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2019 Trafficking in Persons Report: Morocco

MOROCCO: Tier 2

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Morocco remained on Tier 2. These efforts included the identification of more victims, the designation of 42 prosecutors to specialize in trafficking cases, and the conviction of five traffickers. It also took steps toward implementing a draft national victim referral mechanism. However, the government did not meet the minimum standards in several key areas. It remained without victim identification and referral procedures, and it did not report proactively identifying trafficking victims, especially among the sub-Saharan African migrant community—many of whom preferred to seek asylum or refugee status in Europe—that remained highly vulnerable to trafficking in Morocco. As a result, unidentified victims among vulnerable populations remained at risk of penalization, including arrest and forcible displacement, and re-trafficking. The government also did not provide or fund specialized protection services specifically for trafficking victims.

PRIORITIZED RECOMMENDATIONS

Implement the 2017 decree for the National Commission to coordinate anti-trafficking measures, create and implement the national victim referral mechanism, and directly train judicial and law enforcement authorities on its application. • Significantly increase trafficking-related investigations, prosecutions, and convictions of traffickers and sentence convicted traffickers to significant prison terms. • Adopt and systematically implement procedures for officials to proactively identify and refer trafficking victims, especially among irregular migrants, to appropriate protection services. • Provide adequate protection services for victims of all forms of trafficking. • Increase financial or in-kind support to NGOs that provide specialized services for populations vulnerable to trafficking. • Ensure that victims are not punished for the unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. • Train law enforcement and judicial officials, child labor inspectors, and healthcare personnel on the appropriate measures to screen for and identify victims of trafficking, and refer them to appropriate protection services. • Disaggregate the law enforcement data between human trafficking and migrant smuggling crimes.

PROSECUTION

The government maintained efforts to investigate, prosecute, and convict traffickers. Law 27.14 criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and fines, which were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties for other serious crimes, such as rape. The law criminalized child trafficking as an aggravated offense, with prescribed penalties of 20 to 30 years' imprisonment and a fine of between \$21,390 and \$213,860. Several pre-existing laws used during the reporting period criminalized some forms of sex and labor trafficking. Generally, penalties under these laws were not sufficiently stringent. Morocco's penal code criminalized forced child labor through Article 467-2, which prescribed penalties of one to three years' imprisonment, which were not sufficiently stringent. The penal code also criminalized “forced prostitution” and “corruption or prostitution of minors” through Articles 497-499, which prescribed penalties of up to 10 years' imprisonment; these penalties were sufficiently stringent and commensurate with other serious crimes such as rape. Article 10 of Morocco's labor code criminalized forced labor and prescribed penalties of a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties were not sufficiently stringent.

The government reported it investigated 80 potential sex and labor trafficking cases involving 231 alleged traffickers during the 2018 calendar year, which demonstrated a significant increase from 34 total investigations in 2017. The government reported the prosecution of 16 cases (14 sex trafficking cases and two forced labor cases) and five convictions in 2018; these statistics compared to the prosecution of 20 alleged traffickers and four convictions in 2017. The government reported disrupting 188 “migrant trafficking networks” and arresting 1,102 perpetrators, an increase over 2017; it was unclear if any individuals in the networks were prosecuted for trafficking crimes. However, authorities continued to conflate human trafficking and migrant smuggling. In July 2018, the government extradited a Ghanaian national to Spain for alleged trafficking crimes. The government did not report initiating any investigations, prosecutions, or convictions of government officials complicit in human trafficking. A member of the Moroccan Mission to the United Nations in New York had allegedly conspired to commit visa fraud related to employment of several foreign workers; an investigation in that matter remained ongoing at the end of the reporting period. The United States could not commence prosecution due to the mission member's immunity. In November 2018, the Office of the General Prosecutor tasked 42 prosecutors nationwide with lead responsibility for handling human trafficking cases brought before the judiciary in all 13 prefectures. During the reporting period, the government provided several anti-trafficking trainings to its officials, including security officials and labor inspectors.

PROTECTION

The government maintained efforts to identify and refer trafficking victims to protection services. In 2018, the government reported it identified 131 male and female victims, including Moroccan victims who were exploited abroad and foreign victims exploited in

Morocco. In comparison, in 2017, the government identified 10 victims of trafficking, including sex trafficking, forced labor, and forced begging. In 2018, the government reported that it assisted 85 foreign victims and referred 37 Moroccan victims to Ministry of Justice units and civil society organizations for appropriate care. The government did not have formal victim identification procedures or a national victim referral process, but it collaborated with an NGO to establish best practices and transparent guidelines and procedures for the draft referral mechanism. The government continued to informally refer victims and provided in-kind support to civil society organizations that provided essential services to populations vulnerable to trafficking. Additionally, the government continued to provide services to female and child victims of violence, including potential trafficking victims, at reception centers staffed by nurses and social workers at major hospitals, as well as in protection units in Moroccan courts. During the reporting period, Moroccan law enforcement agencies identified focal points to work directly with these centers and units, and compiled a list of NGO service providers for authorities to refer trafficking victims to care. The government reported providing protection services for more than 17,000 at-risk women and children at centers throughout the country in 2018, but it did not report if any of these individuals were trafficking victims. The government reportedly continued to encourage victims to cooperate in investigations against their traffickers, but it did not report the number of victims who did so during the reporting period, nor did it report if victims received restitution from traffickers or measures taken to protect witness confidentiality. The government reportedly provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

The Ministry Delegate in charge of Moroccans Residing Abroad and Migration Affairs (MDMRAMA) continued to lead the implementation of the government’s National Strategy for Immigration and Asylum, which aimed to regularize the legal status of migrants, refugees, and asylum-seekers, including trafficking victims; under this strategy, foreign trafficking victims could benefit from various services, including reintegration assistance, education, vocational training, social services, and legal aid. However, the government did not report how many foreign trafficking victims—if any—benefited from these services during the reporting period. Furthermore, despite these longstanding regularization efforts, the government did not report efforts to proactively identify potential trafficking victims while undertaking these efforts, especially among the vulnerable sub-Saharan African migrant population; therefore, some victims remained unidentified and authorities may have penalized them for unlawful acts traffickers compelled them to commit, such as immigration violations. For example, during the reporting period the government conducted large-scale round-ups of reportedly thousands of sub-Saharan African migrants from the areas in northern Morocco that border the Spanish enclave cities of Ceuta and Melilla. One report alleged that this effort included some asylum-seekers and a limited number of refugees—including some children—and forcibly displaced them to areas of the country away from Spanish territory. According to NGOs and the media, authorities sometimes did not check the legal documentation of this population during the raids, nor did they make efforts to screen for trafficking among this vulnerable population. The government also reported it intercepted 89,000 people trying to cross illegally to Europe

in 2018, which included rescuing 29,715 migrants stranded at sea. It did not report screening these individuals for indicators of trafficking or identifying any as trafficking victims.

PREVENTION

The government maintained efforts to prevent human trafficking. The government did not have a national inter-ministerial anti-trafficking commission as required by the 2016 anti-trafficking law; a 2017 decree to establish the committee remained pending approval at the end of the reporting period. Nevertheless, several ministries throughout the Moroccan government took various leadership roles to combat trafficking. The government also continued to implement a national anti-trafficking action plan, which included coordination across relevant ministries. The government, however, relied heavily on NGOs and international organizations to address trafficking. The government continued to raise awareness of the anti-trafficking law among government officials and vulnerable populations, including women, children, and migrants; it also organized trainings—with support from an international organization—to raise awareness of trafficking among government entities and civil society. The government continued its regularization campaigns to grant legal status and protections to migrants, refugees, and asylum-seekers, which helped decrease this population’s vulnerability to trafficking. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism during the reporting period.

In October 2018, the government implemented Law No.19.12 addressing foreign domestic workers; the law required a standard employee contract, limits on working hours, a weekly rest day, and a minimum wage. The law also specifically limited working hours for minor domestic employees aged 16-18 to 40 hours per week; it further prohibited minor domestic workers from dangerous work. The law also banned the practice of “intermediaries” negotiating the procurement of domestic workers on behalf of the employee and the recruitment agency. The government continued to operate a hotline through the National Center for Listening and Reporting for the public to report abuses against child rights, but the government did not report if the hotline received any claims of potential child trafficking crimes. During the reporting period, the government continued a program that provided assistance to homeless children in Casablanca and Meknes to prevent them from becoming victims of various forms of exploitation, including forced labor. The Ministry of Labor and Vocational Integration (MOLVI) continued to conduct child labor inspections in the formal economy across the country, but the government reported it remained concerned about child labor violations in the informal sector, including potential forced child labor crimes. The government reported that overall labor inspections suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, throughout the country. Furthermore, there was no national focal point to submit complaints about child labor or forced child labor, and no national referral mechanism for referring children found during inspections to appropriate social services. The government provided its diplomatic personnel with human rights training, including respect for labor and trafficking in persons laws, in their basic courses before

being assigned abroad. Moroccan peacekeeping forces received anti-trafficking training and operated under a “no tolerance” standard for its troops involved in UN peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Morocco, and traffickers exploit Moroccan victims abroad. Documented and undocumented foreign migrants, especially women and children, are highly vulnerable to forced labor and sex trafficking in Morocco and as they transit through Morocco to reach Europe. In 2018, the number of sub-Saharan migrants clandestinely entering the country more than doubled, a majority of whom intend to transit Morocco on their way to Europe. Some female undocumented migrants, primarily from Sub-Saharan Africa and a small but growing number from South Asia, are coerced into prostitution and forced labor in Morocco. Criminal networks operating in Oujda on the Algerian border and in the northern coastal town of Nador force undocumented migrant women into prostitution and begging; networks in Oujda also reportedly force children of migrants to beg. Some female migrants, particularly Nigerians, who transit Oujda are forced into prostitution once they reach Europe. International organizations, local NGOs, and migrants report women and unaccompanied children from Cote d'Ivoire, Democratic Republic of the Congo, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports suggest Cameroonian and Nigerian networks force women into prostitution, while Nigerian networks also force women to beg in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia are recruited for employment as domestic workers in Morocco; upon arrival, some are subjected to forced labor, experiencing non-payment of wages, withholding of passports, and physical abuse at the hands of their employers.

According to a November 2015 study conducted by the Moroccan government, with support by an international organization, children are exploited in Morocco for labor, domestic work, begging, and sex trafficking. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal and construction industries and in mechanic shops. Although the incidence of child domestic workers has reportedly decreased in Morocco since 2005, girls are recruited from rural areas for work in domestic service in cities and some become victims of forced labor. NGOs and other observers anecdotally reported in 2018 that a significant number of girls work as domestic help in Moroccan households but it is difficult to determine the extent of the problem because of authorities' inability to access this population. Some family members and other intermediaries coerce Moroccan women into prostitution. Traffickers exploit Moroccan men, women, and children in forced labor and sex trafficking, primarily in Europe and the Middle East. Using force, restrictions of movement, threats, and emotional abuse, traffickers force Moroccan women into prostitution abroad where they experience restrictions on movement, threats, and emotional and physical abuse. Some foreigners, primarily from Europe and the Middle East, engage in child sex tourism in major Moroccan cities.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)

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