pour la convocation du contingent les conditions fixées par la loi n° 44-18 peuvent, remplir, à leur propre initiative et à titre personnel, le formulaire de recensement sur le site électronique, tout en indiquant leur numéro d'enregistrement sur les registres d'enregistrement consulaires tenus par les ambassades et consulats du Royaume, et ce, durant la période réservée au recensement.

Les fonctionnaires des ambassades et consulats fourniront sur place tous les renseignements nécessaires aux personnes concernés.

ART. 21. – Sont placés en position d'exemption provisoire d'appel au service militaire, toutes les personnes assujettis au service militaire ne bénéficiant d'aucune exemption, et qui n'ont pas été invités à remplir le formulaire de recensement ainsi que ceux qui ont rempli ledit formulaire et qui n'ont pas été appelés.

Ces personnes sont considérées en situation régulière vis-à-vis du service militaire. L'autorité militaire leur délivre, à leur demande, une attestation à cet effet.