

Spain

MAGHANIA

Crossing the Uncrossable Border

Morocco

Mission report on the vulnerability of Sub-Saharan migrants and refugees at the Algerian-Moroccan border

Algeria



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Executive Summary

In November 2012 and June 2013, the Euro-Mediterranean Human Rights Network (EMHRN) commissioned two missions to Maghnia, an Algerian city bordering Morocco, to investigate the conditions of its Sub-Saharan migrant and refugee population. The border crossing between Maghnia and Oujda, its counterpart on the Moroccan side, is one of the main migratory crossroads in North Africa. While thousands of Sub-Saharan migrants have passed through it in the past decade, the securitization and externalisation of European migration policies has resulted in a growing number finding themselves “stranded” between the two borders.

Mission findings highlighted the dramatic conditions faced by migrants and refugees in the border town, substantiating research already carried out by organizations on the Moroccan side. Deportations to and from Morocco – carried out illegally – are frequent and have affected an overwhelming majority of the population, including vulnerable groups such as women and unaccompanied minors. During their time in Maghnia, migrants and refugees face a number of other violations at the hands of Algerian authorities, including, but not limited to, arbitrary arrests and detention, robberies, beatings, and other violent acts. The same is true for those who live across the border in Morocco.

Very poor hygienic standards have had dire consequences on the health conditions of migrants, especially with respect to chronic diseases, while violence by security services and border guards remains the primary cause of injuries. Despite having nominal access to hospitals, migrants are deterred from seeking medical assistance by the attitude of Algerian authorities and healthcare professionals vis-à-vis irregular migrants, effectively barring their access to healthcare. Working conditions are often exploitative, and abuses by employers are frequent. Despite the adoption of the International Convention on the Protection of the Rights of all Migrant Workers and their Families by Algeria in 2005, irregular migrants in Maghnia have virtually no rights and live under constant fear of arrest and deportation.

The EMHRN also documented the presence of a number of refugees in Maghnia, including minors, though many were unaware of UNHCR presence in the country and of the possibility of applying for asylum. In this context, it is extremely problematic that UNHCR cannot operate in border regions where refugees are most vulnerable. However, even for those who are registered with the agency, there is little hope of them ever having access to basic social and economic rights in light of Algeria’s lack of effective asylum system, despite being signatory to the 1951 Convention relating to the Status of Refugees.

Far from being a strictly delimited local issue, the situation of the Sub-Saharan population in Maghnia is just one example of the blatant human rights violations taking place in the euro-mediterranean region vis-à-vis migrants and refugees. Algeria and Morocco can no longer deny being at the intersection of key migratory routes in the region, and must assume their role as migrant and refugee *hosting* countries. While both Algeria and Morocco have tried to promote and protect the rights of their nationals living abroad, they are now failing to do so with their domestic migrant population. If the direct consequences of this attitude can be observed in places like Maghnia – where human dignity is thrashed on a daily basis – its long-term effects are still to be seen and may severely weaken the broader struggle for migrant rights worldwide.

Algeria and Morocco are not the only actors to be blamed however. Broader geopolitical considerations are now driving these two countries into close cooperation with the European Union in a number of sectors, migration management and border control included. In its current form, institutional cooperation in the field of migration between the two shores of the Mediterranean will further weaken the protection of the rights of migrants and refugees in the region. Journeys become longer and riskier, while legal channels are reduced up to the point that migrants are obliged to resort uniquely to illegal and dangerous means of travel. In parallel, protection claims are becoming increasingly difficult to prove, with a general deterioration of the asylum institution and its obligations in the region as a whole.

In this context, the EMHRN recalls that it is not only the responsibility of Algerian and Moroccan authorities to establish structures and legislation that are in accordance with international conventions which they have ratified, but also of the European Union and its member states to ensure that agreements signed with third states do not encourage or tolerate continued violations of migrant and refugee rights at its borders.

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Introduction

The crossing between Oujda and Maghnia – located 27 kilometers away from each other on the Moroccan and Algerian sides of the border respectively – is one of a main migratory crossroads in North Africa. It is also the main crossing by which Moroccan and Algerian authorities deport irregular migrants from their territory. The border, however, has been closed since 1994, effectively making these deportations both illegal and hazardous for migrants when carried out, and the lives of migrants on both sides of the border extremely precarious.

While several reports have been published on the dramatic condition of migrants and refugees in the Moroccan border town of Oujda, no research of a similar scale has been undertaken in Maghnia. However, a number of alarming reports published by humanitarian and human rights organizations have given accounts of the pitiful conditions of migrants crossing the border, the presence of human traffickers and other criminal networks operating between the cities of Oujda and Maghnia, and the blatant human rights violations by Algerian and Moroccan authorities when deporting migrants to one side or the other. At the same time, local trade unions and civil society organizations in Algeria have repeatedly highlighted the precarious living conditions of migrants in Algeria in general, and the lack of legal guarantees for refugees. An additional cause for concern about the condition of migrants and refugees in the Algerian city of Maghnia in particular, is the fact that no civil society organizations are operating in either the city or its suburbs. This is in stark contrast to Oujda, where non-governmental organizations (NGOs) are present to provide basic services to migrant populations.

In this context, the Euro-Mediterranean Human Rights Network (EMHRN) commissioned two field missions to Maghnia and its outskirts in November 2012 and June 2013. The aim of these missions was to investigate the situation of Sub-Saharan migrants and refugees based in or passing through Maghnia. The missions documented, in particular, abuses experienced at the hands of authorities, access to protection, and living, work, and health conditions, as well as the condition of particularly vulnerable groups such as women¹ and children.

¹ Women migrants and refugees are often portrayed as a vulnerable group because they run high risks of being victims of sexual and gender-based violence and trafficking.

Though by no means an exhaustive report of the situation of migrants and refugees in Maghnia, this report aims to be a useful source of preliminary information for international organizations, civil society and policy-makers. After addressing the methodology employed to collect data and information, the report is divided in three parts. The first part provides an overview of the migratory context in Algeria – in particular migration routes and the legal framework applied to

migrants and refugees in the country. The second part focuses on Maghnia – first outlining the city’s development into a major transit point for migrants in North Africa and then the communities settled in and around it. The third part proceeds to present mission findings – while making reference to relevant reports already published – regarding: 1) Border crossings and deportations to and from Morocco; 2) Access to protection and UNHCR 3) Employment and work conditions; 4) Health and housing; and 5) The situation of particularly vulnerable groups – women and minors.

In light of the abuses faced by migrants and refugees in Maghnia but also more broadly in Algeria as a whole – as well as increased cooperation between the European Union (EU) and its neighboring southern countries in the field of migration – the report concludes with a set of recommendations by the EMHRN to authorities in Algeria and Morocco, the European Union and its member states, the United Nations High Commissioner for Refugees and the United Nations Special Rapporteur on the Human Rights of Migrants, the African Union’s Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons, as well as to local and international civil society actors.

Methodology

The EMHRN delegation relied on different qualitative research techniques in order to collect the data presented on the situation of migrants and refugees in Maghnia. These included: field visits and observations, recorded and unrecorded semi-structured interviews with respondents on-site, as well as contextual unrecorded interviews and conversations with members of migrant communities in Maghnia and in other locations – i.e. Tlemcen and Oran.²

The first mission was undertaken with the main objective of gaining access to the different communities of migrants living in Maghnia and its surroundings. It also allowed the delegates to develop preliminary contact with various networks of migrants from several communities, which supplemented and contextualized the information collected at a later phase. Their help and assistance in this respect was crucial. During the first mission, the delegates were also able to visit a few of the precarious camps (referred to as ‘ghettos’), where Sub-Saharan communities are settled, collecting visual evidence - i.e. pictures and short video clips - of the housing and health conditions of the migrants and refugees living in those areas. During this mission, delegates also collected additional information in Oran, where they visited members of the Sub-Saharan migrant community living in the El-Hassi neighborhood, a slum in the south-west area of the city, as

² The EMHRN missions were carefully prepared by delegates belonging to local civil society organizations in Algeria (Fouad Hassam, Snapap) and Morocco (Ammari Elhassane, Moroccan Association for Human Rights). The network of contacts they were able to build among the migrant communities living in Maghnia and in Oran facilitated access to the migrant population in Maghnia.

³ Tlemcen used to be a strategic point along the migratory route to Morocco, being relatively close to the border (52 km east from Maghnia) but offering more discretion. At the time of the first visit, there were approximately 100-120 migrants, mostly from Mali and Cameroon, lodged in a single dormitory in the city. The EMHRN had planned to further investigate the situation of migrants living in Tlemcen, but the Algerian police closed down the dormitory, deporting its inhabitants to the border and forced its inhabitants to leave the city and move to Oran, Temouchent, Sidi bel Abbès and Maghnia.

well as in Tlemcen, where they held a meeting with representatives of the migrants lodged in the city.³ Moreover, delegates met with various actors working on migration issues – journalists, clergymen and private individuals assisting migrants – so as to gather further information about the general situation of Sub-Saharanans living in and/or transiting through Algeria.

The second mission, on the other hand, focused more on the collection of first-hand accounts from migrants and refugees themselves. All in all, the delegates were able to interview 18 people in Maghnia, including 4 minors. Wherever possible, and the persons agreed, interviews were recorded, while ensuring that confidentiality and anonymity were preserved. In the remaining cases, delegates ensured that at least two persons were present at the interview in order to accurately note down the information. In addition to formal interviews, delegates were also able to engage in a number of informal individual conversations, as well as in group discussions at selected migrant camps. The overall information collected proved useful to contextualize and substantiate the interviews. While present onsite in Maghnia, delegates were also able to corroborate evidence of blatant human rights violations by Algerian authorities at the expense of migrants and refugees in Maghnia.

During both missions, access to migrants and refugees in Maghnia was not always easy. Communities are usually organized along nationality and ethnic lines, with rather rigid hierarchical structures. This is all the more true and relevant for those migrants living in the outskirts of the city. Sub-Saharan Africans living in the outskirts are usually in an extremely vulnerable situation, living along creeks. In this context, it is the community leader, referred to as its 'chairman' – together with his deputy and his officers – who are responsible for their security. They are also responsible for dealing with any external actor wishing to access migrants and refugees in Maghnia, including NGOs. For this reason, in the cases where the community leader refused to meet the delegation, or to let the delegation meet his fellow nationals, the delegates were prevented from accessing these populations. As it will be mentioned later on, this also impacted access to women and minors.

Part One

Sub-Saharan migration to Algeria and the legal framework regulating migration and asylum in the country

The evolution of Sub-Saharan migration to Algeria

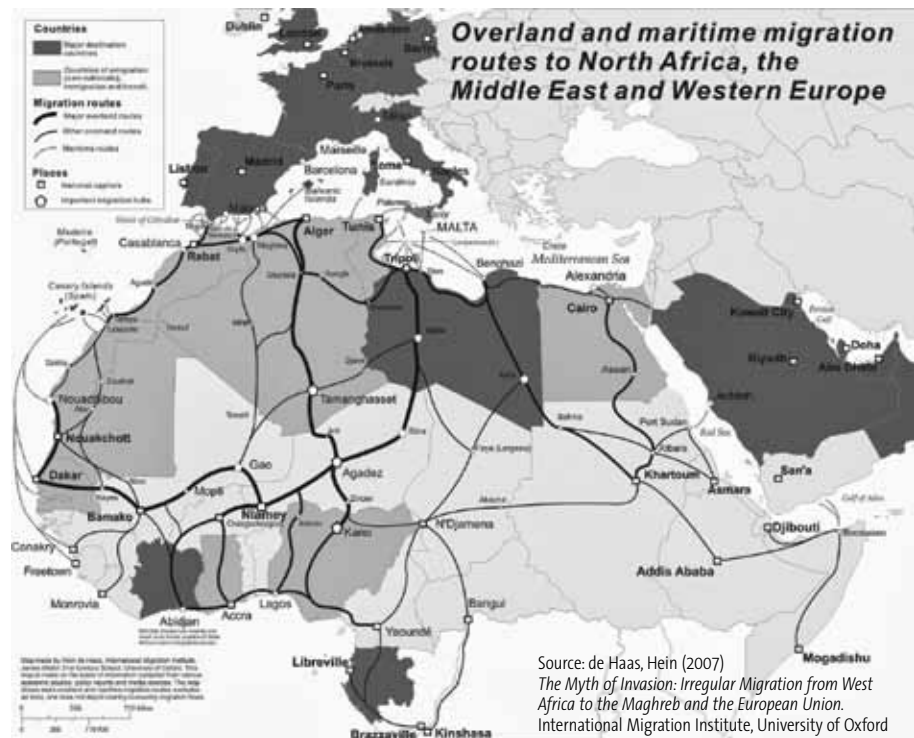
Sub-Saharan migration to Algeria is a relatively new phenomenon. While intra-regional migration has been on-going since the 1970s, mainly among Algeria, Mali, Niger and Mauritania,⁴ migration from West Africa really took off only in the early 2000s. Regional crises, such as those in Sierra Leone, Liberia, Democratic Republic of Congo (DRC), Nigeria and the Ivory Coast have played an important role in disrupting intra-regional migration flows and re-directing them towards North Africa and Europe.

Local authorities have long denied the reality of Sub-Saharan migration to Algeria, considering migrant populations as temporary and only transiting through the country on their way to Morocco and Europe. Estimates provided by the Algerian government have been criticized for their unreliability and underestimation of the phenomenon – official figures indicated that 32,000 Sub-Saharan migrants were living in Algeria in 2008, while studies proved that there were already 50,000 migrants living in the southern city of Tamanrasset alone, not to mention the other border cities [Bensaad, 2008]. According to the International Committee for the Development of Peoples (CISP), between 60,000-85,000 Sub-Saharan migrants were already living in Algeria in 2008, 26,000 of whom were irregular [EMHRN, 2012]. Moreover, the number of arrests and deportations of Sub-Saharans has continued to grow throughout the 2000s and over 41,000 irregular migrants were expelled between 2009 and 2011.⁵ Last available figures, provided by the Algerian government, indicated the presence of 25,000 Sub-Saharan irregular migrants and refugees, mostly from Mali and Niger, as of December 2012.⁶

⁴ A regional seasonal migration has been vital to the local economy for over thirty years. Historical cultural and social ties, as well as geographical proximity, have played an important role in sustaining these flows, often taking place on a seasonal basis. Malian, Mauritanian and Nigerien migrants, pushed by the lack of economic prospects or unemployment, usually settle in the southern region of Algeria and find a job in the informal economy. Historical proximity, as well as the existence of strong community-based networks of assistance make these migrant populations less vulnerable to Algerian authorities, and less likely to be deported [CISP,2008].

⁵ See, for more information, “25.000 réfugiés subsahariens en Algérie, plus de 41000 expulsions entre 2009-2011”, Algeria Watch, 14 December, 2012, at http://www.algeria-watch.org/fr/article/pol/migration/expulsions_2009_2011.htm, [accessed 30 July 2013]

⁶ The Ministry of Interior declared that around 60,000 irregular were present in the country at the time, 25,000 of which from Non-Arab African countries, 17,000 migrants from Libya and 15,000 from Syria. See for more info, “Mohamed Saïb Musette: “Depuis 2011, les migrations vers l’Algérie sont des migrations de crise””, Algeria Watch, 18 December, 2012 http://www.algeria-watch.org/fr/article/pol/migration/migration_de_crise.htm, [accessed 30 July 2013]



It is difficult to make a clear distinction between migrants who wish to settle in Algeria and those transiting, partly due to the fact that Algeria is host to mixed migration flows which include both refugees fleeing persecution, armed conflict and generalised situations of violence and instability (in particular from West Africa) [MSF, 2013; Laacher, 2010] as well as migrants leaving their countries in search of new social and economic opportunities, but often without having a fixed plan. The recent conflict in Mali has had the effect of worsening the situation, as unilateral closure by Algerian authorities of the three border posts with Mali in January 2013 – Bordj Badji Mokhtar, Tin Zawatene and Timeaouine – has made it more difficult for migrants and refugees from the region and other countries to reach Algeria.⁷

⁷ See, for more info, “L’Algérie carrefour des flux migratoires”, *Algeria Watch*, 11 August, 2013, http://www.algeria-watch.org/fr/article/pol/migration/algerie_carrefour.htm, [accessed 12 August 2013] and “25.000 réfugiés subsahariens en Algérie, plus de 41000 expulsions entre 2009-2011”, *Algeria Watch*, http://www.algeria-watch.org/fr/article/pol/migration/expulsions_2009_2011.htm, [accessed 30 July 2013].

⁸ A research, conducted on a sample of 2,134 irregular migrants living in Algeria, found that 57 percent of the interviewees had already been to Algeria for work before, and 70 percent were planning to return to their country of origin within a few years [Hammouda, in UNODC, 2012].

It is common for migrants in search of better economic opportunities to change their plans several times since departing from their home country, based on new information acquired along the route, new challenges, risks or opportunities that had not been considered at earlier stage, or lack of financial resources [Collyer, 2007; UNODC, 2012]. The decision to stay in North Africa in general is increasingly taken after a number of failed attempts to cross the EU borders, and the realization that Maghreb countries may still offer better economic opportunities than more unstable and unsafe countries of origin [de Haas, 2008]. Seasonal or temporary migration is also an important feature of these migration flows.⁸

Different studies have shown that the desire to settle in Algeria rather than continue the journey to Morocco and Europe is often linked to

country of origin and level of education of migrants – with nationals from neighbouring Mali and Mauritania more willing to remain in the country while those from West Africa – as well as those with higher levels of education – being more inclined to head towards Europe [Hammouda, in UNODC, 2012; CISP, 2008]. Transit migrants have a tendency to settle in the large coastal cities of the North, as they provide greater economic opportunities and the possibility to accumulate enough money to continue their journey [CISP, 2008].

⁹ The study was conducted on a sample of 2,149 irregular migrants on a total estimated population of 21,500 in the selected locations throughout Algeria. See, for more information, [CISP, 2008].

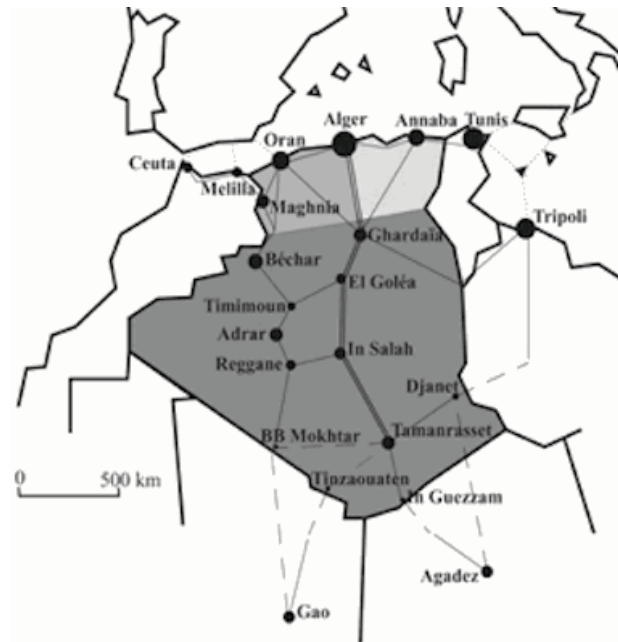
The study conducted by CISP in 2008⁹ identified the profile of Sub-Saharan migrants in Algeria as being mostly men, aged between 26 and 40 years old (67 percent of respondents), and coming from urban areas. However, an increased feminization of migration can also be observed – a trend which can be expected to further increase as more structured migrant networks of support are developed. Men are mostly single, while women usually married. The majority of migrants, both men and women, were employed in their country of origin before departure, usually working as technicians, electricians, traders/shopkeepers or tailors. Most migrants point to economic factors as being the main reason for deciding to migrate – with other factors (difficult family situation, etc.) also playing into their decision [CISP, 2008]. Such results are consistent with other findings both in Algeria and elsewhere, which suggest that important push-factors are the attractiveness of the way of life and living standards in both North Africa and Europe, as well as the prospect to improving the family situation and increasing the limited income earned in the country of origin [UNODC, 2012].

The largest migration flows to Algeria come from the Niger (35 per cent), Mali (15 per cent), Nigeria (15 per cent) and Morocco (10 per cent) [UNODC, 2012]. However, all West African communities are now present, with relatively large groups from Cameroon, Ivory Coast, Gambia, and Guinea Conakry.

Migrant routes through Algeria

There are two main land routes reaching North Africa: the first one from East Africa and the Horn of Africa, crossing Chad and the Sudan, and the second one from Central and West Africa, mainly through Mali¹⁰ and Niger. The West African route, the most relevant for the case of Algeria, often departs from Senegal and heads towards Mauritania, Morocco and eventually Canary Islands; from Mali in the direction of Algeria and Morocco; or from Niger to Algeria or Libya [UNODC, 2012]. Such routes may, however, start much further down the African continent, such as in Cameroon or in Nigeria.

¹⁰ However, the recent conflict in Mali and unilateral closure of the border by Algeria may have an impact on the extent to which this route will be used in the future.



Migrants usually reach Algeria through two main transit points: Agadez in Niger and Gao in Mali. The main border posts are 'Ain Gazzam at the Nigerien border and Tinzaoutine and Bordj Badjij Mokhtar at the Malian border. The first main city in Algeria is Tamanrasset, in the extreme south of the country, close to the border with Niger. Here is concentrated the majority of the Sub-Saharan population, both regular and irregular migrants, refugees, seasonal workers or recently deported migrants. Those wishing to continue to Morocco and Europe will head in the direction of Maghnia and then Oujda, on the Moroccan side of the border,¹¹ while those wishing to reach Libya will go in the direction of Djanet.

¹¹Accordingly, very few migrants are taking the sea directly from Algeria to reach Europe [CISP, 2008]. The exact reason is not known, but it maybe that the route is not considered safe enough, smuggling networks are not developed enough or Algerian authorities are controlling the area.

Migrants usually rely on smuggling networks and middlemen for the organization and logistical aspects of their journey. Studies seem to indicate that the majority leave their country of their own will, generally as part of broader family strategies, rather than as a result of external coercion – enslavement or human trafficking [UNODC, 2012].

The rights of migrants and refugees in Algeria

In the context of the current trend of increased border cooperation between North African countries and the EU, Maghreb countries have tightened the screw on irregular migration over the last few years. This has resulted in the increase of institutionalized racism and in escalating violations of the rights of migrants and refugees [de Haas, 2008]. While traditionally having a more welcoming approach to migration, especially from neighbouring countries,¹² Algeria has also increasingly aligned itself with this approach by adopting legislation that openly criminalizes irregular migration and does

¹²This is especially true with respect to the Touareg population, currently scattered among Algeria, Mali and Niger, and which enjoy free circulation in these three states.

not include adequate safeguards for the protection of the most vulnerable groups – refugees, women and unaccompanied minors. Despite being party to both the Geneva Convention relating to the Status of Refugees and its Protocols, respectively signed in 1963 and 1967 with no reservations, as well as to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (signed in 2005), Algeria has yet to set up national legislation on migration and asylum in line with these conventions.¹³

¹³ With regards to the UN Convention on the Rights of All Migrant Workers and Their Families, Algeria has not yet submitted its latest report, which was expected by 1 May 2012. See the Concluding Observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families regarding Algeria's last submitted report (2010) here: <http://www2.ohchr.org/english/bodies/cmw/docs/co/CMW-C-DZA-CO1.pdf>

What makes protection of the migrant population difficult in the Algerian context is the fact that migratory flows from Sub-Saharan Africa are essentially mixed. The number of destinations, travel routes and nationalities involved is constantly growing, and motivations to leave the country of origin are manifold and heterogeneous, as are the levels of vulnerability and needs of the populations involved. Moreover, in the context of increasingly fragmented migration patterns where journeys may be extended over years, changes in countries of origin may mean that those who were initially economic migrants eventually develop new protection needs.

Migration, entry and stay in the country

The main laws regulating migration in the country are Law n°08-11 dated 25 June 2008 relating to the conditions of entry, departure, and movement of foreigners in Algeria and Law n°09-01 of 25 February 2009 published in the Official Journal on 8 March 2009, which tightens up the Penal Code to crack down on illegal migration and movement of migrants [EMHRN, 2012]. While Algeria has signed the UN Convention on the Rights of All Migrant Workers and their Families, it has yet to fully implement it. Algerian authorities never make reference to the Convention for those migrants who have illegally entered the country – despite that it applies regardless of the legal status of the migrants – and article 67 of the country's constitution only grants the full spectrum of rights, including protection of the law, to foreigners who are *legally* present on the national territory.

Formalities for determining legal entry and stay are laid out by the same law, and include, among other conditions, regular possession of a valid identification document and an entry visa. Nationals from Western Sahara, Maldives, Morocco, Tunisia, Libya, Mali, Seychelles, Yemen, Malaysia, Mauritania and Syria do not need an entry visa, and can stay in the country for as long as three months after getting their passport stamped at the border.

For this reason, until recently, many West African migrants resorted to buying Malian passports with the complicity of the Malian authorities themselves, as this was the easiest way of entering and remaining in

the country. However, with the recent closure of the border, Malian-passport holders have found it impossible to cross the border to have their passports stamped and their visa renewed. These circumstances have meant that an increasing number of migrants are being pushed into irregularity – and while the Algerian government has yet to respond to this situation, there is no guarantee that they will continue to turn a blind eye in the future.

Rather than protecting the rights of migrants, the laws mentioned above are primarily aimed at criminalizing irregular immigration and any possible actor involved in the smuggling process. Migrants are subjected to constant identity checks in the street or in the places where they live, and often arrested. When found without proper documentation, they are prosecuted for entry and illegal stay on Algerian territory - risking between 2 to 6 months imprisonment, and possibly deportation if the person has committed repeated offences, serious crimes or disturbed public order. In all other cases the person is sent back to Police Headquarters and set free, but with an order to leave the country within fifteen days. Furthermore, any person found to help or assist migrants in their illegal entry, stay or departure risks between 2 and 20 years of imprisonment (article 26), as well as a fine up to 3 million dinars depending on the circumstances.

Access to refugee protection: the BAPRA and the role of UNHCR

Despite being signatory to the 1951 Geneva Convention, Algeria is still far from having an efficient and comprehensive asylum system.¹⁴ While the Algerian constitution and legislation grants to foreign nationals *legally* present in the country more or less the same rights as Algerian citizens,¹⁵ these rights are not provided to those in a situation of irregularity, including refugees.

The BAPRA (*Bureau algérien pour les réfugiés et les apatrides*) - the Algerian Office for Refugees and Stateless Persons, established in 1963 to implement the Geneva Convention and directly responsible for assessing asylum applications – has not released any public information about its functioning, and its procedures have been shown to lack transparency and be highly arbitrary.¹⁶ Overall refugee recognition rates are unknown, but no refugee from sub-Saharan Africa has yet been recognized. The fact that the UNHCR in Algiers has, in a number of cases, granted refugee status under the 1951 Convention does not affect the decision of BAPRA – which is also not obliged to give any supporting explanation when rejecting an application.

According to UNHCR Algeria [UNHCR, 2013], as of January 2013 there were a total of approximately 94,110 refugees in the country, 90,000

¹⁴ However, the UNHCR has reported that in mid-2012, at the request of the Algerian authorities, it had 'identified an expert to help support the Government in updating the draft asylum law in accordance with international standards'. See "2013 UNHCR country operations profile, Algeria", available at: <http://www.unhcr.org/pages/49e485e16.html>

¹⁵ Article 67 of the Algerian constitution states: "*Any foreigner legally on national territory enjoys the protection of the law in respect of his person and his possessions.*"

¹⁶ See EMHRN Country Factsheet Algeria, 2012: <http://www.euromedrights.org/eng/2012/12/21/asylum-and-migration-in-the-maghreb/>

of whom coming from Western Sahara and settled in the Tindouf refugee camp, 4,000 from Palestine (who mostly did not seek UNHCR assistance), 40 from DRC and 70 from various countries. At the same time, there were around 1,770 refugees waiting to be recognized, largely coming from Cameroon (700), Ivory Coast (280), Syrian Arab Republic (240) and Nigeria (120). However, in its planning figures for 2013, the UNHCR also estimated the actual presence of 10,000 asylum seekers from Syria – 15,000 according to the Algerian government -¹⁷, and 1,500 from Mali.

¹⁷ See note [9]

Overall, a UNHCR yellow or blue card does not entitle a person to a residence permit in the country. Therefore, all refugees from Sub-Saharan Africa are *de facto* considered irregular immigrants by Algerian authorities, and their case falls within the scope of laws on immigration. Consequently, they are also liable to be arrested and detained at any moment for having irregularly entered Algerian territory, the only real difference residing in the social and economic support provided by the UNHCR in partnership with local NGOs¹⁸ [EMHRN, 2012]. Previously, holders of UNHCR cards also risked deportation, though this seems to no longer be the case following UNHCR awareness raising campaigns targeting Algerian authorities.

¹⁸ UNHCR-recognized refugees and asylum seekers can access a number of assistance programs developed by UNHCR local partners, including social support, accommodation, medical and legal help, as well as private education for their children.

The Algerian government has stated on different occasions that appeal to a national court is guaranteed to any person regardless of the nationality. However, field evidence collected from migrants and lawyers showed that migrants arrested are not given the opportunity to contact UNHCR or a lawyer, nor are they informed about their rights or assisted by an interpreter when arrested. Moreover, the climate of constant fear in which migrants live in Algeria has prevented most of them from claiming any right to compensation.

Despite having offices in Algiers and Tindouf and being present in the country since 1979,¹⁹ the UNHCR still cannot fully operate in Algeria. UNHCR officials are not allowed to move freely throughout the country, especially to the south and to the border regions – where a considerable number of Sub-Saharan migrants may remain stranded for weeks or months during their journey – without previous clearance by the Algerian government (officially for security reasons).

¹⁹ An Honorary Representation of UNHCR was established in Algeria in 1979, with its offices officially opened in 1985 following the signature of an official host country agreement with the Algerian state in 1984. After closing down for a few months between 2007 and 2008 due to a terrorist attack targeting its premises, UNHCR reopened its offices in July 2008 and resumed full activity in 2009.

Social and economic rights

Living conditions of migrants in Algeria are extremely precarious. The majority of migrants either live in old houses or dormitories, where lack of space, gas and heating are usually the norm, or in construction sites or unfinished buildings, without access to water or sanitation systems. Housing remains one of the greatest problems for Sub-

Saharan migrants in Algeria [Laacher, 2010] because landlords are not allowed to lodge persons who do not hold valid residence permits, and are obliged to inform in due time the nearest police or national gendarmerie station when they are hosting a foreigner, otherwise risking a fine of 5,000 to 20,000 dinars.

Employment in the formal sector is reserved only for foreigners in possession of a valid work permit, and is still subject to a number of requirements being fulfilled by the employer.²⁰ Irregular migrants in Algeria are typically hired for construction and farming, although some medium-skilled jobs (electrician, handcrafter, etc.) as well as small trading opportunities seem to be available. Other migrants also work as watchmen, gardeners or take on other menial tasks in exchange for lodging and a small wage [CISP, 2008].

²⁰ According to the IV Chapter of the 2008 Law, employers must declare the recruitment of a foreigner in due time to the competent authorities, and be able to present the appropriate documentation allowing the person to work there, risking otherwise a fine between 200,000 to 800,000 dinars.

²¹ Rencontre et Développement” (Encounter and Development), a UNHCR local partner, has provided education for 40 children in Algiers thanks to funding coming from the UNHCR for refugees and from the French “Secours Catholique” (Catholic Help) for undocumented migrants [EMHRN, 2012].

²² In other cases migrants preferred to register newborns under a different nationality – especially Malian – hoping that this would facilitate the life of the child in Algeria.

²³ For example, a mission by the UNDP to Tamanrasset in June 2013 concluded that Algerian health services were indeed open for migrants, providing both HIV testing and pharmacological treatments.

Access to education has recently become more relevant with the feminization of migration and a higher number of migrant children transiting or living in Algeria. Children of migrants may be enrolled in schools provided they are able to follow classes in Arabic, though this is a condition that many children, coming from francophone countries, are unable to fulfil. Furthermore, undocumented migrants are not easily able to provide the necessary documents required to enrol their children at school, and the latter’s enrolment usually depends on the goodwill of the headmaster. Such conditions strongly impact access of migrant children to public schools, eventually leaving them with the only option of attending private schools via the intermediary help of local associations.²¹ Migrants also encounter a number of problems when registering births. While the Convention on Migrant Workers guarantees the right to recognition of legal status for newborns, in some cases, irregular migrants are unable to obtain a birth certificate for their children and to register them at civil registry, with the result that some newborns may become practically stateless.²²

Contrary to other social and economic rights, access to health care is guaranteed and free of charge in Algerian hospitals. However, only a limited part of the migrant population has access to the healthcare system in practice.²³ This is partly due to lack of information, as migrants themselves often do not know about this opportunity, and partly because racism from doctors and administrative authorities and the fear of being arrested or deported once hospitalized makes migrants reluctant to go to hospitals [EMHRN, 2012].

Part Two

Maghnia and its communities

Maghnia, a migration crossroads

²⁴Algeria accused the Moroccan government of supporting an Islamist terrorist group operating in the country, while Morocco blamed Algerian security services for the Marrakech bombing of 1994, during which sixteen people were killed.

²⁵On the other side of the border, the number of migrants in Oujda remains relatively constant, with migrants expelled from other Moroccan cities and those who have just arrived from Algeria. Fearing they might be caught by the police, many migrants hide in wooded areas, in neighborhoods far from the city centre and in surrounding villages, while others find shelter in natural caves and abandoned houses along the road from the border. Their living conditions are very poor and precarious, even though their situation has unquestionably been improved by the presence of international organizations and local NGOs. See, for more information, the recent reports by Médecins Sans Frontières [MSF, 2013; MSF, 2010] and by Migreurop [2009].

²⁶Maghnia is around 200 km from the Spanish territory of Melilla, which has become one of the most commonly used gateways to Europe from this area.

²⁷The route leading from the Algerian coasts to Europe is still not widely used by Sub-Saharan migrants. While smuggling networks have dramatically improved their means and procedures of transportation – fast and reliable boats with modern propelling engines, GPS equipment, use of weather forecast and other information about the state of the sea – only Algerian ‘harraga’ have so far used this route. However, the situation might quickly change with the development of safe and trusted networks, with the result of re-directing migrants from Tamanrasset directly to Oran instead of Maghnia.

Maghnia is a small town with no real industrial development and few tourist, employment or business activities. It is highly militarized, with border police, gendarmerie and security services constantly monitoring the inner city and its surroundings, as well as a network of informants and collaborators among regular citizens keeping the authorities informed of what happens. The closure of the border since 1994 – after the two countries repeatedly exchanged accusations of subverting activities²⁴ – has spurred the development of a black market and increased levels of criminal activity with the complicity of local authorities in both Algeria and Morocco, from smuggling of drugs or ordinary goods (from gas to olive oil, or goats) to human trafficking. Prostitution networks are also said to have developed along the border without the authorities in either country being able or willing to take effective countermeasures [MSF, 2013; MSF, 2010; Laacher, 2010].



The Maghnia-Oujda border post, officially closed since 1994 (view from Algeria)

The closure of the border, however, has not been an obstacle to increased migration flows between the two countries. Maghnia is 13 kilometres from the Moroccan border and 27 kilometres from Oujda, its twin city on the Moroccan side. The short distance makes the two cities intrinsically interconnected and interdependent,²⁵ and makes Maghnia a strategic transit point along migratory routes from Sub-Saharan Africa to Morocco and eventually Spain.²⁶ Moreover, migrants in Maghnia can count on a trusted and long-standing network of smugglers, who have been practicing this activity for years.²⁷ Despite

being a transit point, many migrants remain blocked in Maghnia, either because they are unsuccessful in their attempts to cross the border, or because they are detained by the Moroccan police and deported back to Algeria. For some, however, it also offers some job opportunities in the informal sector (from agriculture to construction and gardening) to finance the remainder of their journey.

Interviewees claim that Sub-Saharan migrants were already taking this route into Morocco around 1995-1997, with pioneers relying on very little resources to organize the border crossing. Migrant strategies were initially improvised, with migrants staying in informal dormitories or camping in construction areas in the suburbs of the city. Only between 2001 and 2003 did the route become institutionalised, as the number of arrivals as well as average length of stay increased. Between the late 1990s and the early 2000s, the largest groups transiting Maghnia were from DRC Congo, Ivory Coast and Sierra Leone. With time, the Sub-Saharan presence further diversified, to include also Mali, Guinea Bissau, Guinea Conakry, Ghana, Gambia, Cameroon, Burkina Faso and Senegal.



View of Maghnia from its outskirts

²⁸ On 28 and 29 September, 2005, at night, thousands of migrants tried to cross the barbed wire fences separating Morocco from the Spanish territories of Ceuta and Melilla. A number of migrants were shot by border guards, with the result that at least 17 migrants were killed and hundreds were wounded. Many migrants involved in the fight had taken the route from Maghnia, and the tragic events were a major blow-off to migrants' hopes of reaching Europe through Morocco. Migrants also became well aware of the brutality and violence of Spanish and Moroccan border police, as the latter did not hesitate to deport a number of Sub-Saharans to the southern borders of the country near the Sahara desert.

It is difficult to estimate the presence of Sub-Saharan migrants in the city and its surroundings, and numbers highly fluctuated throughout the years, depending on policy shifts of Moroccan and Algerian authorities and overall safety conditions.

While 3,000 to 4,000 irregular migrants were reported to be in Maghnia in 2004, the number dramatically decreased to a few hundred (400-600) in the wake of the events of Ceuta and Melilla in September 2005.²⁸ Under EU pressure, and in response to an increasingly repressive

policy implemented by its Moroccan neighbor, Algerian authorities decided to put an end to years of relatively peaceful coexistence with the Sub-Saharan population. With respect to Maghnia in particular, two main operations were carried out between 2004 and in 2005 – the second one within the framework of the MEDA II, an EU-funded program which allocated 10 million euros to Algeria for training border police and combating ‘illegal immigration, and which led to the first massive arrests and deportations of migrants, both to Morocco and the south of Algeria [Ferhi, 2008].

A few months after these operations, however, the number was already higher than before, as Bensaad [2008] estimated a total of 7,000 migrants²⁹ living in the area – 4,000 in the inner city and 3,000 in the ghettos. The Algerian authorities responded by carrying out massive arrests and deportations between 2007 and 2008, completely wiping out any presence of migrant camps along the creeks in the valleys and dramatically reducing the migrant population in the area.³⁰ Not long after, however, Sub-Saharan presence in Maghnia started to grow again, and may now be back to lower but similar figures to those in 2004. This assumption seems to be consistent with the findings of Médecins Sans Frontières’ (MSF) research in Oujda, which suggested an increase of the migrant population in the border area over the last two years, both as a consequence of deportations carried out by Moroccan and Algerian authorities but also of ongoing border crossings between Maghnia and Oujda.³¹

²⁹ Although this number refers to migrants as a whole, regardless of the legal status, it is safe to assume that most migrants in Maghnia are in an irregular legal situation. This is due to the fact most migrants coming from the south have necessarily crossed the Malian or Nigerien border with Algeria without authorization or overstayed their visa, while those coming from Morocco have been deported through an officially closed border, often having their passport confiscated by Moroccan police.

³⁰ The exact timing of this operation is not known. However, CISP mentions that, in the process of selecting relevant field-sites for its nationwide research on Sub-Saharan migrants, it had to cross Maghnia off the list. The ghettos of migrants had been completely destroyed by the gendarmerie, and nearly all migrants had been either deported or had escaped to other cities, such as Ghardaia, Adrar, or Tamanrasset [CISP, 2008].

³¹ Throughout 2012, MSF assisted an average of approximately 500 people per month, with a peak of over 700 people last November. MSF also recorded in 2012 the highest number of people trying to cross the border with the Spanish territories of Ceuta and Melilla since 2005, indicating that there may an increase of migrant fluxes coming from Algeria [MSF, 2013].



Sub-Saharan migrants in the outskirts of Maghnia

As a result of the crackdown by Algerian authorities in the mid-2000s, Sub-Saharan migrants today can no longer move freely in Maghnia without risking being searched, arrested and possibly deported. Police forces also regularly carry out small- and large-scale operations in the migrant ghettos, stripping the migrants of all their belonging and destroying their tents and barracks.

³² Despite the difficulties, migrants who have been to Oujda reported that the situation on the other side of the border is worse – there instructions given by local authorities forbid taxi drivers from taking onboard migrants who are irregular.

³³ Maghnia also witnessed a considerable flow of migrants coming from Asia and the Middle East. Unlike Sub-Saharan Africans, they did not move out of the city nor created structured ghettos, rather remaining in the city, often lodged by smugglers themselves or in buildings under construction [Ferhi, 2008]. A number of Moroccans also irregularly enter Algeria through this border point, looking for work opportunities in construction and agriculture.

³⁴ Stefano Liberti, an Italian journalist who visited Maghnia in 2005, described the existence of an actual ‘village’, divided into national neighborhoods. Liberti writes: “after 300 meters, we finally saw the village: a multitude of bamboo tents, covered by plastic bags. The barracks were located on a dry riverbed; the whole valley was dotted with these small black huts, which looked like huge rubbish bags. Each group of huts was separated from each other by a few uncultivated fields, which acted as border among the different neighborhoods of the camp. From above, you had the impression of being in front of an anthill: hundreds of people were moving in the camp, getting in and out of the tents, carrying goods, water tanks, clothes to be washed.. [...] It was as if between the center of Maghnia and ‘Sub-Saharan Maghnia’ there was some sort of no man’s land, an area which marked the border between these two parallel cities” [Translation by the author]. See, for the full account, S. Liberti, “A sud di Lampedusa,” 2008, Minimum Fax.

Migrants live in hiding and in a climate of constant fear. Over time, they have also developed a strong resentment towards the local Algerian society, which they consider xenophobic, intolerant and repressive.³² In a similar fashion, migrants in Maghnia have learned to distrust civil society, including academics, journalists and NGOs, as the latter’s sporadic visits have not lead to any improvement in their material conditions, rather the opposite – i.e. a number of interviewed migrants recalled how, following such visits, Algerian police would violently retaliate by coming to the camps, arresting a number of migrants, occasionally beating a number of them and setting their tents and belongings on fire. Among some migrants, there is also mistrust that the information collected is instrumentalised by European governments to devise more efficient border control strategies.

Maghnia’s communities

In the early 2000s, partly as a response to the growing insecurity, partly as the natural result of the increasing number of migrants transiting the area and increased length of time spent in Maghnia, Sub-Saharan migrants began organising their communities.³³ This included moving into the city’s surrounding countryside, and creating camps (referred to as ‘ghettos’) by nationality or ethnicity.³⁴ According to information gathered on the ground, Nigerians were the first large community to establish a ghetto in Maghnia.

One of the major steps in this transformation was the establishment of clear hierarchies within each community, with the appointment of a ‘chairman’ and a number of assistants that would be responsible for the protection and security of the community members while in Maghnia, as well as for managing relations with the other communities. Every community in Maghnia has traditionally been ruled by this management committee, which is granted full powers by the community members. For large communities, such as the Cameroonian or the Nigerian, the election of the committee – which is often called ‘*gouvernement*’ (government) by its members – is a very serious affair. However, only the community chief, the so-called chairman, is regularly elected. After his designation, he will appoint his assistants: a censor, a secretary, a superintendent (responsible to the censor) and a number of officials (2 to 6). The length of the chairman mandate varies, but it usually lasts 8, 12 or 18 months.

Such organizational presence is still very present in the life of the migrant communities, and regulates social behaviour of migrants in the border area. Ghettos based on a chairmanship system are also present in other cities along the migratory route, such as in Tamanrasset or in Oujda, on the Moroccan side. However, depending on the local context – i.e. relations with local authorities and with civil society, size of the migrant population, main nationalities – communities may be more or less open to the outside and strict in enforcing internal rules and regulations. What is certain is that, depending on the ability and diplomatic skills of the different chairmen, relations among different communities may be relatively peaceful or rather turbulent. Overall, rivalries among different chairmen, or different migrants competing for the post of chairman within their own community, may contribute to exposing the community to further risks and increasing its vulnerability.

Migrants from Sub-Saharan Africa live both in the city of Maghnia and its outskirts. The three main areas of settlement include: a) the city itself, b) construction sites, barracks and other precarious settlements in the vicinity of the city; and c) the valleys of two creeks (Oueds) – Ouerdefou et Aounia, two affluents of the Tafna river – in the outskirts of the city, in the direction of the border with Morocco.



View of Maghnia and its surroundings from above: The N7 road separates the city from the agricultural fields and the two creek valleys where Sub-Saharan communities are located

Given time constraints and strategic considerations the EMHRN focused on the third group. In fact, the migrant population in the first two sites seemed to be more volatile and harder to reach, as information collected showed that, as a result of the militarization

of Maghnia and its surroundings, people may often move from one location to another and select a site on a temporary basis for a very limited amount of time. At the same time, the EMHRN considered that conducting research in these sites may be placing migrants at serious risk of retaliation by local authorities.

Migrant camps, discreetly located out of the city borders, while being very precarious have proved to be much more structured and organized settlements – this allowing the EMHRN to gain relatively stable and safe access over time. Moreover, such camps concentrate large amounts of Sub-Saharan migrants in a limited space (from 10-15 up to 100-120 persons per settlement) and, despite the high turnover of residents, seem to have a slightly more stable population than the other two sites. Finally, the EMHRN chose to focus on these riverbed settlements as they host the majority of the migrants wishing to cross the border to Morocco – i.e. the group most exposed to abuses committed by Algerian and Moroccan authorities.

While most of the fields surrounding Maghnia are private property, and therefore not accessible to migrants, the riverbeds in the Oued valleys are public property. Eleven communities from ten different countries are scattered along the valleys over a distance of approximately ten kilometers: Cameroon, Senegal, Democratic Republic of Congo, Gambia, Ghana, Mali (two communities), Ivory Coast, Guinea Conakry, Nigeria, and Burkina Faso. Each community lives by itself in a different part of the valleys and is, in principle, autonomous and independent from the others. However, in practice community boundaries are relatively porous, as people carrying different passports or coming from different regions sometimes live within the same community.³⁵ This is especially true for to Guinea Bissau nationals, who do not have a specific national ghetto and are scattered throughout the different camps.

³⁵The camps are described here as divided in terms of nationality, but it is clear that other ties are also relevant to migrants in their choices of settlement – i.e. kinship and familial ties, geographical and cultural proximity, mutual trust built along the journey, etc.

During the missions, thanks to previous negotiations and consultations with the respective chairmen and ‘elders’ – i.e. migrants belonging to specific communities who can claim a long stay in Maghnia – EMHRN delegates were able to officially access four of the ghettos: those of the Gambian, the Guinean (Conakry), the Ivorian and the Senegalese communities. Overall, the data collected show that the migrant population living in these ghettos seems to be largely male, aged between 20 and 30 years old (with a few exceptions), and include a few minors and women (See Annex 1 for a chart synthesizing data collected by the EMHRN with respect to each camp).

Most migrants have precarious and complex legal situations. Situations vary, but include: absence of a passport, possession of a regular passport, possession of a passport of a different country other than the country of origin (mostly from Mali for reasons previous mentioned), and possession of a UNHCR yellow card. Many people who had been deported in the push-backs either from the Algerian or the Moroccan side of the border told the EMHRN that their passports were confiscated by police officers and border guards. All in all, most migrants fall within the category of 'legal precariousness', as they are not legally entitled to stay in Algeria and are practically undocumented.

Length of stay in Maghnia varies between a few days and several months, with certain migrants having just arrived in Maghnia for the first time, others having come back for the second, third, or even tenth time. Sub-Saharanans arrive in Maghnia from a variety of places, the most common points of entry including Morocco through Oujda and the south of Algeria through the Tamanrasset/Ghardaia route from Niger. Others have also entered Algeria from Libya or Tunisia. Given Maghnia's purpose as a transit point, migrants are usually planning to stay there for as little as possible.³⁶

³⁶ See Annex 2 for an overview of interviewees, origins, route and length of stay.

³⁷ A number of officials from the different communities stand at the train station on the lookout for new migrants descending from the train. Depending on the nationality, they will be taken to the respective camp.

Migrants reaching Maghnia and planning to cross the border are taken directly to the camp by community officials.³⁷ There they have to introduce themselves and pay their right to stay to the superintendent. The price is usually 15 euros for the stay, and 50 euros for crossing the border. However, the cost for crossing for certain communities, such as for Nigerians, may go as high as 400 euros per person. Migrants who do not have any money are also allowed to remain temporarily, but are required to quickly find a source of income or borrow money from a friend or a relative in order to pay their debt. The length of a migrant's stay in the ghetto usually depends on the number of candidates already present in the camp. Once a number of 8 has been reached, a smuggler – who receives approximately 20 euro per crossing – will take the migrants to the other side. In certain cases, if a migrant is willing to pay a large amount of money and wishes to cross immediately, he may stay in the ghetto less than 48 hours. In the meantime, he will also be protected by two officers of the community. Clearly, border crossing represents the main source of income for the chairman and his entourage.³⁸

³⁸ Migrants have revealed that chairmen in charge of large communities may earn up to 100,000 euros in a single mandate.

Part Three

Mission findings and the vulnerability of Sub-Saharan migrants and refugees in and around Maghnia

Border crossings and deportations: Abuses and violence by border police and other law enforcement authorities in Algeria and Morocco

Community members reported at least 3 to 5 new people coming to each ghetto every day, and a similar number for those leaving the camps.

The trip from the south of Algeria to Maghnia is long, requires significant social and economic resources and is very risky. It also does not follow a linear direction, as plans constantly change and depend on a high number of variables – economic resources available, access to information, climate conditions, encounters with a number of different actors along the road (border guards, criminal groups, smugglers, other migrants). Economic resources are probably the main factor determining the length of the journey of migrants, as many are often forced to stop along the way, such as in Agadez, in Niger, or in Tamanrasset, in the south of Algeria, to earn sufficient resources to continue their trip. However, money is not enough to guarantee a safe journey, as migrants are also exposed to a number of risks throughout their route.³⁹

³⁹As a matter of fact, migrants coming from Morocco may be returning to Algeria, having initially reached North Africa from Niger and Mali through the south of Algeria. However, a number of deportees in Maghnia were also found to have travelled to Morocco directly from Mauritania, through Western Sahara.

The EMHRN could not fully document the ordeals suffered by migrants along the route to Maghnia. Other studies have, however, already described in detail the harsh and painful conditions under which these journeys take place. The 2008 report by the CISP, for example, mentioned the most common situations: long hours of travelling and endless waits at transit points, associated with great weariness; feelings of hunger and thirst, especially when crossing desert areas; lack of hygiene and deteriorating living conditions, including illnesses; a general feeling of insecurity throughout the journey; fraud by smugglers and the possible abandonment of passengers along the route; assaults by criminal groups; arrest and detention by border police; sexual harassment and sexual violence, including rape; enslavement; and death along the route [CISP, 2008]. MSF and the UNHCR have further complemented this information, devoting particular attention to migrant women and their greater exposure to sexual and physical violence [MSF, 2013; MSF, 2010; Laacher, 2010]. What makes Maghnia unique as a transit point, however, is that as much as it is an intended point along the journey for many migrants on their way

to Morocco, it is also the undesired return for many who are deported from Morocco back to Algeria.

In the last two years, partly under the pressure of the European Union and its member states, partly responding to its own political agenda, the Moroccan government has adopted an increasingly repressive policy vis-à-vis Sub-Saharan migrants. Under a general framework where the fight against trans-border crime, human trafficking, drug smuggling and illegal immigration have all been given the same level of priority, Moroccan authorities have significantly increased wide-scale and indiscriminate raids against Sub-Saharan communities living in or transiting the country [MSF, 2013]. These operations are carried out in the main cities (Rabat, Casablanca or Tangiers) as well as in areas surrounding the Spanish territories of Ceuta and Melilla. In the latter case, Spanish border police is also involved, as they usually return intercepted irregular migrants to Moroccan authorities. Many of the migrants arrested are then deported to the eastern border, to Oujda, and from there to Maghnia. MSF recorded over 1,300 deportations in 2011, and more than 6,000 in 2012.⁴⁰ According to statistics collected by local organizations, over 10,000 deportations took place between January and September 2013.⁴¹

⁴⁰ It is important to keep in mind that the numbers collected by MSF are for practical reasons – the organization is active only in Oujda and, to a more limited extent, in Nador. Consequently, the number of deportations to Algeria is likely to be higher.

⁴¹ Ammari Elhassane, Central Committee for Migration and Asylum, Moroccan Association for Human Rights.

⁴² Morocco's actions serve to reassure European governments of its good faith and its desire to cooperate on migration issues, especially with regard to controls at its northern border.

⁴³ 16 percent of this sub-sample had been deported to Algeria more than ten times [MSF, 2013]

⁴⁴ Such findings are consistent with research carried out on a broader scale in Morocco by Migreurop in 2009.

Despite the fact that the border is officially closed between Morocco and Algeria, Moroccan police forces use private paths through fields to deport irregular migrants back to the other side of the border. These expulsions often have symbolic value only, since the expelled migrants will very likely return immediately to Morocco by the same paths.⁴² In fact, according to the MSF report, more than 68 percent of its respondents in Oujda had been already arrested and deported since their arrival to Morocco – and 80 percent of these had already been deported more than once.⁴³

A number of migrants in Maghnia met by the EMHRN also reported being deported from Morocco more than once.⁴⁴ Some of them could not even remember how many times they had been deported, such is deportation common practice in this area.

We meet this young man from Guinea Conakry not far from his camp. He has just finished working in the fields. He comes looking for us as he would like to find a way to return to his home country. He is 22, but he is so tired and exhausted that he looks like he is at least 10 years older. He says he has been to Morocco several times, he does not even remember how many times he has been deported to Algeria (“8, 10 times..?”) He was in Gourougou, in the forest near Nador, and tried to enter Melilla twice, with no success. This is at least the seventh time he ends up in

Maghnia, but this will probably be the last one as he says, “Now I am really done, I have wasted all the money I had, I have tried everything. Now I just want go home”. Last time he was in Morocco he became sick. Before he could start any treatment he was caught by Moroccan police and sent back to the border.

[Delegate notes, Respondent#9, Guinea Conakry]

When checking and arresting irregular migrants, Moroccan police often proceed to confiscate travel documents and other belongings. A Malian migrant declared he was arrested in Nador by local police, who detained him for the night and did not return his passport – the passport contained a 3-month expired Moroccan visa. Despite further requests, the migrant was never able to get his passport back, and was later deported to the border. A young man from Gambia was also caught by police in Nador and suffered a similar fate. He was taken to the police station and had his fingerprints taken, while his money and passport were confiscated and never returned.

Moreover, deportations are not carried out in conditions of security for the migrants. After being driven to Oujda, usually by bus, deportees are often taken to the border at night, on foot. From there they are pushed to the other side with no protection of any sort. Migrants may also be deported regardless of their precarious physical conditions or deteriorating state of health.⁴⁵ On the one hand migrants may fall prey to a number of criminal gangs and traffickers stationed along the border area, on the other they may be caught by Algerian police, who are often in hiding waiting for them to cross.⁴⁶ Sometimes, Algerian authorities shoot in the air with the intent of frightening migrants and persuading them to turn back into Moroccan territory.

⁴⁵ MSF reported that, in 2012, Moroccan police deported over 500 people in need of medical assistance to Algeria [MSF, 2013].

⁴⁶ Migrants reported that Algerian police has recently installed a highly sophisticated system of surveillance to detect illegal crossings at night. While the system may be mainly intended to catch drug smugglers and traffickers, there is no doubt that irregular migrants are also a primary target. Moreover, given the presence of criminal networks and the likelihood of gunfights taking place in the area, migrants are exposed to even greater risk. For this reason, for example, a Cameroonian migrant told the EMHRN that he prefers to cross the border during the day, so as to limit the danger of being ‘accidentally’ shot by border guards on one side or the other.



The camp of the Senegalese migrants (summer)

Algerian authorities are not informed of deportations carried out by their Moroccan counterparts, nor would they probably accept to readmit irregular Sub-Saharan migrants into Algerian territory if requested. Consequently, Moroccan and Algerian law enforcement officials play surreal ping pong games with migrants, each trying to push them to the other side by force – all the while taking advantage of these expulsions to help themselves to the migrants' money and other belongings. Deportations – which most migrants accept with a certain resignation – are often carried out in a violent manner, and include beatings and robberies. The loss of mobile phones, money, travel documents, as well as the physical injuries leave the migrants in an extremely vulnerable situation, and devoid of any means to ask for help and assistance.

When they deport you to Oujda, you are handed to the military. We are taken to the border by bus, and we are left near the army base. Earlier on we were not handed to the Algerian military, but now we fall in their hands directly. [...] When you cross, you hear someone screaming, and then a round of kalashnikov gunshots, toot-toot-tooo [he imitates the sound of the weapon] sometimes they shoot at night! And when they shoot everybody stops, everybody crouches and hides on the group... you have to stay on the ground. So they get to us, they search us, they undress us, they take the mobile phone, the money, everything...

[Respondent #10, Cameroon, translated by the author]

Sometimes we used to say to each other, 'camarade these policemen are like Tom and Jerry with us', because the way they play with us... they bring us to the border, they take us there, the Moroccans sends us back, the Algerians do the same, back and forth. Actually, if it had been only like that, it would have not been a big problem. But when they take your stuff, that is where is the problem. Beating you again and again is not normal. That is what disturbs us a lot.

[Respondent #11, Cameroon]

Young man from Gambia. He crossed the border to go to Morocco two weeks before, stayed in Oujda only 24 hours, was taken to Maghnia during the night with other migrants, as they were divided into two groups of 8 people. His group was escorted by a military commander and two guards, armed. The Moroccan military checked if the Algerian military was there (they were in hiding). As soon as they crossed the Algerian military went out of hiding and started chasing them, so they had to run to escape from police of both countries.

[Delegate notes, Respondent #1, Gambia]

On the Algerian side, deportations to Morocco are usually carried out by the Algerian border police or the *gendarmerie nationale*. A young man from Ivory Coast, who had just returned from Morocco at the time of the EMHRN visit, provided the following account of the events leading to his deportation:

We were here by the riverbed, we were sleeping. They arrived really early in the morning, at around 7.30. We heard someone saying, the police is coming. There were some problems with our documents, those who had UNHCR papers were set free, the rest of us, undocumented, were taken to the police station and in front of the judge. [...] After you sign a document they take you to the border. That was at about 19.30-20, it was just about nighttime and we were about to be deported.

[Respondent #15, Ivory Coast, translated by the author]

Such round-ups, usually taking place very early in the morning, are common practice in Maghnia. They may take place on a weekly basis, depending on the scale of the operation and the police forces involved.

Migrants and refugees reported two different types of police operations: a lighter one, usually by local police or border police and in smaller numbers, where authorities carry out ID checks, possibly search the migrants and confiscate valuable objects, and finally leave; and a much heavier and grander-scale one, usually carried out by the Tlemcen *gendarmerie* with up to 40 officials and with extensive use of 4x4 pick-up vehicles, which would usually lead to massive arrests, extensive searches, robberies, possible beatings and deportation. The result is extremely frightening for migrants living in the camps, leaving them with a constant feeling of insecurity.

*When the police come they are about 6 or 7. They come with a 'furgonette', a big car. But the 'gendarmes' are different, they come around 30 or 40, with pick-up trucks. It's the people from Tlemcen coming in that case. You don't even run away from them, there is no way you can run away because you want to go left and they are to your left, you want to go right and they are to your right. They circle everybody and they take us. The *gendarmerie* takes us to the *gendarmerie* station in town. After that, they take us to the border. At night, at about 11 o'clock, they will see us off to the border with Morocco. Before doing this, again, they will search everybody. What is good on you they will take it. They will not even feel pity for you, if you cry they will beat you, if you say you just want to go back to your tent they will beat you. You have no voice to say anything, you only do what you are*

told to do. So that is one of the things we're going through here. [...]When they come, you don't even understand what they're saying, as they are mostly speaking Arabic. They don't even ask you questions actually. They just come, catch all of us. When they start to come... people start to run, some have wounds, some break their legs... Last time, we had one guy who broke his hand, because the police was running after him. This place is very rough, you know? They attack you when you are weak, sometimes they come when you're sleeping, and they start making noise... and you don't even know where to run to.

[Respondent #11, Cameroon]

During these raids, a number of Sub-Saharanans reported that, on a number of occasions, the gendarmerie literally assaulted the camps and burned down everything that was there, from the precarious barracks and tents to all the personal belongings of the people living there. While it seems that there had been a hiatus of these types of raids since the spring, Algerian activists who carried out a recent field visit to Maghnia found that these have once again become common practice as of October 2013.⁴⁷

⁴⁷ While authorities do not usually confiscate travel documents and IDs, they do confiscate valuable objects, money and personal belongings.

The last time it happened, was three months ago, I remember it very well because they burned my tent. When the Algerian police come [...] all the people who are capable of running run away. Then police siege the camp, they look inside, they take all the good things that were abandoned, and only then they burn the tents. Even a bag of rice which I had hidden somewhere, they found it and poured it on the ground. Even the gas bottle that we have, that we use to cook and prepare food... when they found it they took it away. [...] Now they still come! But they don't burn things now, they go inside, they take what is good and then they leave. When they catch you, if you have a good phone they will take it away from you. If you want to stand up and talk back to them, they will beat you up.

[Respondent #11, Cameroon]

During lighter police operations, migrants reported that Algerian policemen and gendarmes would propose to let them free in exchange for money – quantified in a sum of 1,000 Algerian dinars - or valuable items. Those who did not have the money to pay or any goods to give would be first thoroughly searched and then, if nothing was found, deported to Morocco. What is even more worrisome, however, is the fact that the abusive behavior of police and gendarmerie is not sanctioned in any way by the judiciary, which allows local authorities to conduct these kinds of operations with total impunity.

⁴⁸ While the Burkina migrant had only superficial wounds, the Cameroonian suffered from a serious injury as a bullet fractured his forearm bones.

The EMHRN delegation was in Maghnia when, on 20 June, 2013, at night, Algerian gendarmes shot two of the migrants they were about to deport to Morocco, leaving one of them in very critical conditions.⁴⁸ The two migrants, one from Cameroon and one from Burkina Faso, were both hospitalized in Tlemcen and kept under strict surveillance. Nonetheless, the EMHRN was able to visit them in the hospital and gather their account of the events. The deportation had no legal basis, as the migrants did not appear before any judge and no court order was issued. The Algerian authorities, on the other hand, denied these allegations and insisted that they had only rescued the Sub-Saharan migrants. According to their version of the story, the migrants had been shot by Moroccan border police while being deported to Algeria. Consequently, no formal charges were pressed against the gendarmes by the Algerian prosecutor, nor was their behaviour sanctioned in any way by local authorities. Upon their release from the hospital, both migrants were brought in front of the judge on charges of illegal entry to the country. No questions were asked regarding the accident, and no potential witnesses were summoned. As a matter of fact, the other migrants who were present at the time of the accident and who could have supported the case of the wounded migrants, had been deported to Morocco on that same day. Fearing retaliation of the Algerian authorities, they waited weeks before going back to Maghnia.

Access to protection and to UNHCR

A number of migrants met by the delegation were potential refugees in need of protection, as stipulated by the 1951 Geneva Convention. However, awareness about the UNHCR or access to the Agency is highly limited in Maghnia.

While not all cases were as clearly defined, it is worth mentioning the particularly striking case of 14-year old Ivorian boy and his older brother, who left their country after the outbreak of the civil war in 2011. Their family had a relatively good business set in Abidjan, the capital, as the father owned three bakeries in different parts of the city. As the spiral of violence grew out of control, the father was killed and two of the shops were set on fire and destroyed. This is how the younger boy, the sole living witness of the event, describes the murder of his father.

My brother is everything to me. He's my dad, my mom, my older brother. It's just for him that I am still here, and I do not go back to Ivory Coast. Actually I do not even know where my country is anymore.. I really miss my father. They killed him in front of me, I saw that, I was sitting nearby. [...] They came, and I was at home. They came inside the house, they killed my father, they took the money and then left.

They did see me, but they just slapped me in the face and they stormed out. My older brother was at work...he had a lot of luck. But myself...when I sleep I dream of my dad, of the moment when they killed him...always. So I had to find a solution and get out of the country. I did not want to think about that anymore, I want to forget everything.
[Respondent #13, Ivory Coast, translated by the author]

The family life shattered, the older brother thus decided they had no other option other than flee the country. After selling what was left of the family business to finance the journey, he took his younger brother with him and headed up north in the direction of Mali, Mauritania and Morocco, hoping to eventually reach Europe. After a failed attempt to reach Spain through the enclave of Melilla, they ended up in Maghnia.⁴⁹

⁴⁹ Only the older brother was deported from Morocco to Algeria when caught near Melilla, while the younger brother was not arrested and later joined the brother on his own in Maghnia.

What is relevant in this case, as in a number of others in Maghnia, is the fact that they never had a chance to apply for asylum throughout their entire journey, nor were they informed of their rights as asylum seekers. In Maghnia, the Ivorian and Senegalese chairmen, when directly asked, indicated that migrants in the high ranks of the communities are also charged with informing newcomers, especially minors, about the possibility of applying for asylum in Algeria. However, this could not be confirmed in interviews with migrants; in fact, many Sub-Saharans met by delegation did not know of the existence of the UNHCR, nor were they aware of the meaning of refugee protection and or of the possible benefits deriving from it. This was especially true for those migrants reaching Maghnia from southern Algeria for the first time, especially the youngest ones.

Nevertheless, as mentioned before, refugee status in Algeria is hard to obtain. When informed about the possibility of approaching the UNHCR, a number of interviewed Sub-Saharans have shown high skepticism regarding the possibility of obtaining asylum in Algeria, while also disregarding the option of remaining in Algeria. There is no possibility to file an asylum application directly in Maghnia, nor in Ghardaia, Oran, Tamanrasset or Ain Ghazzam. Refugees have to send a fax including all relevant information (date of birth, copy of the passport, contact information, etc.) to the UNHCR office in Algiers, and wait for a response by phone in order to get an appointment in the capital. Unfortunately, there is no official means to know whether an application has actually been received and processed by the UNHCR,⁵⁰ this making the whole process seem more like a wild gambling card than an official procedure.

⁵⁰ During the EMHRN mission in Maghnia, mission delegates collected a number of asylum applications that were faxed to the UNHCR office in Algiers. Weeks later, informal contact with UNHCR staff revealed that a number of these applications had not been received.

Once the appointment is set, asylum seekers are required to be physically present in Algiers for their interviews. However, transportation fees are not reimbursed. For this reason, people passing

through Maghnia for the first time on their way to Morocco, and especially minors, are usually not inclined to make a detour to the capital.

Moreover, the risk of being caught by police, of being arrested, detained and possibly deported was also highlighted as a strong deterrent. Refugees seeking asylum who do not have a valid travel document – i.e. passport with an Algerian visa – or a UNHCR written invitation confirming the appointment,⁵¹ are at high risk of being checked by police and security services along the road. Moreover, taxi drivers are generally scared of taking irregular migrants on board, fearing they may also be prosecuted by local authorities for encouraging illegal immigration in the country.

⁵¹The UNHCR does issue a written document once each appointment is confirmed, but the fact that the documents would have to be delivered by post or by fax makes it nearly impossible for the agency to reach the migrant.

Overall, UNHCR Algeria seems to have made little attempt to disseminate information in the border regions, especially for newcomers. Furthermore, procedures for submitting an application and conditions under which asylum seekers are allowed onto UNHCR premises seem to be too rigid for people coming from out of Algiers. A refugee from Ivory Coast recalled that, upon his arrival to Algeria he was indeed directed to Algiers to file an asylum application. Once he arrived to the UNHCR office, together with another Ivorian asylum seeker, he was told by the security guards standing at the entrance that he could not access the building, nor talk to anyone from the UNHCR, unless he had an appointment. Not sure about what to do and how to get an appointment, they left without being able to enter the building. The following day, on their way back to the UNHCR office they were arrested and detained by the police, who then deported them to the border with Morocco.

All in all, it should be noted that Maghnia is primarily a place of transit. Many Sub-Saharanans consider the filing of an asylum application a waste of time and resources, as they are not planning to remain in North Africa even if there were more favourable conditions. The situation changes for those people who have come back to Maghnia a certain number of times, or have even decided to settle in Oran or Algiers in the meantime. Some of them consider the refugee card as the only means to gain some sort of legal stability in Algeria, despite the fact that UNHCR recognition does not provide them with any substantial rights in Algeria. Sub-Saharanans confirmed that, in general, Algerian authorities differentiate between those with and without UNHCR documentation. When rounded-up, Sub-Saharanans carrying UNHCR documentation are usually spared from deportation to Morocco and are not searched. Overall, Algerian authorities seem to be more aware than before about their basic obligations when dealing with recognized refugees and asylum seekers, but this does not mean that regulations are duly respected. A Cameroonian migrant, when

describing a recent police raid to his camp, reported that a person holding a UNHCR registration document was also taken to the local police station as the gendarmes questioned the validity of his card. Eventually, he was released, but only after being exposed to physical violence and having his document confiscated by local policemen.

Upon departure, at the police station [right after an arrest carried out at the Cameroonian camp] we were about 15 people. There was also a guy who had the photocopy of a UNHCR document [document stating the pending application], but it was in black and white. So they beat him several times, telling him the document was fake and did not belong to him. But I was sure that was his document. That guy he had to call his lawyers and the NGOs, since police let him go only after taking his document.

[Respondent #11, Cameroon]

Access to social and economic rights: employment opportunities and work conditions

Maghnia serves two important purposes for the migrant population: 1) a stopping point where the person can rest, gather further information about his trip, obtain a shelter and protection from his community (provided a certain sum is paid to the chairman as a 'droit de ghetto'); and 2) a place where migrants can relatively easily find a job and earn enough money to continue their trip to Morocco. Respondents and other community members have highlighted both aspects in the interviews.

So, after that I thought I'd better go back to Algeria to look for some money, especially if we want to continue our trip and try again [to cross the border with the Spanish territories]. It is very hard though, I do not really know how we will manage to cross. [...] We were deported once but we quickly returned to Morocco. But after that we thought, before we get caught by police again and get deported, we'd better go directly to Algeria ourselves. So, now it's been a little bit more than two months since we've got to Maghnia. We are not like those people that regularly come here looking for work. We just want to stay enough time to make it back to Morocco, even if it takes up to three years.
[Respondent #13, Ivory Coast, translated by the author]

Here it is not as difficult as in Morocco to find a job. I have more chances and more advantages. During my entire stay in Morocco I actually never worked there. Most of the

'chantiers' (construction sites) where you go and ask for work, they will tell you that they don't take people to work. I have been going around there looking everywhere, had there been any hard work I would have done it! When you see all these blacks who have difficulties in Morocco, who cannot feed themselves, they always come back to Algeria, to make a little bit of money. And then they rush back to Morocco to make another attempt for Europe. In any case, even here it is not easy, it can take about three months to raise, maybe, 10,000 dinars, because you work today, you work tomorrow, and the next three days you see no work.

[Respondent #11, Cameroon]

Unlike Morocco, where harsh police control and a general reluctance of the local population to employ irregular Sub-Saharanans leaves very little work opportunities for them, Maghnia offers more favourable conditions. Algerian employers, in high need of labour, are much more willing to hire irregular migrants to supply this demand. Migrants find employment in construction sites, usually doing the heaviest and least-skilled tasks, or in the fields surrounding the city. According to information gathered from members of the Cameroonian community, Algerian contractors use high numbers of migrants to build foundations of houses overnight, against any regulation and without any construction permit, so as to finish the job before local authorities can halt construction.⁵² As far as work in the fields is concerned, migrants are usually employed in harvesting or in the collection of potatoes. It is also not uncommon that migrants switch jobs during the day – in the fields in the morning, in construction sites or in the city in the afternoon and evening.

⁵² An entire neighborhood of Maghnia, including tens of buildings, is made of unfinished houses. According to migrants, several of them were built from the scratch by migrants, who laid out the foundations in a few weeks, working day and night.

Relations with the employers are mixed. As migrants have been a stable presence in the area for quite some time, they have developed durable relations with local employers. Wages are comparably higher than in Morocco, although all agreements between employers and employees are completely informal and salaries are constantly renegotiated. Algerian employers recruit migrants on a daily basis and there is no guarantee of keeping the job from one day to the other. There is a renowned meeting place on the RN7, the main road leading to the border post, where Algerians pick up migrant workers for a day in the fields or at construction sites.

Here, [in Maghnia], people pay you. If you work, you will usually get paid. I know a lot of people that come here to earn some money, so that they can go back to Morocco. Because here you can find a job, al-hamdulillah.

[Respondent #4, Guinea Conakry, translated by the author]

[The work you do here] *depends on the day. Today you work in construction sites, tomorrow you may work in the fields. It depends on the people that come looking for you along the road, over there...* [he indicates the road leading to the border with Morocco, and which borders the fields]. *The Arabs stop over there, very early in the morning, and come looking for us...*

[Respondent #12, Ivory Coast, translated by the author]

In certain cases, employers have also provided shelter to a number of migrants. Such is the case, for example, of a number of migrants from Burkina Faso, a group of approximately 20 people who are all lodged in barracks along the fields where they work. In other cases, migrants working in construction sites find shelter in the unfinished buildings they were working on – i.e. a number of Congolese migrants who temporarily lodged in the eastern outskirts of Maghnia.

Despite work being relatively accessible compared to the other side of the border, working conditions remain extremely poor and employers commit frequent abuses towards migrant workers, including refusal to pay the agreed wage as well as arbitrary reductions of salary. When confronted with the protests and complaints of the migrants, employers have often responded by calling, or threatening to call the police, eventually forcing workers to accept such exploitative conditions. Furthermore, protecting the money they earn proves to be the hardest task for migrants – having to be aware of their employers, of other members of the migrant community⁵³ and, most importantly, of the police.

⁵³ Migrants may also decide to trust their money to the chairman and the assistants of their community to keep it safe. In every community there is a person charged with registrations and bookkeeping. The data include dates of arrival and departure, as well as the sums paid by each person as fees, but may also include sums entrusted to the community treasury by migrants and which they can claim when needed. It is unclear to which extent keeping money with chairmen is a better option than keeping money with employers. However, based on interviews, it seems that often employers refuse to give migrants all their money so as to exert greater control over them.

I had a lot of bad experiences here with Algerians. Sometimes, since we cannot really keep money on us – if we get caught by police at the border they will take our money – we prefer to leave it to our Algerian masters. We leave it there with them, whenever we need to take some to buy some food, we take it and the Algerian notes down how much you have taken. But at a certain point you discover that your money is not always there. And when you complain they will tell you that they will call the police, because they know you are afraid of the police. Since you get scared, you just abandon the money and leave. Me I cannot really count how many times I left money that was due to me. [...] I was working mostly in construction, and many people among us had the same problem. They come and take you to work [the employers], you do your job, and then they tell you they have no money. And you cannot do much to get it back.

[Respondent #11, Cameroon]

According to the law, Algerian employers are also liable for employing irregular migrants and risk high fines if discovered by the authorities. However, interviewees made it clear that Algerian authorities are well aware of the locations where irregular migrants are employed, but are not interested in taking on the employers unless alerted about specific cases. It appears that Algerian police do not carry any round-ups or arrests on work sites, rather preferring to chase migrants along the road leading back to the camps, or directly at the ghettos at night or very early in the morning.

The situation is very different in the actual city of Maghnia, where employers are scared to employ migrants for more specialized jobs fearing retaliation by police authorities. Algerian authorities seem not to be bothered with irregular migrants being employed in low-skilled jobs outside the urban areas, but have a very different attitude regarding migrants working within the city. For this reason, migrants have no choice but to take any job they find, although some of them would have the qualification to work in highly-skilled and better paid sectors. This young Cameroonian, while recognizing that the situation in Morocco is even worse, well describes his frustration for being trapped in menial temporary jobs in Maghnia:

I am a technician, I worked in a printing press, I went to technical school, have a Bac in electricity. They don't even accept us to work here [in Algeria], because people are scared. Because if police here caught an Algerian that has given us work, maybe they will have problems. Sometimes we go looking for work and they don't accept us to work. [...] Actually, sometimes people don't even believe you when you go there and tell them you're a technician. They don't even believe you can do something. They don't even test you! Meanwhile there's many of us who can do many things, they just won't let us do anything. Even at a construction site, they take you there, and even though you are trained, like a builder, they will not allow you to build. They will tell you, 'you, mix the cement', only the very simple work. All these things make me really angry. Sometimes it makes me... I just sit and cry. I don't really know what I am doing here anymore. I am the pity of my father. Why did my father pay for my school, why did he send me there, that I cannot even work? With the knowledge that I could do other things, instead I do any kind of job that is not my field, working in the farms, doing other odd jobs... that disturbs me a lot.
[Respondent #11, Cameroon]

Despite all the difficulties, and the fact that the money earned primarily goes to funding the next step of their journey, a number

of migrants also try to send remittances back home. This is not an easy task, since Algerian legislation regarding money transfers is very restrictive – agencies such as Western Union are only allowed to receive money, but cannot transfer money out of the country. As a result, migrants have developed a system of triangulation transactions that involves different family members both in Algeria and in the country of origin, and that allows long-standing migrants to let their relatives receive the money earned from a third party. This system can also be used to repay debts: as newcomers often find their economic expectations unmet upon reaching Algeria, they are forced to borrow money from older migrant residents in order to continue their journey or just merely to survive. The money can be exchanged, since the sum will be then returned to the family of the migrant by the family of the borrower directly in the home country.

Access to social and economic rights: housing and health care

Migrants located in Maghnia and in its surroundings live in very precarious conditions with inadequate housing, poor hygienic conditions, and lack of real access to health care.



Migrants near the riverbed (winter)

⁵⁴ This condition, however, does not seem to apply to all communities.

Delegates also met with migrants from Niger, who reported living in a 25-people dormitory together with other migrants from Niger and Mali. It may well be that attitude towards people from neighbouring countries is slightly more welcoming.

⁵⁵ Migrants cannot use wood either, as cutting trees in the area is strictly prohibited by Algerian authorities.

A number of migrants singled out the lack of adequate housing as one of the most urgent problems. While several of them would be willing to pay for a room in a house or a hostel in the city, they are refused by landlords because of their irregular status.⁵⁴ The EMHRN documented that migrant communities living along the river beds outside the city are very poorly equipped and lack any basic comfort. Their situation is all the more precarious in winter time, as some communities have no heavy clothing to protect themselves from the cold, nor gas tanks for heating and cooking.⁵⁵ Migrants settled in the creek riverbeds live in

makeshift tents or in natural shelters – mostly small caves which have been dug out by the migrants themselves. Tents are made of clothing or other material, and are often covered by black plastic bags to protect them from the rain.

The creek is usually dry, but the situation can change during the rainy season, making the riverbeds unsuitable for living and potentially dangerous. Another danger for migrants comes from a vast artificial lake located upstream. Should the lake dam be opened, the water flow could potentially flood the river beds and wipe out the camps.⁵⁶ Other migrants, such as the Cameroonian community, live underground in buildings belonging to the municipality water service – i.e. rooms hosting sluice gate and remote control equipment for water pipes – but their living conditions are only slightly better than those of people living outdoors.

⁵⁶ Interviewees reported that two years before, when the dam was opened, a migrant from Ivory Coast drowned in his sleep. His corpse was found in the valley a few hundred meters away from his camp. It is not clear how often Algerian authorities now open the dam, and to what extent this will be dangerous for migrants living in the valley.

Hygienic conditions are overall very poor, as most migrants have no direct access to water, except in camps closer to the city – i.e. one of the Cameroonian camps located in a privately owned field also includes a barrack and an external water pump. Migrant communities located in the outskirts of Maghnia cannot freely go to the city to buy food and other products for their basic necessities. A number of them rely on a small shop – run by an Algerian man and his family – conveniently located a few hundred meters from most community ghettos. Here migrants can buy pasta, rice, flour, bread, oil, tomato sauce, different kinds of beverages, and a few other products. They can also buy and refill water tanks for the needs of their camp. The shop also has a limited selection of products for personal care (shampoo, shower gel) and small emergency kits (disinfectant, band-aids). A handful of second-hand blankets and worn clothes, all of very poor quality, are also available.

Unfortunately, the EMHRN delegation did not include medical personnel, and so was unable to properly evaluate the medical needs of the migrants met in the camps. However, delegates were able to record and document a number of problematic health cases among the migrant population. The majority of these were either related to injuries sustained while attempting to cross borders or in encounters with police or other authorities – usually in Algeria or in Morocco – or to chronic diseases that developed over months, sometimes years, of constant travelling and adverse living and hygiene conditions.

⁵⁷ With regards to violence at the Spanish-Moroccan border, a campaign led by migrant and Moroccan organizations in Morocco was launched on 28 June, 2013 called “No. 9 – Stop the violence at the borders!” The campaign was launched in reaction to on-going violence at Morocco’s northern border and in commemoration of the death of a migrant following injuries sustained by a Cameroonian migrant when he attempted to cross over into Melilla.

Several migrants in Maghnia with injuries had previously received treatment in Oujda through MSF – this was the case for a Gambian migrant met in November 2012 who had lost an eye after being shot by Spanish border guards with rubber bullets⁵⁷ and a Cameroonian who, after repeatedly trying to climb the three walls of Melilla and being harshly beaten by border police, had eventually fallen off the barbed

⁵⁸ The wounds have left deep scars on his skin, which have not yet completely healed. Upon his fall off the fence, while police did not intervene, he was rescued by a Moroccan national who treated and stitched his wounds. He was later found by MSF in the forest near Nador and taken to Oujda for more thorough treatment. After he returned to the forest to prepare another crossing attempt, it became more difficult for MSF to check on him and monitor his health. Reportedly, they were coming every two days to the forest to take him to the clinic in Nador and then back again in the woods.

There is also the case of a migrant from Guinea Bissau who underwent surgery at the hospital of Nador around October 2012. Once released, he later moved to Rabat to join members of his community and ask for assistance from the local Caritas branch. He was scheduled to remove the iron support inserted between his arm and hand in February 2013. However, he was caught by Moroccan police before he could reach the hospital in Rabat, and deported to Oujda. As he had no money to get back to Rabat he headed to Maghnia instead, with the intent of financing his journey back to Morocco. When the EMHRN met him in June he still had not visited any doctor to check on his wound.

⁵⁹ The Gambian migrant who suffered an eye injury was first met by the EMHRN in November 2012, at which point he had just returned to Maghnia from Oujda after being treated by MSF in Oujda. In June 2013, his conditions had worsened – he had no more medicines to treat his wound and had not gone to any clinic to monitor the progress of his illness.

MSF in its report also mentions having treated a number of patients who had been wounded by rubber bullets shot by the Spanish Guardia Civil at the border [MSF, 2013].

wire and severely damaged his skin all along his wrists, arms and back.⁵⁸ Despite receiving treatment in Morocco, most migrants upon arrival or return to Maghnia are unable to have any check-ups for their injuries, often resulting in a worsening of their injuries over time.⁵⁹



Migrant shot in the eye by Spanish border guards

Chronic diseases that went untreated included asthma and digestive and stomach problems. Other common health problems included fever, repeated headaches and insomnia. The majority of the migrants met had not had a medical check-up in months, and only those with serious injuries had been to a clinic or a hospital.

MSF has issued alarming reports regarding the very negative impact that these precarious, violent and unstable life conditions have on the physical and mental health of the migrant population between Morocco and Algeria [MSF, 2013; MSF, 2010]. Skin problems, respiratory infections and digestive problems are among the main pathologies that have been observed in migrants crossing the Oujda-Maghnia border by MSF personnel. A number of patients also had complaints of general body pain, headaches, and insomnia, with non-specific symptoms often relating to stress and anxiety.

MSF singled out generalized institutional and criminal violence as the main factors determining the medical and psychological needs of the migrant population [MSF 2013]. As for criminal violence, different reports have outlined the important role acquired by smuggling and trafficking networks at the border between Oujda and Maghnia, mostly as a result of the officially sealed border which impedes any legal migration channels [MSF, 2013; UNODC, 2012]. The EMHRN collected information regarding common crossing procedures employed by migrant communities at the border, and documented the potentially exploitative dynamics regulating smuggling activity. As previously mentioned, community chairmen may strongly encourage migration as they tightly control border crossing channels and highly profit from this

business. Migrants reaching Maghnia for the first time are obliged to pay for their stay and for their crossing – the so-called ‘*droits de ghetto*’ – directly to community committees, and failing to abide by this rule may result in beatings and/or in the confiscation of all their belongings. However, EMHRN delegates could not look deeper into allegations of human trafficking to substantiate findings of other organizations, such as MSF, which underlined the connivance of certain community chairmen with trafficking criminal groups operating through intimidation, physical and sexual violence as well as torture [MSF, 2013].

Regarding institutional violence, migrants who transited through Morocco and tried to reach the Spanish enclaves of Ceuta and Melilla have experienced the worst situations. The climate of fear and insecurity created by local law enforcement authorities has pushed transiting migrants to the margins of urban areas, such as in the forests of Gourougou near Nador, where they live mostly outdoors or in precarious shelters lacking food and any basic comfort. Moreover, their experiences with Moroccan and Spanish border police – which often meant beatings, detention in crowded facilities devoid of any comfort, and eventually deportation [MSF, 2013] – have left long term physical and psychological scars.

When I was with my little brother [in Nador], I stayed up in the forests, and I sent my brother looking for food in town. Since he is very young, people would give him food, they would give him salami, tomatoes, potatoes... He would also go looking for food in trash bins and dumpsters, looking for chicken legs, chicken heads, things like that. While we were eating food taken directly from the dumpster, I told him, this is not a life.

[Respondent #13, Ivory Coast, translated by author]

In 2011, police had already caught me in Rabat, but since I had my passport they let me go. I stayed there a little bit more, after that I headed to Nador, I tried one more time to cross to Melilla, but they pushed us out again. At that moment, since I was wounded while trying to cross, I went to the hospital in Rabat with the help of Caritas. They were the ones who treated me. [...] After that I returned to Nador again [in order to attempt another crossing], I stayed there two days, sleeping outside, I was caught by police and pushed back again. The Spanish Civil Guard at the border caught me and handed me to the Moroccan police. The Moroccans beat me and wounded me, I was deported all the way back to Maghnia.

[Respondent #17, Senegal, translated by the author]

The EMHRN mission has found further evidence in Maghnia corroborating this view, documenting the abusive and violent behaviour of Algerian authorities when raiding the camps. In addition to the possible physical injuries, all this has contributed to creating a climate of extreme fear and anxiety among the migrant population. This migrant, for example, recalls what happened around March, when the Algerian gendarmerie stormed his camp.

We don't really have peace here, because if we go outside to work we know we risk meeting them on the way. And when we come back we are so tired and we cannot even sleep, because as soon as we hear the dogs barking we know that they are around. So we run again. They are not only there to catch us, but also to steal from us. [...] When they catch you, if you have a good phone they will take it away from you. If you want to stand up and talk back to them, they will beat you up. So, that is one of the things we really don't like, you know? Like we're not human beings, you understand? We're really begging, now... that they let us in peace. Even the way we're living now, it really shows that we're here for peace. We don't create problems... if police wants to come and check us and do whatever they need to do with us, that is no problem, but just they do it outside of our camp.

[Respondent #11, Cameroon]

Civil society organizations are nearly the sole actors providing health care support to migrants on the ground in the border area. In particular, the long-standing presence of MSF in both Oujda and Nador has made it possible to treat a number of Sub-Saharan migrants in eastern Morocco – many of whom may at some point return or be deported to Maghnia.⁶⁰ However, the departure of MSF from Morocco in early 2013 has left a wide void that no local and international NGOs, nor Algerian or Moroccan institutions, have yet been able to fill.

While MSF was present in Oujda, along with several other local organizations who provide complementary services, no similar organization is, or has previously been, operational in Maghnia.⁶¹ Moreover, unless migrants are in an extremely precarious health condition, they will refrain from going to public hospitals for fear of being arrested or deported. As noted by Médecins du Monde, Algerian hospitals do not always remain faithful to the actual national legislation and the doctors' ethics code, which guarantee free health treatment to anyone regardless of the nationality or the legal status. In fact, even in Algiers chances are that irregular migrants – including pregnant women giving birth – may be denounced by the hospital personnel to security services or other authorities and later face serious

⁶⁰ MSF started its operations in eastern Morocco in 2004. In the last few months prior to its departure from Morocco the team was composed of 17 people, who provided medical, psychological and humanitarian assistance in both Oujda and Nador. MSF assisted migrants with respect to primary and secondary medical treatment, psychological support, prenatal and postnatal check-ups, assistance to victims of sexual violence. In order to prevent diseases and their spreading, MSF regularly carried out distributions of sheltering material, hygienic kits and kitchen tools, while also providing water sanitation services.

⁶¹ Another humanitarian NGO, Médecins du Monde, has been working in Algiers and in Constantine on different projects, but is not present in Maghnia.

⁶² See, for more information, Algérie: migrations subsahariennes et accès aux droits, briefing note of the conference organized by Médecins du Monde in Algiers on 30, June, 2012, http://www.la-laddh.org/IMG/pdf/colloque_algerie_ok_2.pdf [accessed 25 July, 2013].

consequences, including deportation.⁶² In other cases, migrants may not have the money to buy the medications, which are not supplied for free by the hospital.

Focus on vulnerable groups: the situation of women and minors

Women are virtually invisible in the migrant landscape of the ghettos in the valleys. When delegates asked chairmen about their number in the community settlements, they all stated no woman was part of the group. Officially, the mission was able to document the presence of only two women in the ghettos. The first one was a Senegalese woman married to an Ivorian migrant, but who could not be interviewed. The second one was a Nigerian woman met on the way to the Nigerian ghetto, and who supplied very little information about her story and conditions. Members of the Cameroonian community have indicated the presence of women in their community, but the EMHRN could not meet them. Moreover, a small number of migrant women and girls, mainly from Niger, were spotted in the city of Maghnia by the main road, begging.

According to respondents and other members of the migrant communities, including women migrants met by the EMHRN delegation in Oran, fewer women decide to take this route and usually do not migrate alone. When they do, they generally stay in the migrant ghettos as little as possible and cross the border very quickly. When reaching Maghnia, they try to make sure they have enough money to pay for both shelter and protection from their community, so as to be able to reach Oujda with no inconvenience. Women usually have to pay around 150 euros to their community in Maghnia so as to cross into Oujda, three times as much as the amount paid by men. The reason given for this price difference is that smugglers are required to walk at a slower pace and take extra safety precautions when escorting unaccompanied women to the other side of the border – they also have to provide additional information and useful contacts to facilitate the rest of her journey.

Unfortunately, it was not possible to estimate the number of women passing by the migrant camps, as delegates have observed a certain reluctance of migrants in providing information about women. What is known about migrant women transiting Maghnia comes from research conducted in other regions, such as in Oujda,⁶³ on the other side of the border, or in Algiers [Laacher, 2010] and in other Algerian cities [CISP, 2008]. MSF, for example, in its recent report about the situation of Sub-Saharan migrants in Oujda, indicated that migrant women in the Moroccan city were 13 percent of the total migrant population in the area⁶⁴ – 14 percent of the female population being also pregnant. Such research not only proves that female migrants are an important proportion – though comparatively smaller – of the

⁶³ Over a fluctuating population recorded by MSF of approximately 500 to 700 migrants, women would be between 65 and 95 [2103; 2010].

⁶⁴ Over the last three years, MSF collected a series of data regarding the migrant population passing through both Oujda and Nador. The data only refers to the number of people MSF was able to access, therefore such statistics should be taken with great caution.

population transiting this area, and consequently passing through Maghnia, but also that, especially when travelling alone, women are extremely vulnerable to violence perpetrated by the local and migrant populations alike.

59 percent of 65 women interviewed by MSF in 2010 in different Moroccan cities reported having suffered sexual violence at the Maghnia-Oujda border area. Between 2010 and 2012, MSF treated a total of 697 migrants (the majority being women) who had suffered sexual violence, 122 of which in Oujda only. 35 percent of this population (240) had been trafficked [MSF, 2013]. Considering that reporting sexual crimes and seeking medical assistance after sexual violence largely remains taboo in many migrant communities, and that a number of migrants report it only once they are in Rabat, the actual figures are likely to be much higher.

The most striking aspect regarding migrant women in Maghnia is precisely their invisibility. This may be partly explained by the fact that, in transit migration contexts, women are subject to strict control, domination and violence primarily by the men of their community, or by other Sub-Saharan migrants [MSF, 2013; 2010; Laacher, 2010; CISP, 2008]. Women are much more vulnerable than men all along their migratory journey,⁶⁵ as in addition to all common risks faced by migrants they are also exposed to a number of other physical and sexual threats – beatings, forced labour, sexual harassment, rape, unwanted pregnancies, abortions and miscarriages, high chances of contracting HIV and other sexually transmitted diseases, and psychological related traumas. In most cases, main perpetrators of violence towards women were found to be smugglers, traffickers and common criminals.

⁶⁵ It is important to note that a number of men are also subjected to sexual violence, either between Algeria and Morocco and along the rest of their journey. The phenomenon, given the high proportion of men in the migrant population, is quite relevant [MSF, 2013; CISP, 2008]. However, women are traditionally much more exposed to this type of violence, and their general invisibility in the context of transit migration has led to a general underestimation of abuses towards female migrants.

As far as the situation in Maghnia is concerned, reports indicated that women and girls with no money may remain stranded in migrant ghettos and be obliged to pay for their living expenses and their crossing with sex [Laacher, 2010]. In certain cases, these endless circles of violence and sexual exploitation also involved minors [MSF, 2010]. Other studies also found that women falling into enslavement or prostitution networks are usually forced to do so within Sub-Saharan communities, rarely by Algerians or Moroccans [CISP, 2008]. Nevertheless, organizations such as Médecins Sans Frontières pointed out that Algerian and Moroccan authorities also share a lot of the blame. Deportations carried out at night, with no security precautions, increasing the chances for migrant women to be assaulted by local criminal gangs. MSF also documented deportations of pregnant women (at least 6 in 2011 and 18 in 2012) and episodes of sexual harassment – even rape – involving police authorities of both Algeria and Morocco [MSF, 2013; 2010]. The EHMRN was not able to further substantiate such allegations while in Maghnia.

⁶⁶The EMHRN also documented the presence of a 14-year old boy from Ivory Coast, who was travelling with his older adult brother. His story was discussed in the section relating to access to protection.

⁶⁷Like older women, young girls are also at high risk of falling into networks of sexual exploitation or trafficking [MSF, 2013].

The situation of minors in Maghnia is particularly alarming. The EMHRN documented the presence of at least 4 unaccompanied minors located in different migrant camps along the creek valleys – three from Guinea Conakry, one from Senegal⁶⁶ - but overall numbers are certainly much higher. This assumption is also supported by MSF findings in Oujda – 2 percent of the population (between 10 and 15 individuals) in 2012 was composed of minors aged between 13 and 18, who migrated without parents or a person legally in charge [MSF, 2013]. Most visible unaccompanied minors are male, although MSF also indicated the presence of young girls in the border area.⁶⁷ Several of them continue their trip in the direction of Gourougou, in the surroundings of Nador, hoping to find a way to cross to Melilla – either by jumping the fence or by reaching it swimming from the sea – and reach Europe [MSF, 2013].

By virtue of their situation, minors are a particularly vulnerable segment of the migrant population. They usually have fewer resources than adults – economic, social and cultural – and often lack the maturity to effectively cope with the stressful conditions of the journey. Moreover, they are exposed to abuses committed by a wide range of actors, including local authorities and migrants themselves. The minors met in Maghnia had been travelling mostly alone, with the occasional help of other people along their route. They started to migrate at an extremely young age – one boy left Guinea Conakry at the striking age of 7, two others at respectively 11 and 12. They left difficult situations behind them, from broken or destroyed families to violent parents, and have a history of long travelling in the West African region and/or in Morocco before reaching Algeria and Maghnia. Upon leaving their countries they did not have a fixed plan of settling in Algeria or reaching Europe, as they constantly redefined their goals and aspirations along their journey.

A 13-year old young boy left Guinea Conakry by himself at the age of 7, after his mother died in a conflict – he has never seen his father. He made it to Algeria after a perilous 6-year journey through Mali and Burkina Faso. In Maghnia he is protected by the elder migrants of the Guinean community, who felt sorry for him. His conditions are psychologically unstable, and he would require appropriate assistance and support to be able to assess what he really went through during all these years. He has no clear idea of where he is now, nor of where he wants to go or live. Other migrants tried to convince the boy to return to Guinea because he is too young to live in this harsh environment or to continue the journey to Morocco or Europe, but it seems like the boy does not have anyone left in his home country to go back to.

[Delegate notes, Respondent #5, Guinea Conakry]

A 16-year old boy from Guinea Conakry. He reached Maghnia from the south, after a long travelling through Ivory Coast, Burkina Faso, Mali, Niger and Libya. After working there for some time, and before he could make an attempt to reach the Italian coast by boat, he was caught by a Libyan police raid and jailed in Sabha. After a 2-week imprisonment, experiencing the rough and abusive treatment of Libyan prison guards, he negotiated his release upon payment of a 300 USD bribe. He then crossed the border back to Algeria and reached Maghnia via Ghardaia and Tlemcen. At the time of the meeting with EMHRN delegates, he was planning to leave Algeria for Morocco the day after, determined to get to Europe through this route.

[Delegate notes, Respondent #6, Guinea Conakry]

MSF reported that throughout 2011 and 2012 Moroccan police, against all international conventions and national law, also carried out deportations of, respectively, 6 minors in 2011 and 35 children and 45 minors in 2012. The EMHRN, while in Maghnia, documented that at least one unaccompanied minor met in the camps had been deported to Algeria by Moroccan police. This was a 17 year old boy from Guinea Conakry who had left the country at the age of 12 due to mistreatment by a host family following his mother's death. Prior to Algeria, he lived four years in Senegal before going to Morocco via Mauritania. He tried to reach the Spanish territory of Ceuta upon learning of the possibility to reach Europe, but was caught by the police and deported to the border.

His experience also highlighted the difficulties minors experience vis-à-vis other migrants in their communities:

I was caught in Tangiers, then they took me here by bus... the bus was full...they left us at the border and they told us to walk [in the direction of Maghnia]...it was during the night. There were other people [migrants] who knew the road. But they wouldn't let me follow them unless I give them some money, but in fact I had nothing at the time. I made a mistake there, because I told them it was the first time I was being deported and I knew I should have said that I already know the way. But when you say that you don't know it, they will not let you come with them like that, they will ask you for money. Here it is like that, they told me, it is the law of Oujda. So I stayed with those going back to Oujda and I asked for the Fac (where migrant camps are located). Upon my arrival, I was asked if I had already been there and I said no. So I was asked to pay for my stay, 400 dirham, to sleep

with the rest of the migrant community there. I told them I had absolutely nothing, and they wanted to search me!
[Respondent #7, Guinea Conakry, translated by the author]

Interviews also showed that young migrants are not aware of the possibility of accessing UNHCR, nor are they informed about procedures for applying for refugee status. However, lack of access to information is not the only factor preventing minors from going to UNHCR offices in Algiers. As already mentioned, Maghnia remains for many an area of transit, and despite the fact that length of stay may vary from a few days up to several months, migrants do not intend to stay more than what is necessary. Moreover, those wishing to stay in Algeria do not choose to settle in Maghnia, but rather to relocate to Oran or Algiers, while the others intend to continue their journey to Morocco and to Europe.

This transitory aspect is also relevant with respect to access to education. Given the constant travelling and the harsh and unstable living conditions, minors and young adults interviewed by the EMHRN in Maghnia had very little chance of attending any kind of education after they left their country. A few of them, when staying in a place more than a few weeks, were able to go to evening school or learn a job through informal vocational trainings, but no one reported having this possibility in Maghnia.

Conclusion

Ten years ago, migrant flows went mainly in one direction: from Maghnia to Oujda. However, with the increased securitization of Europe's southern borders and the implementation of readmission agreements between European states and neighbours from the South—such as between Morocco and Spain—flows have increasingly also gone in the opposite direction. For many migrants and refugees, Maghnia has come to represent both, a brief transit point on their long journey as well as the disappointing return point to which they are deported or to which they return before attempting the journey once again.

The aim of the EMHRN's two missions was to gather a preliminary overview regarding the conditions faced by Maghnia's Sub-Saharan migrant and refugee population, upon which further research can and should be developed. Findings and testimonies have highlighted the extremely difficult conditions faced by this transitory yet highly vulnerable population: frequent deportations carried out in dangerous circumstances and which include pregnant women, unaccompanied minors and other populations in need of protection; arbitrary arrests,

detention, beatings and other abuses at the hands of Algerian authorities; poor hygienic conditions as well as limited or no access to healthcare services, and precarious housing and working conditions leaving migrants vulnerable to exploitation. Amongst those who would qualify for refugee status, many are unaware of their rights, or do not see the benefits of applying in the current Algerian context, where UNHCR-recognition does not translate into effective socio-economic rights.

Overall, the challenge in assessing the needs of migrants and refugees in Maghnia lies in their transitory nature. A majority of those who live in Maghnia do not intend to settle permanently in the city or its surrounding, rather hoping to move on to Morocco or Europe. Those who eventually resign themselves to living in Algeria usually choose other cities, such as Algiers or Oran, which offer more security and better living conditions (though these remain precarious). Consequently, the populations passing through Maghnia have often not been the target population for both the UNHCR and humanitarian organizations, given their transitory nature means that they neither intend to apply for asylum in Algeria nor do they necessarily seek to enrol their children in schools. This has been a challenge also across the border in Oujda.

Regardless of the length of time spent in Maghnia, however, it is clear that one immediate and direct service that is sorely needed is access to medical care. In this context, it is extremely concerning that no humanitarian organization providing medical aid is present in the city or its surroundings. The need for medical assistance is all the more needed in light of the fact that MSF is no longer operating in Oujda – where a large number of migrants and refugees were treated at some point along their journey.

The continued externalisation of EU borders as well as closing of borders is increasingly fragmenting migratory routes; in the long term, a growing number of migrants and refugees can be expected to be forced to settle in areas which used to be purely transitory – Algeria included. In this context, outreach by UNHCR and organizations on the ground in Algeria is sorely needed, and access to Maghnia must be facilitated by Algerian authorities.

In September 2013, both the United Nations Committee on Migrant Workers and Morocco's National Council for Human Rights issued reports with strong recommendations calling for reform in the country's approach to migration. While this seems to have spurred or elicited a positive response by Moroccan authorities, and would translate into an improvement of the lives of those populations living on both sides of the border, it remains to be seen whether the recommendations will actually translate into policies that will reinforce migrant and refugee rights.

At the same time, pressure by EU countries for its southern Mediterranean neighbors to sign readmission agreements while cracking down on irregular migration – which is not matched by pressure to ensure that migration control is carried out in full respect of human rights – threatens to stifle positive progress in the field of migration and asylum in North Africa.

In this overall context, it is not only the responsibility of Algerian and Moroccan authorities to respect their international obligations vis-à-vis migrants and refugees, but also of the European Union and its members states to ensure that the respect of migrant and refugee rights is an unconditional component of any migration cooperation agreement with third states.

Recommendations

In light of the situation witnessed in Maghnia, and of the general situation at the border as outlined by other NGOs and civil society organizations in Oujda and other locations in Morocco, the Euro-Mediterranean Human Rights Networks puts forth the following recommendations:

To Algerian national authorities

- Amend current legislation regulating entry, departure, and movement of foreigners as well as irregular migration - Law n° 08-11, dated 25 June 2008 and Law n°09-01 dated 8 March 2009 – in order to:
 - » Fully and effectively comply with international legislation already ratified by the country, such as the Geneva Convention to the Status of Refugees and its Protocols and the UN Convention on the Rights of Migrants and their Families;
 - » De-penalize humanitarian aid and any kind of assistance provided to irregular migrants;
- Put in place asylum legislation and an asylum system in line with international conventions ratified by Algeria;
- Prohibit security services and administrative authorities from deporting refugees seeking asylum, UNHCR-recognized refugees and vulnerable categories of migrants (minors, pregnant women, people in need of medical assistance);
- Prosecute and sanction members of security services, army or police committing abuses towards migrants – i.e. harmful treatment, physical and psychological violence, robberies, camp raids and destructions;
- Implement a system of regularization for migrants who are in an irregular situation in Algeria, with specific attention to the situation

- of minors and newborns – both those who do not receive a birth certificate and those who are registered under a fake nationality;
- Adopt ad hoc legal and humanitarian measures for refugees and migrants of Malian nationality reaching Algeria from the closed southern border;
- Set up, possibly through the Algerian Red Crescent, a system of medical assistance in the region of Maghnia targeting migrants, with specific attention to women and minors;
- Allow international NGOs and civil society organizations to work in the region and allow UNHCR to access and operate in the entirety of Algerian territory;
- Put in place an immigration policy in line with both Algeria's interests and that of neighbouring countries.

To Moroccan national authorities

- Refrain from deporting to the Algerian border refugees, refugees and migrants in vulnerable situation (minors, pregnant women, people in need of medical assistance);
- Refrain from committing abusive and harmful treatment towards migrants in the border region, in Oujda, and in the surroundings of Nador;
- Prosecute and sanction members of security services, army or police committing abuses towards migrants – i.e. harmful treatment, physical and psychological violence, robberies, camp raids and destructions;
- Put in place the recommendations put forward in the reports by the Committee of Migrant Workers as well as the National Human Rights Council with regards to migrant and refugee rights.

To the European Union and its member states

- Put an end to its policy of externalization of border controls and amend the security approach currently dominating migration management policies;
- Refrain from implementing migration agreements and projects with Algeria which lead to violations of migrant and refugee rights;
- Refrain from implementing the readmission agreement provided for in the Mobility Partnership signed with Morocco, and which would include the readmission of third country nationals, in light of the conditions of deportations carried out on the Algeria border and the violations of the rights of migrants and refugees in the country;
- Put an end to pushbacks as well as abuses and violations carried out by border guards on the border between Spain and Morocco, and in particular in Ceuta and Melilla;
- Voice concern regarding the conditions of migrants and refugees in Algeria and Morocco in bilateral meetings with state authorities

and encourage respect for the rights of migrants and refugees via its European Neighborhood Policy;

- Develop a cooperation with Algeria and Morocco that is based on a concrete implementation of the “more for more” approach so as to strengthen the respect for human rights, and in particular, the rights of migrants, refugees, and asylum seekers in third countries.

To the United Nations

To the Special Rapporteur on the Rights of Migrants

- Make a request to Algerian and Moroccan authorities to conduct a monitoring mission in Algeria and Morocco, with special reference to the border area between the two countries, as well as Algeria’s southern borders with Niger and Mali.

To the UNHCR

- Short Term Actions
 - » Organize regular field visits in the border area to collect asylum applications on-site;
 - » Disseminate relevant information to migrant communities settled in the area regarding asylum procedures and rights to which they are entitled;
 - » Ensure that registration procedures take into account the vulnerability of refugees in Algeria and do not hinder their ability to submit an asylum claim.
- Long Term Actions
 - » Establish UNHCR presence in Maghnia or the surrounding area, as well as in Oujda, in order to guarantee full operational capacity in the area;
 - » Renegotiate the country agreement with the Algerian government, so as to allow UNHCR to freely move around the country with no limitations;
 - » Conduct trainings for police forces regarding international protection mechanisms, legal obligations deriving from them and the non-refoulment principle;
 - » Conduct trainings on UNHCR’s role and procedures for local facilitators among migrant communities, so as to increase outreach to transiting migrants.

To the African Union’s Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons of the African Commission on Human and Peoples’ Rights

- Carry out a monitoring mission in Algeria and Morocco, with special attention to the border area between the two countries, as well as Algeria’s southern borders with Niger and Mali;

- Submit a report on the situation of refugees and migrants in Algeria and Morocco at an ordinary or extraordinary session of the African Commission, and urge both countries to respect their international obligations and end abuses targeting these populations.

To Algerian civil society and trade unions

Conduct actions:

Targeting migrants and refugees

- Inform those qualifying for refugee status about international protection mechanisms and access procedures;
- Build a relation with migrant communities based on mutual trust and respect;
- Set up a network of activists, lawyers and technical experts to support migrant communities settled in Maghnia;
- Facilitate access to justice for migrants and refugees and, in cases of violations of their rights, support their actions against individuals or state officials;
- Put in place programs offering health services to migrants and refugees in Maghnia and the surroundings.

Targeting the national community

- Carry out information dissemination and awareness campaigns towards the Algerian population regarding the material and legal precariousness of migrants, especially irregular ones;
- Denounce cases of exploitation of migrants by local employers or individuals;
- Develop a series of communication and training tools in collaboration with trade unions of different professional categories (doctors and other health professionals, hospital administrative staff, taxi drivers and other public transportation drivers), in order to raise awareness among these professional regarding: correct treatment of migrants in hospitals, protected status of refugees and refugees, etc;
- Engage with national media to encourage them to follow and report on the situation of migrants and refugees in the country and contribute to raising awareness amongst the population.

Targeting the Algerian government and the Algerian Parliament

- Develop a set of advocacy tools and actions covering the parts of the national legislation which should be amended, as well as the type of behaviors by the authorities which are considered problematic.

To international NGOs and civil society

- Conduct advocacy at the international level in order to pressure the Algerian government to facilitate access of international NGOs to Algeria and allow them to operate in the border regions as well as the rest of the country more broadly;
- Expose to the media the highly critical situation of migrants in Maghnia, and denounce the racist behavior of civil and military authorities;
- Engage with local actors to lead awareness-raising campaigns for migrants and refugees in border regions as well as to provide them with essential services, in particular health services for migrants and refugees with sustained injuries or chronic diseases;
- With Algerian organizations and trade unions working on migrants' rights, initiate or collaborate in the drafting of a report addressed to the Committee on the Rights of Migrant Workers;
- Officially request the UN Special Rapporteur on the Rights of Migrants to conduct a monitoring mission in Algeria with special reference to the border area between Algeria and Morocco, as well as Algeria's southern borders with Niger and Mali.

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Annex 1

Overview of migrant communities in Maghnia

| CAMPS | VISITED BY EMHRN/MET WITH CHAIRMAN | NUMBER OF PEOPLE (ESTIMATE) | LOCATION | NOTES |
|----------------|------------------------------------|-----------------------------|--|---|
| SENEGAL | Yes | 40-50 | Creek riverbed | Large community, presence of minors, very young age (20-22 years old) |
| GAMBIA | Yes | 30 | Creek riverbed | Many migrants are illiterate, they are slightly older than the other groups (average age 30) |
| GUINEA CONAKRY | Yes | 40 | Creek riverbed, near the Gambian community | Presence of minors in the community |
| GHANA | No | 40-50 | Creek riverbed | The majority of migrants are between 20 and 30 years |
| IVORY COAST | Yes | 40-50 | Creek riverbed, near the Senegal camp | Relatively new community, most people arrived in 2011. Average age is 25 years old, presence of minors and potential refugees |
| NIGERIA | No | 100-110 | Creek riverbed, very far away from the other communities | This is one of the largest as well as oldest community in Maghnia (presence of women highly probable) |
| CAMEROON | No | 100 | Located at the city outskirts | One of the oldest and largest communities; presence of women; one part of this population is located in the city's construction sites, another part in the fields |
| MALI #1 | No | 90-120 | Creek riverbed | |
| MALI #2 | No | 100-110 | Scattered around the surrounding fields and in the city | |
| DRC | No | 10-15 | Scattered around the surrounding field | |
| BURKINA FASO | Met with president | 15-20 | No real camp, migrants are scattered around the fields | |

Annex 2

List of respondents

| | Interview recorded | Nationality | Age |
|----|--------------------|----------------|----------------------------|
| 1 | No | Gambia | Early 20s |
| 2 | Yes | Mali | Late 20s |
| 3 | Yes | Guinea Bissau | Mid-20s |
| 4 | Yes | Guinea Conakry | Early 30s |
| 5 | Yes (partial) | Guinea Conakry | Unaccompanied minor |
| 6 | Yes | Guinea Conakry | Unaccompanied minor |
| 7 | Yes | Guinea Conakry | Unaccompanied minor |
| 8 | No | Guinea Conakry | Unaccompanied minor |
| 9 | No | Guinea Conakry | Early 20s |
| 10 | Yes | Cameroon | Late 20s |
| 11 | Yes | Cameroon | Late 20s |
| 12 | Yes | Cameroon | Late 20s |
| 13 | Yes | Ivory Coast | Late 20s |
| 14 | Yes | Ivory Coast | Minor |
| 15 | Yes | Mali | Late 20s |
| 16 | No | Senegal | Late teens, possibly minor |
| 17 | Yes | Senegal | Early 20s |
| 18 | Yes | Sierra Leone | Early 20s |

| Route | Time spent in Maghnia | Deported |
|---|---------------------------------------|----------------------------------|
| N/A | A few days | Yes, to Algeria (once) |
| Mauritania–Morocco–Algeria | A few weeks | N/A |
| Mali–Algeria–Morocco–Algeria | 3 months in 2012 and 4 months in 2013 | Yes, to Algeria (once) |
| Senegal–Gambia–Mauritania–Niger–Algeria–Morocco–Algeria | 4 months | N/A |
| Burkina Faso–Niger–Mali–Algeria | A few weeks | No |
| Mali–Burkina Faso–Niger–Libya–Algeria–Morocco–Algeria | A few weeks | N/A |
| Senegal–Mauritania–Morocco–Algeria | 1 month and a half | Yes, to Algeria (once) |
| Nigeria–Niger–Algeria | A few days | No |
| N/A | A few weeks | Yes, to Algeria (more than once) |
| Niger–Algeria–Morocco–Algeria | Less than 2 months | Yes, to Algeria (more than once) |
| Algeria–Morocco–Algeria | 2 years on-and-off at the border | Yes, to Morocco (more than once) |
| Algeria–Morocco–Algeria | 2 years on-and-off at the border | Yes, to Morocco (more than once) |
| Mali–Mauritania–Morocco–Algeria | 2 months | Yes, to Algeria (once) |
| Mali–Mauritania–Morocco–Algeria | 2 months | N/A |
| Mauritania–Morocco–Algeria | A few weeks | N/A |
| Niger–Algeria | 3 months | N/A |
| Mauritania–Morocco–Algeria | A few weeks | Yes, to Algeria (more than once) |
| Ivory Coast–Ghana–Nigeria–Niger–Algeria–Morocco–Algeria | A few weeks | Yes, to Algeria (once) |

Portugal

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