



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report -
Universal Periodic Review:**

MOROCCO

I. Background and Current Conditions

Morocco is a party to the 1951 Refugee Convention and its 1967 Protocol, and it has yet to adopt national refugee legislation and establish asylum procedures consistent with international standards. In the absence of a national asylum system, all asylum-related activities, set against the context of the large mixed migration movements in Morocco, are carried out by UNHCR,

Previously, the practice of the authorities was to issue, on a case-by-case basis, temporary residence documents to refugees recognized under UNHCR's mandate. However, since early 2005, with the increase of asylum applications, mainly from sub-Saharan African nationals, the Moroccan authorities have suspended the issuance of temporary residence documents. Formally, the authorities consider asylum-seekers and refugees originating from sub-Saharan African countries irregular migrants. While UNHCR asylum-seeker and refugee certificates are helpful in ensuring physical security and protection against arrest and expulsion, they do not provide for refugees' legal safety or for their socio-economic well-being. The absence of government validation of refugee decisions made by UNHCR has a notable negative impact on the search for durable solutions for refugees in Morocco, particularly on efforts aimed at self-reliance and local integration of refugees.

Morocco is a country of transit, but also progressively one of destination for migrants and asylum-seekers from sub-Saharan Africa and elsewhere. By the end of September 2011, the total refugee population stood at 754 refugees. Refugees originated mainly from the Ivory Coast (34%), the Democratic Republic of Congo (26%) and Iraq (21%). Of the refugee population, 17% are adult women and 37% children under the age of 18.

The total asylum-seeker population amounted to 658 individuals in the same period. A total of 721 individual asylum applications were lodged between January and September 2011, compared to 901 in 2010, 566 in 2009 and 760 in 2008.

II. Achievements and Positive Developments

In the past few years, UNHCR Rabat has been able to establish constructive relationships with relevant ministries, such as the Ministry of Justice and the Ministry of Foreign Affairs. UNHCR's collaboration with the Ministry of Justice has been particularly fruitful

and has allowed numerous joint capacity-building initiatives to be undertaken, aimed primarily at strengthening national expertise in the area of refugee and asylum law.

UNHCR carries out advocacy efforts for the introduction of a national legislative and institutional framework for refugee and asylum matters and for the provision of residence and work permits for refugees. UNHCR has undertaken various demarches with relevant ministries, observed World Refugee Day and hosted the High Commissioner in September 2010, as well as the sessions of the EU-Morocco Association Council in an effort to call for the introduction of a legal and procedural framework on asylum and refugee protection.

In 2011, Moroccan authorities have advised that they are considering the adoption of asylum legislation and corresponding procedures. In his speech in March 2011, the King laid out a strategy for constitutional reform in Morocco. Furthermore, a referendum held in July, which overwhelmingly approved a new Constitution, reaffirmed Morocco's commitment to human rights and its respect of its international obligations (this would include its obligations as a signatory to the *1951 Convention Relating to the Status on Refugees*) in its Preamble. An inter-ministerial committee has been appointed to lead the reform process and new parliamentary elections will take place in November.

UNHCR also welcomes Morocco's accession on 25 April 2011 to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This will expand the protection opportunities of vulnerable persons of concern.

III. Challenges and Constraints

A. Development of a national asylum framework

While UNHCR welcomes Morocco's declaration to create an asylum system and adopt corresponding refugee legislation, it remains to be seen at what pace the implementation and concrete actions will occur. Furthermore, some informal indications suggest that the national asylum legal framework being considered by Morocco will employ a restrictive and narrow interpretation of the refugee definition. While the Government recognizes that UNHCR, under its mandate, applies a wider, more inclusive refugee definition, it is not clear if it intends to accept complementary forms of protection with concomitant rights.

B. Adjustment of status of refugees recognized under the UNHCR mandate and collaboration with national partners

UNHCR continues to advocate for the formalization of refugee decisions taken solely by UNHCR in Morocco up to now. UNHCR has been told that this may be considered for specific groups (e.g. refugees married to Moroccan citizens or refugees having a stable income), but that a general regularization of status cannot be expected.

Significant improvements have been noted with regard to the principle of *non-refoulement* of refugees, and the authorities now regularly contact UNHCR in the event that an asylum-seeker or a refugee is detained. Regrettably, as refugee documentation issued by UNHCR has not been validated by the authorities, it does not constitute official residence in Morocco and as such, refugees do not have formal access to the labour market, housing or public services.

While UNHCR has been able to establish constructive relationships and good collaboration with strategic national counterparts on specific issues, the development of cooperative approaches in certain areas of interest for refugees and asylum-seekers - such as joint monitoring of entry points to make them “protection-sensitive” – should be encouraged.

C. The right to a nationality and statelessness

Morocco is neither a party to the *1954 Convention relating to the Status of Stateless Persons*, nor to the *1961 Convention on the Reduction of Statelessness*. As set out below, accession to these Conventions is recommended as a general step to strengthen the international legal framework applicable to Morocco.

Accession to the *1954 Convention relating to the Status of Stateless Persons* would establish a framework to protect such individuals and would work to avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment of stateless persons, providing such persons with stability and security, and ensuring that certain basic rights and needs are met.

Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness.

It should be noted that Morocco amended its nationality legislation in 2007 that provides for gender equality in the passing on of nationality from parent to child. The change in the law, whereby Moroccan women married to foreign men gained the right to pass Moroccan citizenship to their children, was reported to benefit many children who had previously been stateless. This legal reform represents an important step in preventing statelessness in the future, particularly with the increased number of marriages in Morocco, which involve a non-national spouse.

IV. Recommendations

Issue 1: Establish a national asylum framework that provides effective safeguards to people in need of international protection and develop the institutional and administrative capacities for its implementation. Such a framework

should include an office in charge of issues related to refugees and asylum-seekers.

- Issue 2:** Establish a national asylum system to ensure the granting of entry into Moroccan territory, or the issuing and extending of the validity of residence permits, for refugees and asylum-seekers, who do not otherwise fulfill the preconditions (i.e. for obtaining an entry visa or an extension of their residence permit) set out in the current relevant immigration regulations.
- Issue 3:** Cooperate with UNHCR in the identification and referral of persons of concern amongst persons retained at border points to ensure full respect of the principle of *non-refoulement*.
- Issue 4:** Enhance efforts to ensure that the civil and socio-economic rights, such as access to employment, housing and social services, of refugees and asylum-seekers are respected in accordance with international refugee law and the international human rights instruments to which Morocco is a party.
- Issue 5:** Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

Human Rights Liaison Unit
Division of International Protection
UNHCR
November 2011