

United Nations High Commissioner for Refugees

Morocco

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to Morocco.

Treaty Body Concluding Observations

**CESCR.12/MAR/CO/2 36th session
4 September 2006**

13. The Committee notes with regret that important points raised in its concluding observations in 1994 (E/C.12/1994/5) and in 2000 (E/C.12/1/Add.55) have not been taken into consideration, and that the State party has not effectively addressed the main concerns raised during the consideration of its initial report and its second periodic report, which still need to be addressed, namely:

- (a) The lack of data and statistics on the homeless, evictions, access to drinking water and electricity, women's employment and the status of the Amazigh people;*
- (b) The fact that no clear solution has yet been found to the question of self-determination for the people of Western Sahara. The Committee notes with concern reports of the straitened circumstances endured by people displaced by the conflict in Western Sahara, particularly women and children, who apparently suffer multiple violations of their rights under the Covenant;*

25. The Committee takes note with concern of the situation of unaccompanied migrant children who are repatriated.

35. The Committee again encourages the State party to make every effort to find a clear and definitive solution to the issue of self-determination for the people of Western Sahara. The Committee calls on the State party to take steps to protect the rights of persons displaced by the conflict in Western Sahara and to ensure their safety.

48. The Committee recommends that the State party ensure that unaccompanied migrant children who are repatriated are adequately assisted, rehabilitated and protected.

**CRC/C/OPSC/MAR/CO/1
17 March 2006**

20. *The State party should take all necessary steps to ensure that its extradition policies are in conformity with the requirements set out in article 5 of the Optional Protocol.*

Special Procedure Reports

Report submitted by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants

**CESCR.4/2004/76/Add.3 16th session
15 January 2004**

39. *The Special Rapporteur was informed that the purpose of the new law is to unify the existing texts, bring the law into line with the provisions of the Criminal Code as part of the process of updating the existing legal framework, establish and define precise categories of offences relating to illegal emigration and trafficking in migrants, and rationalize the residence criteria for foreigners who have settled in Morocco, through effective oversight. In particular, the Act incorporates the hierarchy of laws as a basic principle, inasmuch as all its provisions are to be applied subject to the international Conventions ratified by Morocco (art. 1); it upholds the principle of acquired rights: several categories of foreigners, for example, who have settled in Morocco and who meet the relevant conditions may not be expelled or escorted to the border (art. 26); it includes the right to family reunification; it gives the judiciary explicit responsibility for safeguarding the rights and conditions of detention of foreigners waiting to be escorted to the border; and it provides for application for interim relief in cases where issuance or renewal of a residence permit is denied*

61. *The Special Rapporteur notes that infringements of the immigration regulations are liable to criminal and administrative action, with a view to discouraging illegal migration. The detention of migrants in an irregular situation should under no circumstances be punitive in nature. In this regard, the Special Rapporteur wishes to emphasize that account must always be taken, in applying criminal law, of migrants' individual history. Additional guarantees should be provided to help irregular migrants who, even when guilty of infringements of immigration law, are in fact eligible to apply for asylum. From information received and her own observations, the Special Rapporteur notes that neither the authorities responsible for law and order and for control of air, sea and land borders, nor the judicial authorities, have clear information regarding refugee status. There are reportedly 2,245 refugees on Moroccan territory and only 720 of them receive financial support from the Office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR Office in Casablanca does not have sufficient financial resources to help this vulnerable group and is not sufficiently visible or well enough known among the migrant community.*

75. *The Special Rapporteur finds that the updated regulatory framework is not always balanced by other measures that are not merely punitive. The problem of*

migration - whether legal or illegal - should be viewed in a broader perspective, one that will admit an approach focusing not only on control - i.e., policing and punishment – but also on protecting the victims of socio-economic and development-related migration. Moves to establish genuine policies and legislation on migration should include a border-control component, a component on the integration and protection of migrant populations, and resettlement programmes for migrants returning home, whether voluntarily or otherwise. The Special Rapporteur is aware that this could put Morocco in a delicate position both in economic terms and as regards its relations with neighbouring countries, and indeed with its own nationals, many of whom are expatriates, and she wishes to stress that the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should act as guiding principles in the planning, promotion and implementation of initiatives and policies relating to migrants.

76. Another concern is the situation of irregular sub-Saharan migrants. The Special Rapporteur notes that many of them, fleeing from conflict in their own countries, have no assurance that they will be granted refugee status or that their asylum applications will be considered before they are escorted to the border. In that regard, she encourages Morocco to continue its efforts to fulfil its obligations arising from ratification of the Convention relating to the Status of Refugees and the Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa

88. The Special Rapporteur invites the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide financial and human resources to its Morocco office to enable it to discharge its mandate to protect refugees and provide assistance to the national authorities in that regard.

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
19 November 2007**