



2011-12-15

The Development in Morocco in the Shade of the Arabic Spring and its Consequences on Migration

Report from a Swedish-Swiss fact finding mission to Morocco

June 17 - 22, 2011

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1. Summary and Conclusion

The Arabic spring arrived in Morocco with the February 20 movement. On that date tens of thousands of Moroccans hit the streets of more than 50 towns and cities, demanding change. The protests had been organized by young independent activists responding to calls made on Facebook. Since that date demonstrations have taken place at least once a week. They are, however, generally peaceful and less confrontational than in the beginning, even though repressive measures by the authorities were in use as late as May this year. The intervention of the security forces, after some hooliganism in February, was characterised by discipline and restraint, and so have the organizers of the protests acted henceforth. The number of demonstrators was never as strong as in Tunisia and Egypt and has decreased concurrently with the political development in the comparatively liberal Morocco.

The king quickly responded to the dissent of (parts of) the population by accelerating, perhaps already planned, democratic reforms. On 9 March 2011 he appointed a commission for constitutional reforms. The draft of the new constitution was presented when the delegation visited Rabat. On 1 July there was a referendum with a big turnout and more than 98 % of the voters were in favour of the proposal. Yet the real test of the king's reform proposal will come later this fall when the amendments and adjustments are taken to a newly elected parliament. How old and new actors position themselves to safeguard old and new interests will be an important factor on the (maybe long and winding) road to democratization.

Some of the consulted sources have adopted a cautious stance regarding the government's and major political parties' intentions concerning actual democratisation. However, several interlocutors also expressed some optimism.

The Moroccan authorities' rather tolerant approach in dealing with unrest and criticism and the almost total support for the king is a widely accepted explanation why a radicalisation and revolutionary development like the one in Tunisia has not occurred, and is less likely to occur, in the near or distant future.

The socioeconomic conditions in the country and the age distribution of the people still constitute a breeding ground for unrest and migration. Judging by the information presented to the delegation, it seems, however, unlikely that a dramatic increase in emigration from Morocco would be imminent. Nor is the emigration of sub-Saharanans likely to be affected by the Arabic spring. Finally, emigration because of the development in Tunisia and Libya has not affected Morocco, with the exception of Moroccans returning from there.

2. Introduction

From June 6 to June 22, 2011, the Swedish Migration Board and the Swiss Federal Department for Justice and Police (FJDP), Office for Migration, undertook a joint Fact-finding mission to Tunisia, Algeria, and Morocco. The Delegation consulted sources in Morocco from June 17 to June 22 2011. One source from the mission to Algeria is also used in this report.

The main scope of the mission was to find up-to-date information on the political development, and the development in terms of security, as well as its consequences on migration. Additionally, there was a need to find up-to-date information regarding certain potentially vulnerable groups.

The sources used are to some extent anonymous in order not to reveal the informant. The report does not purport to be exhaustive and should not be accorded exclusive evidentiary value in connection with the determination of an individual case. The information in this report does not necessarily reflect the official opinion of the Swedish Migration Board or the Swiss Federal Department for Justice and Police (FJDP), Office for Migration, on a particular issue, and there is no intention by the report to make policy choices. The Swedish Migration Board and the Swiss Federal Department for Justice and Police (FJDP), Office for Migration are jointly responsible for the report.

In Morocco, the delegation consulted representatives of Non-Governmental Organisations (NGOs), Intergovernmental Organizations (IGOs), diplomatic missions and the Ministry of Interior. A complete list of consulted interlocutors is included at the end of this report. The interviews were conducted in Rabat.

The Embassies of Sweden and Switzerland assisted the delegation with extensive support in terms of preparation, implementation and country of origin information.

3. Country developments

3.1 Political development

The Arabic spring arrived in Morocco with the February 20 movement. On that date tens of thousands of Moroccans hit the streets of more than 50 towns and cities, demanding change. The protests had been organized by young independent activists responding to calls made on Facebook. Since that date demonstrations have taken place at least once a week.¹

Under the pressure King Mohammed VI reacted fast or perhaps even found an opportunity to bring forward already prepared proposals on democratization. On March 9 he appointed a commission for constitutional reforms. The February 20 movement refused to talk with the commission, but it continued its work never the less and upon arrival we were told that a draft for a radically changed constitution was expected any time soon. On the eve of June 17 the king held a speech to the nation, in which he presented the new constitution. In a meeting earlier that day a researcher at the Institute for Public Policy Research (IPPR) thought that the speech will be progressive, but on the other hand she cautioned that the king has to consider the Party of Justice and Development (PJD) and other Islamic/Islamist parties. Thus, she thought, the part about freedom of religion might be less progressive. Representatives of the human rights association *Association Marocaine des Droits Humains* (AMDH) said that if the new constitution will be more democratic the 20 February Movement will slow down. If not it will radicalize. They had no expectations on the speech and were afraid the last option was the most likely. The movement refused to talk to the commission because it was appointed and not elected. One interlocutor thought that the turnout at the referendum about the new constitution, fixed for the first of July, is important for the future development.² The 20 February Movement urged people not to vote on the new draft constitution. Most people thought that was going too far. They regard the constitution as really liberal.³

Most political Parties are in favor of the new constitution. Abdesslam Yassine's Islamic movement, Justice and Charity (Al Adl wa al Ihsane) has rejected the proposal and so have the leftist parties Parti Socialiste Unifié (PSU), Parti Avantgarde Démocratique (PAD), le Parti du Congrès National Ittihadi (CNI) and le Parti Annahj Addimocrati.

Also trade unions like the Democratic Confederation of Labour, *Confédération Démocratique du Travail* (CDT), where members of Annahj are active, have rejected the proposal.

¹ TIME, p. 59, 13 June 2011

² Government officials later said the turnout was nearly 73%, BBC, 2 July 2011, <http://www.bbc.co.uk/news/world-africa-13976480?print=true>, last checked 10-11- 2011

³ European Union Delegation Office, Rabat, 21 June 2011

Two trends emerge among the rejectionists. They are unified in their opposition to the proposed new constitution, but their political objectives are essentially different. The Salafists want a Caliphate and some to the extreme left want a republic. Within both groups there are more moderate ones, often youth.⁴

Representatives of the embassies we visited noted that the present constitution is liberal compared to the constitutions of the other countries of the Maghreb. Morocco is also a more liberal and open country than any other country in North Africa. Maybe the media are not so outspoken as in Algeria, but they can criticize most things except the king, Islam and the policy concerning Western Sahara.

Other controversial issues mentioned were the status of the Berbers' language, Amazight and the status of Islam. When it comes to language, voices calling for the Moroccan variant of Arabic, Dharija, to be recognized as an official language, are also heard. The status of Amazight is a matter of economical unequalness

Finally the a representative remarked that the newspaper "Le Matin" is the mouthpiece of the king, the paper "Le Soir" is more outspoken.

The controversial questions may have been resolved by the new constitution, according to which Amazight is an official language alongside Arabic and Islam the religion of the state, which guarantees freedom of religion at the same time.⁵ After digesting the new constitution during the weekend the representatives of an embassy, who the delegation met the following Monday, were all in all positive to the text. It contains a big catalogue on human rights⁶ and explicitly prohibits the use of torture. The Moroccan laws will also be harmonized with international conventions. According to members of the human rights organization, *Organisation Marocaine des Droits Humains* (OMDH), international conventions will have preference over Moroccan law. They also meant that the judiciary will be independent and that the king will only have power over the religious establishment and the military. The representatives of the embassy pointed out that the king holds on to a lot of his executive power. He continues as head of the Superior Judicial Council and may still dismiss parliament, "fire" ministers and appoint judges. The independence of the judges will thus continue to be a problem. However, the prime minister will have more executive power and the king must appoint him from the biggest party – not

⁴ OMDH, Rabat, 21 June 2011

⁵ Bulletin Officiel No 5952, Projet de la Constitution, articles 3 and 5, 17 June 2011

⁶ OMDH, Rabat 21 June 2011

- Equality between men and women
- An article about civil society and its' institutionalization
- Protection of life, though not eliminating the death penalty explicitly
- Good governance
- Freedom of culture (for the Andalus, Sahrawis, Jews and other minorities)
- The parliament makes the laws, not the king

chose anyone he prefers, as he could in the past. The negative side of this step towards democratization is that the prime minister may have no support in the parliament if a coalition of smaller parties becomes bigger than the biggest party.

One interlocutor understood the situation as such that the government looks for a balance (of power). The king and the machinery of power are probably sincere about the democratic reforms. Another interlocutor went on to say that the king is “modern” and not another Hassan II. Also Morocco is close to the EU and sees Europe as an important reference. EU considers Morocco as “the best student in class” and the country does not want to lose that status. The Arab world is another reference and Morocco does not want to do worse than Tunisia, provided there will be a democratic development in Tunisia..

Also written in the stars is if the political parties in Morocco will act responsibly. The Independence Party or Istiqlal (conservative and nationalistic) reaches the whole nation. PJD, (conservative and Islamic), has a strong following in the towns and cities. Generally speaking though, people are more conservative in the rural districts. A new election law makes it difficult for small parties to get seats in the parliament. Now all they need is 3 – 4% of the votes, but the bar may be raised to 8%. As it is now some observers think that there are too many parties in the parliament.

3.2 Socio-economic aspects

The information below is based on talks with representatives of a foreign mission and a Moroccan NGO.

The economy of Morocco is still in good shape. Natural resources like gas, phosphate, diversification of the economy and a movement towards high tech guarantees progress. However among the major sources of income are also the remittances and tourism, and fewer tourists are coming to Morocco and they are lesser still after the bombing in April this year of the restaurant Argana in Marrakech.

Literacy is up from 50% to 65%. However illiterate women in the rural districts make up 70 – 80%.

Young professionals/academics want to work in the public sector, but the state can't employ all of them. It is a problem that many graduates are unemployed.

Unemployment is according to official numbers less than 10%. However many people are underemployed and unemployment among the youth is much higher. The unemployed demonstrated already before February 20. On that day other groups joined their ranks and manifested their grievances.

The grievances are not about certain families enriching themselves at the expense of ordinary/common people. Contrary to the situation in Tunisia and Egypt there are no families in Morocco profiting from the people. However corruption exists, especially in large scale business, and nepotism is widespread.

Many infrastructure projects are going on, potable water, electrification and roads. There is EU funding. It will, for example, be a motorway between Tangier and Agadir and between Rabat and Oujda. The border between Algeria and Morocco is closed, so currently the importance of the big border city Oujda has a lot to do with the contraband traffic. Algeria and Morocco accuse each other of drug trafficking.

3.3 Repression or democratization?

The information below is mainly based on talks with representatives of Moroccan NGOs, various embassies and the IPPR. Some observations of the delegation are added.

In the beginning there was violence in connection with the demonstrations. Hooligans were behind most of the violence/rioting. Since then the organizers seem to have a better control of both the participants and their signs and banners. The slogans at the demonstrations are more and more directed against the machinery of power and the corruption within it. At first the authorities were taken by surprise. They were tolerant on the 20th February. The next day repression arrived. February 22 a sit-in outside the Libyan embassy organized by the AMDH was lifted by batons and on March 13 there was strong repression (as can be seen on YouTube). The machinery of power also slandered the demonstrators calling them Polisario sympathisers, homosexuals, drunkards and Islamists and blaming Algeria to be behind the protests. May 22 and 29 the police violently dispersed the demonstrations. Demonstrators were brutally knocked down and the only death occurred in Safi on 29 May. According to the AMDH more people have been killed. But since then the demonstrations have been carried through without any repression. Maybe it is because the EU criticized the methods of the police and because Morocco finds the relationship to the EU very important.

Some argue that the authorities do it both ways. The police use repressive methods where there are no cameras. Recently a student was arrested and tortured during a march in Fes. The transition to democracy will be difficult. Some look after their old interests while new actors appear on the scene with opposing agendas.

Torture exists, but is not used systematically. Terror suspects claim that they have been tortured. The police have used violent methods at demonstrations, but not systematically. Torture also occurs in prisons.

The Temara detention center near Rabat may have housed a torture section. There is no evidence of its existence. A demonstration outside the center earlier this spring was brutally broken up by the police. 16 protestors were taken to the hospital, but others reconvened in Rabat's city center to keep protesting.⁷

The 20 February movement demonstrated three days after the king's speech on 17 June. There were clashes between those who support the new constitution and the demonstrators. However it was quiet in downtown Rabat on that day (Sunday 20 June), and some people also ventured their disbelief in the protests. The 20 February Movement has lost supporters in Rabat, but gained in strength in Casablanca and other cities. The movement recently changed its strategy and sought support in poor quarters, but to no avail. The protests will most likely continue in order to keep up pressure on the machinery of power. Already some members of the pro-royal party *Parti Authenticité et Modernité* (PAM) have left the party because of criticism of being too close to the king. However the demonstrations never had the proportions of those in Tunisia and Egypt. At most there were 20 000 demonstrators in Rabat and across the country 100 000 on one and the same day. Not all demonstrations are about politics. Unemployed teachers have been demonstrating for employment and employees for higher salaries. (Parts of the delegation one day saw imams from mosques around the country demonstrating for higher wages outside the parliament in the midday sun in Rabat.)

3.4 Actors on the political scene

There are a few home grown salafists, first and foremost organized in the Justice and Charity movement. This movement wants a society based on the sharia law, but it does not advocate a violent way to reach its goal. People in general like to have a glass of wine or beer and don't want to wear a veil or grow a beard. However, too speedy liberal reforms may increase the influence of the Islamists on politics and society. One interlocutor pointed to what happened when the king tried to introduce the new family law in 2001. Half a million Islamists and conservatives took to the streets in Casablanca and the promulgation of the law had to be postponed until 2004. He also noted that economical factors/conditions are important when somebody starts leaning towards extremism. Another interlocutor thought that moderate Islamists are likely to participate in the next government. The prime minister, not the king, will appoint his ministers.⁸

The delegation also met with four representatives of the AMDH. AMDH was founded in 1979 and has 12 000 members, and 20 % are women. In the central committee they make up 48 %. AMDH has 90 sections all over the country, in all cities and in many villages. The representatives expressed strong criticism of the ruling elite and strong support for the 20 February

⁷ TIME, p. 59, 13 June 2011

⁸ Foreign missions, Rabat, 17 and 21 June 2011

Movement. (The head of the AMDH was busy helping two members, also 20 February activists, who risked being sentenced to prison as stirrers of rebellion.)⁹

The 20 February Movement was initiated by young “Facebookers”, who to some extent copied the movements in Tunisia and Egypt. The biggest difference is that Morocco is more evolved democratically and thus they can agitate more freely. The 20 February movement consists mainly of middle class people, not the poor or the richest.¹⁰ It is not only a youth movement. The “Facebookers” represent the young and indeed are the young ones. Then there are the Islamists (in particular Yassine’s group), the (extreme) left and many others – often with agendas of their own. The movement is supported by leftist political parties, Berber activists, trade unions (syndicalists), NGOs and independent individuals. The young ones want to stick to their limited agenda, others want to go further.¹¹

The present demands are:

1. A democratic constitution (As it is now the executive power is subordinate to the king, and the judiciary is not independent as it in its turn is dependent on the executive power. The monarchy is “holy” and that is unacceptable according to the AMDH and the 20 February movement.)
2. No impunity for crimes committed by the authorities – be it torture or embezzlement at the public expense. (During the reign of Hassan II there were disappearances and torture. Torture still exists and the culprits are still at large. The minimum demand is to get rid of those persons and the thieves should be brought to justice.)
3. Women and men should be equal. (The national/Islamic reference has to go. When there is no national reference you can get rid of the polygamy, the prohibition for Muslim women to marry non-Muslim men and unfair Islamic rules of inheritance. The AMDH-representatives claim that the new family law didn’t change the portions of inheritance and go on to say that the king makes his excuses saying that you can’t change what God has ordained. This he says in order to balance “secular Islamists”. The Islamists are not fighting to bring back the laws, which gave you the right to cut off the hands of thieves, but they attack the role of the women in society.)
4. Employment and better housing.

AMDH had the same demands as the 20 February Movement, so they engaged in the movement right from the start. They form a basis of support and were part of the creation of a coalition of human rights movements, *le Conseil National d’Appui au Mouvement du 20 Février* (CNAM), which

⁹ AMDH, Rabat, 17 June 2011

¹⁰ Embassy of Spain, Rabat 21 June 2011

¹¹ OMDH, Rabat 21 June 2011

comprises of more than 90 organizations from all corners of the society—also Islamists. However, the 20 February Movement wants one single platform. It is not allowed to show emblems of political parties or any other tags in the demonstrations. The movement finds it very important to keep its independence. No contributions from the political parties are accepted.

The actions of the 20 February Movement are all peaceful. They are marches, sit-ins, delivering of flowers, press conferences, concerts and interviews.¹²

There are opposing factions within the 20 February Movement, mainly the “Facebookers” against the Islamists. The latter are definitely active in the streets.¹³ Justice and Charity, led by Yassine and tolerated by the authorities, has joined the movement. Some say that they have taken over the agenda, but according to the representatives of the AMDH it is not true. Justice and Charity accepts the demands of the 20 February Movement.¹⁴ They have joined the 20 February movement, because the latter in general is allowed to demonstrate without repression.¹⁵

The two human rights organizations AMDH and OMDH may be characterized as follows.

AMDH is left, almost Marxist and anti-government. They are against participating in the National Human Rights Council, *le Conseil National des Droits de l’Homme* (CNDH), which the king recently created. Their attitude is “all or nothing”. The organization is bigger than OMDH and more “power to the people”.

OMDH is independent, but more bourgeois and conservative than AMDH. They want to work within the system.¹⁶

3.5 The Judiciary

The information below is mainly based on talks with European interlocutors.

Right now, the judiciary is not wholly independent. The lack of independence of the judges remains a problem. The new draft constitution holds, however, important progress. The new constitution will change the distribution of power. (The present power-sharing builds on the Spanish model.)

The Supreme Council of Magistracy will get its own budget and be presided over by the First President of the Supreme Court (instead of as presently the

¹² AMDH, Rabat, 17 June 2011

¹³ A foreign mission, Rabat 17 June 2011

¹⁴ AMDH, Rabat, 17 June

¹⁵ Embassy of Spain, Rabat, 21 June 2011

¹⁶ Another diplomatic mission, Rabat, 21 June 2011

king). There will be ten (instead of six) representatives of the courts elected by judges. The king will appoint other representatives as a religious scholar and the head of CNDH. (A royal decree ensures the autonomy of this new institution for promoting and protecting human rights and freedoms¹⁷.) The Minister of Justice will no longer be present. It looks at least on paper as an effective distribution of power. The only problem is that the king still hovers above everything.

The king will still preside over the Supreme Strategic Security Council, but the prime minister will also have a seat and the influence of the Ministry of Interior will be curtailed. The council also consists of the head of the intelligence services. It deals with the country's internal and external security strategies, as well as with the management of crisis situations. The council also institutionalizes standards for good security governance. EU thinks that all in all there will be more transparency.

Under the new constitution arbitrary detention and forced confessions are serious crimes. In order to come to terms with such behavior within the police force, mechanisms for implementation have to be developed.

People have no confidence in the judiciary because of all the corruption and nepotism. The state is aware of the problems and the Ministry of Justice wants to reform the judicial system, but the costs are enormous. 45 000 billion dirhams are needed.

Another problem is that the bureaucracy often acts according to what they think is the will of the king – i. e. unchecked discretion - which may contribute to the impression that the judiciary is not independent. For example the Superior Judicial Council may appoint judges, who they think the king wants. Another example: if the king is critical towards a journalist the police may stop all journalists in the streets. Things simply go further than the king ever intended.

4. Groups of particular interest

4.1 Women

Women are protected by the law, but the police and judiciary in general have capacity deficiencies. And then there are those judges who don't know the law and those who are corrupted. There is also a lack of education within the judiciary.¹⁸

There are centres for receiving, assisting and counseling victimized (violence affected) women, *centres d'accueil, d'assistance et d'écoute*, and

¹⁷ CNDH home page, <http://www.ccdh.org.ma/?lang=en>, last checked 9 November 2011

¹⁸ A foreign mission, Rabat, 21 June 2011

also shelters, *centres d'hébergement*, for victimized women.¹⁹ You can find a shelter in Rabat, but it is not part of any legal structure.²⁰ NGOs do a lot for victimized women. There are many centres for counseling and also shelters, most of them in Casablanca. And then there is an emergency telephone number free of charge, *numéro vert*. OMDH works with UNDP concerning women issues.²¹

One interlocutor pointed out that there is a draft law explicitly criminalizing violence against women. Still others like the AMDH claimed that the situation for women generally is very bad, especially in the rural areas. Two examples were given. The judicial institutions don't take women seriously. There are women centres but no structures for the protection of vulnerable women. Some NGOs really commit themselves, but their support is not enough according to AMDH. On the other hand the CNDH points out that victimized women have access to the courts if only they approach the police. Annajda, the network of *L' Union de l'Action Féminine* (UAF) for combating violence against women, assist women in legal procedures. According to Annajda, objectively speaking, there are resources to help female victims of violence. There are 300 structures, among others:

- All courts have units dealing with violence against women
- There are similar structures in the police and medical care
- There are many *centres d'assistance et d'écoute*
- The hot line (*numéro vert*)

In reality there are flaws. The draft law criminalizing violence against women is pending. The coordination between the NGOs and the state structures is poor. The follow-up is poor and it is hard for the NGOs to gain an insight into the cases. There are not enough *centres d'accueil*.

Annajda runs 13 centres for assisting victimized women and opened the first shelter in Morocco in 2003 (in Rabat). Now there are also five to six shelters, all run by NGOs. Each shelter may accommodate around ten women, sometimes more. A maximum of 100 – 150 women can be accommodated in the shelters. Women with children are received. There are shelters in Rabat, Casablanca (2 shelters), Fes, Oujda and Agadir.

Since the new family law (Moudawana) was introduced in 2004, the need for shelters has decreased. Before, it was difficult for women to divorce after being exposed to violence. With the new law it is easier to obtain a divorce and the husband can no longer contest a court ruling on divorce. Divorces increased the first two years after the introduction of the law. During the same time fewer men asked for divorce. Then the divorces went down to normal levels. The number of women seeking divorce is increasing.

¹⁹ Embassy of Sweden, Rabat, 17 June 2011

²⁰ AMDH, Rabat, 17 June 2011

²¹ OMDH, Rabat, 21 June 2011

There are now about as many women as men who request a divorce.²² All in all it is easier for women to safeguard their rights with the new family law²³.

Still violence against women is widespread. Of the 9, 5 million women over 18 years of age more than 6 million are victims of violence. (The definition of this violence includes non-physical violence.) Women have reported violence increasingly over the past 15 years. In many cases the woman withdraws the report under pressure or because the man has promised to repent. The police and the courts are taking the reports seriously. However, the penalties are not sufficiently deterrent, 6 – 12 months in prison. After being released the man may seek revenge and then the protection of the woman is weak. Also during the preliminary investigation when the woman has to prove that there was violence against her, the lack of accommodation at shelters may put her at risk of being battered. So even if the new family law has reduced the need for shelters there is still a need for more accommodation.

Violence against women in the statistics for 2010, collected by the UAF, shows the following figures. Of the cases which reached the courts 52 % turned out to be convictions, 3 % semi-convictions and 10 % acquittals. In 23 % of the cases the parties reached a settlement before the court, often preceded by consultations between the concerned families. Of the women who were victims of violence 37 % had no education and 5 % higher education. Of these women 71 % were married and 10 % unmarried. The domestic violence was most common, 75 % of the perpetrators were husbands, 3 % parents. Yet 8 % of the women were attacked in the streets. 70 % of the victims were living in cities/towns and 21 % in rural areas. Of the male perpetrators 28 % had no education, 40 % lower education and 7 % higher education. 10 % of the men were unemployed, 24 % workers and 28 % some kind of small business owners. The violence took different forms. The most common form was to withdraw alimony, and then came physical violence, mental abuse and other forms of abuse. The figures above show some relevant statistics. For a complete survey see appendix A - F.

We couldn't find any statistics on honour crimes in Morocco. The NGOs and other interlocutors we consulted had no exact figures. However, several interlocutors said that honour crimes are extremely rare²⁴.

The representative of UAF was not convinced that victims of violence and other vulnerable women in Morocco are in need of international protection.

²² UAF, Rabat, 22 June 2011

²³ CNDH, Rabat, 21 June 2011

²⁴ Moroccan NGOs and diplomatic missions, Rabat, 17 - 21 June 2011

4.2 Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ)

The information below is based on talks with Moroccan and European interlocutors.

Historically there has been a certain tolerance towards homosexuals in the Moroccan society, which dates back to the first millennium. Still today there are well-known bars in Casablanca, Marrakech, Tangiers and other cities, where homosexuals meet. Agadir and Marrakech are international gay tourist centres. People are tolerant when money talks. There is also a small gay movement in Morocco. It is probably not legalized. According to a Moroccan interlocutor they made an attempt to establish an association, but so far nothing came out. They use the internet.

Two celebrities are LGBTQ-persons. Nour, a famous belly dancer and transsexual, changed her sex in Casablanca in the sixties. Her shows are openly and often advertised in Morocco. La Taillé, a writer, writes about homosexuals.

This said, LGBTQ-persons in Morocco of today face social pressure and the sexual act itself is prohibited in the penal Code, article 489 (sexually immoral or unnatural sexual act with someone of the same sex). The penalty is six months to three years in prison and a fine.

One problem, which has been mentioned in the media, is that *les Modernistes*, conservative Islamists like the PJD, thwart the inclusion of homosexuals in the society.

Another problem is the perception of homosexuals. An example was given concerning a wedding in November 2007 between men – just for fun at a private party - in the small town Ksar el Kebir, 120 kilometers south of Tangiers. Images shot at the party and posted on YouTube stirred up trouble. Thousands of Ksar el-Kebir residents took to the streets to protest against the offence, clapping and chanting homophobic slogans, and the PJD made loud protests. The police arrested six attendants in make-up. Some say that the police only arrested those who acted provocatively. On 10 December 2007, the party organizer was charged for sexual perversion and the illegal sale of alcohol. He was sentenced to ten months in jail. The rest was sentenced to shorter prison terms under Article 489. The townspeople were a driving force behind the arrests. People in general think that LGBTQ is an anomaly and have no acceptance. If homosexuals were to demonstrate they would probably be arrested. (One NGO has defended homosexuals in court) One thing seemed to be certain: it is difficult to live openly as a homosexual in Morocco. This often forces homosexuals to hide away their sexual preferences or at least act discreetly. It has happened that homosexuals have been beaten up, though not by the police. The police, we were told, have a rather tolerant attitude. It doesn't actively search for homosexuals. Nobody is arrested for acting in a feminine way.

Homosexuals (and unmarried couples) only risk being arrested if they get too intimate in parks or other public spaces or make themselves conspicuous or maybe if neighbours complain, akin the a. m. case. In rural areas and working class quarters, where everybody knows each other or there are many Islamists life is harder for homosexuals. It is easier in urban environments, where people lead their own lives. Even in small towns LGBTQ-persons, known to the people there, are left in peace. It is also easier to live as a LGBTQ-person in intellectual circles. If you have a certain social/economical position you do as you please privately and people (and the police) look the other way. Many young people share apartments and it is not perceived as strange that men live with men or women live with women.

4.3 Islamists

The information below is based on talks with a Moroccan NGO and a European diplomatic mission.

Some Islamists may be at risk of being harassed by the authorities. On the other hand they may themselves pose a threat to the civil society.

After the explosions in Casablanca in 2003 many Islamists were arrested, perhaps as many as 3000 and most of them were innocent. The strategy of the state was “prevention”, and it proved successful until April this year. Members and supporters of the El Umma party and another outlawed party were imprisoned, but they were released in May this year. After protests calling for their release and in the general mood of civil rights they were declared innocent. The two parties now strive to get legalized. Still a relative large number of Islamists are imprisoned.

A group in the south of Morocco, which engaged in arms smuggling, had links to Al-Qaida in Maghreb (AQIM). However it is unclear whether the attackers of the restaurant in Marrakech in April had any links to AQIM. Nine suspects have been arrested in the southern town of Safi. It is difficult to know if AQIM is infiltrating Morocco.

Nowadays mostly the Islamists run the risk of rough treatment. It used to be the Sahrawis..

5. Western Sahara

If the decentralization, outlined in the new constitution, really is implemented some observers believe that it may be important or at least a step in the right direction for a solution to the conflict of Western Sahara. One interlocutor pointed out that the constitution does not give any details in how to decentralize Morocco, but that a committee on decentralization had been established already 3 January 2010. The interlocutor believed that

Morocco wants to find a solution to the issue of Western Sahara. Morocco wants a referendum. The stumbling-block is how many are really Sahrawis. The number of real Sahrawis is unclear. In May there was an informal meeting on Western Sahara, but nothing came out.²⁵ UNHCR has an office in Laâyoune and is helping Sahrawis in Western Sahara and Tindouf in Algeria to visit each other.²⁶

All Sahrawis (living in Western Sahara and Morocco) can get Moroccan National passports, even the activists.²⁷ Morocco regards the Sahrawis as Moroccan citizens – also those Sahrawis who don't want to be citizens of the country they de facto live in. According to the UN Western Sahara is a "non self ruling" territory. Thus, according to a European interlocutor, from the perspective of international law you cannot say that the Sahrawis are citizens of Morocco – even though they in practice are under the jurisdiction of Morocco.

The Moroccan intelligence keeps more than one eye on the Sahrawis, but activists can travel freely and nowadays protest without much repression. An interlocutor didn't think that they risk prison sentences or their lives, even if they demanded independence. Sometimes there is more repression. Right now there is less, since Morocco knows that the issue is internationally observed. The human rights situation was worse before in Western Sahara, but Morocco still has problems with human rights.²⁸ There have been cases of Sahrawis being tortured or otherwise treated in an inhumane manner, but they are few according to a representative of the OMDH, who also stressed that the Sahrawi activists don't hide but live normal lives²⁹.

The representatives of a diplomatic mission we met were not allowed to travel to Western Sahara, so they had no in situ information. However, they were sure that the situation there was calmer now than during the unrest in October – November 2010. Back then protesting youth had set up a camp outside Laâyoune, which at the time was emptied by the Moroccan police with subsequent rows and deaths. Some of the protesters were imprisoned. They are probably released by now, but for the first time the turmoil has led to ethnic tensions. The November camp was in a way a precursor to the 20 February movement. Those who ran the camp stood firm against the campaigners of independence because they wanted results.

Before November 2010 there were many young people who campaigned for the independence of Western Sahara. The police often imprisoned the activists for three months, but changed the tactics that year and arrested the activists only to release them within 24 hours. They were intimidated and perhaps beaten up. There was less international attention with this tactic.

²⁵ Various diplomatic missions, Rabat, 21 June 2011

²⁶ UNHCR, Rabat, 22 June 2011

²⁷ Embassy of SADR, Algiers, 12 June 2011 and Embassy of Spain, Rabat, 21 June 2011

²⁸ A European interlocutor, Rabat, 21 June 2011

²⁹ OMDH, Rabat, 21 June 2011

This year these kinds of incidents have not been reported. Our interlocutors have in fact not seen or heard any reports of abuse. They cautioned that it is difficult to know what harassment the Sahrawis may face.³⁰

6. Migration

6.1 Morocco

Morocco is a country with mixed migration. Sub-Saharanans transit and Moroccans emigrate to Europe. The country sees itself as a link between sub-Sahara and Europe. Compared to the neighbouring countries Morocco is well off and stable. This doesn't mean there are no problems. The infrastructure in rural areas has huge deficiencies. The fact that a large part of the population is young and unemployed affects the migration, as does the fact that the Western Sahara conflict remains unsolved. Thus Moroccans and Sahrawis keep emigrating to Europe, mostly to the southern parts.³¹

Since the sixties there has been a labour emigration to Turin in Italy. This is still a pull factor³². Family emigration is increasing to Spain, especially elderly and sick parents. The hospitals in Spain may not refuse care to migrants. Many Moroccans therefore go to Spain for treatment.³³ There is also to some extent an irregular migration of Moroccans to Europe³⁴.

About 3,3 million Moroccans live abroad, 85 % of them in Europe. Gender-wise, they are evenly distributed. In the US and Canada there are many highly educated, not so in Europe. Spain is a major destination, where the Moroccans typically are cheap labour. The Moroccans abroad have kept close contact with the homeland, not least financially. Remittances account for nearly 9 % of the gross domestic product. Between 1997 and 2007 the remittances increased by 15 %, but during the financial crisis 2008 – 09 they decreased just as much only to increase again in 2010. A return of Moroccans from Spain, where unemployment is high, is however noticeable.³⁵ There may still be around one million Moroccans in Spain. Around 800 000 are legal migrants, the rest illegal. With an average unemployment rate in Spain of 21 % and among the Moroccans up to 45 % remittances decrease and Moroccans return home. Morocco is not keen on receiving unemployed migrants. The indigenous unemployment is already high and one of the reasons for the social/political unrest in the country. The state also fears that the returnees bring with them new ideas on such things as health and welfare systems and thus demands the state can't meet.³⁶

³⁰ A diplomatic mission, Rabat, 21 June 2011

³¹ UNHCR, Rabat, 22 June 2011

³² IOM, Rabat, 20 June 2011

³³ Embassy of Spain, 21 June 2011

³⁴ European Union Delegation Office, Rabat, 21 June 2011

³⁵ IOM, Rabat, 20 June 2011

³⁶ A diplomatic mission, Rabat, 21 June 2011

IOM provides assistance to the returnees from the EU. Recently they have provided micro-business support to Moroccans returning from Italy, Belgium and Switzerland.

If unaccompanied children are to return from abroad the IOM might to some extent facilitate the contact with the parents. The issue is sensitive, and both the Moroccan state and the parents are reluctant to cooperate.

IOM is involved in several projects in cooperation with Morocco (the Ministry of Moroccans residing abroad), the EU and the UNDP in order to use the potential of overseas Moroccans for the development of Morocco.

6.2 Sub-Saharan Africa

According to estimates by the Ministry of Interior there are some 10 000 to 20 000 Sub-Saharanans in Morocco. According to a survey by *Médecins sans frontières* there is less³⁷. Some NGOs claim that the influx is on the rise, OMDH thinks that there may be 20 to 25 000 Sub-Saharanans right now. According to another survey there may be up to 70 000 migrants in Morocco³⁸. Other sources, including the IOM, do not see any increase. The migrants get most of their assistance from NGOs. The Moroccan authorities have no aid-programme. There are support centres in Khouribga, Beni Mellal and Nador, and at least the one in Nador the authorities have taken over from IOM. However these centres are mainly capacity building interventions to prevent Moroccan youth in poor areas prone on migration from emigrating. The authorities provide legal counseling to Sub-Saharan migrants in Oujda and Rabat. UNHCR is involved in the project.

Most sub-Saharanans come from Mali, the Democratic Republic of the Congo (DRC / Congo Kinshasa) and Cameroon³⁹. Others come from the Ivory Coast, Nigeria, Guinea Conakry and the Republic of the Congo (ROC / Congo Brazzaville). The Congolese tend to be well educated. According to several sources most of the migrants are men 20 – 30 years old. According to the Ministry of Interior they are men 26 – 40 years old and mainly from Senegal and Mali. However, according to all sources, the proportion of women increases, from 1 % in 1998 to 10 % in 2010. The women are mainly from ROC, Cameroon and Nigeria.

Most sub-Saharanans get to Morocco from Algeria. The irregular migrants cross the closed border at Oujda. Many would not have needed any visa, which at least is true for the citizens of Senegal, Mali, the Ivory Coast and the two Congos. (Morocco sees itself as an African country - at least to a significant extent – and wants support in the issue of Western Sahara, thus no visas required.) They are allowed to stay for three months, but stay on

³⁷ IOM, Rabat, 20 June 2011

³⁸ UNHCR, Rabat, 22 June 2011

³⁹ IPPR, Rabat, 17 June 2011

longer. After three months the Moroccan authorities regard them as illegal migrants. The police raid their hideouts at times and bring them to the border area with Algeria. From there the majority returns hoping not to get caught in the next raid. In the forest near Oujda some sub-Saharanans have built a camp, which is raided now and then⁴⁰.

It is very hard to control the long borders with Algeria and Mauretania, especially the mountainous area to the north.⁴¹ The equally long coast is better controlled at sea.

The “Arabic spring” has not changed the flow of sub-Saharanans. Some still make it to Europe, but the boats with migrants are less frequent due to the close cooperation with Spain and EU. Especially Spain is patrolling the waterways. Lately Morocco has improved the surveillance of its territorial waters and the area around Laâyoune. (Joint Spanish-Moroccan patrols have between 2007 and 2010 caught 6 340 sub-Saharanans at sea.⁴²) This has pushed the traffic further south. Now they more and more set sails from Nouakchott in Mauretania and from Saint Louis in Senegal.⁴³

It is a long journey to the Canary Islands, but it is only 14 kilometers from the northern coast of Morocco to Spain. The border with Mauretania is about 1 561 and with Algeria 1 801 kilometers. The coast line stretches more than 3 400 kilometers⁴⁴. There are 46 official border posts, 8 on land, 16 at airports and 22 on the coast. The patrol duty costs at least three million Euro per year, but the head of the migration and frontier surveillance division at the Ministry of Interior stressed that the border guards are very effective and use many technical means to find weapons, drugs, false documents etc.

Police liaison officers from Europe stationed in Morocco are important for the cooperation with the Ministry of Interior.

The main routes of migrants into Morocco are via Algeria (entry around Oujda) from Mali and to some extent Niger and via Mauretania (entry in the F`Derik area), also from Mali. Through the years as many as one million sub-Saharanans may have passed through Algeria, 85 % of them *en route migratoire*. The migration and border surveillance division also finds migrants from Asia and Somalia. They come from Ethiopia, which is a hub for migrants. Then they pass through Sudan, Tchad, Niger, Mali and enter Morocco via Oujda or F`Derik.⁴⁵

Those migrants who get to Morocco and remain usually stay 1 – 2 years before they give up the hope of going to Europe, and contact IOM for

⁴⁰ A diplomatic mission, Rabat, 21 June 2011

⁴¹ OMDH, Rabat, 21 June 2011 and Ministry of Interior, Rabat 22 June 2011

⁴² Ministry of Interior, Rabat, 22 June 2011

⁴³ European Union Delegation Office, Rabat, 21 June 2011

⁴⁴ The figures, given by the Ministry of Interior, include Western Sahara

⁴⁵ Ministry of Interior, Rabat, 22 June 2011

assistance with returning home. IOM thinks that few return without this assistance. They simply have no money. No sub-Saharanans arrive in Morocco with the intention of staying there, but for various reasons some don't try to make it to Europe.

By comparison with the situation a few years ago the sub-Saharanans are more visible now. They are part of the street scene in places like Agadir and Nador. Nador is close to the Spanish enclave Melilla, well fenced as the other enclave Ceuta. They don't hide in the woods any longer. On the contrary they stay in the big cities like Casablanca and Rabat. However, it is very difficult for them to legalize their presence. A migrant/foreigner can do it if he/she marries a Moroccan citizen or if they enroll at the university – which few do. Some come to Morocco to study and then stay on.⁴⁶

Some sub-Saharanans have been in Morocco for ten years. The researcher at the IPPR thinks that concurrently with the political development they will demand religious and cultural rights. IOM on the other hand warns that although Morocco seems to be heading in a democratic direction it will probably not be easier for irregular migrants to legalize their presence – with the exception of refugees. A democratic development is not a pull factor in itself. The illegal migrants will long be vulnerable. There is no mechanism for integration into the society. Asylum seekers and refugees are for example not allowed to work in Morocco. This leads to frustration among the refugees and a need for resettlement.⁴⁷

With this said it should also be noted that Morocco works on implementing the 1951 Geneva Convention relating to the status of refugees, which Morocco signed after its independence in 1956. (The 1967 protocol was signed in 1971.) Three years ago refugees, if they committed a crime, were sent back to where they came from or their countries of origin. Now the authorities respect the principle of non-refoulement. The refugees are registered by UNHCR and get UN-cards. In the long term they will get Moroccan ID-cards.⁴⁸ The king acknowledged commitment to all international conventions in his recent speech, which is good for the UNHCR. The question is how long it will take from words to action. The government and the UNHCR are in the process of exchanging ideas on how to proceed with arrangements for asylum seekers and refugees.

UNHCR also cooperates with five NGOs within the fields of health care, vocational training, micro finance and income generating activities.

Morocco worries that any establishment of an asylum system may constitute a pull-factor if not the neighbouring states take similar measures. The representatives of the UNHCR don't think there will be any considerable pull-effect. Migration movement continues anyway. The refugees are only a

⁴⁶ IOM, Rabat 20 June 2011 and IPPR, Rabat 17 June 2011

⁴⁷ Various NGOs, Rabat, 17 - 22 June 2011

⁴⁸ OMDH, Rabat 21 June 2011

small part of the movement, linked to the larger migration streams. Only a dramatic deterioration of the security situation in Algeria and Mauretania would lead to increasing refugee flows.

The largest groups of asylum seekers are from the Ivory Coast, DRC and Iraq. Around 1000 persons turn to UNHCR for asylum each year. The number has been stable over the years, 1000 – 1200. Around 10 % are recognized as refugees. Presently there are 800 refugees (= registered with the UNHCR) in Morocco. About half of the asylum seekers are from the Ivory Coast. Since November – December there has been an increase of asylum seekers from the Ivory Coast and a decrease of the ones from DRC. The Iraqis often have some link to Morocco. Most of the 800 registered refugees are from Iraq and they arrived in Morocco in 2007 and 2008. Since 2008 no Iraqis have been registered as refugees. The UNHCR-office has only capacity to screen some 80 asylum seekers per month. Refugee status determination (RSD) is done as soon as possible. The refugees are an urban case load. 45 refugees are in need of resettlement, 35 of them have been resettled. The prevalent criteria for resettlement are lack of local integration and woman-at-risk. UNHCR only assists the most vulnerable.

Those deemed to be vulnerable are foremost women and children. They have no legal status and no access to shelters. A quarter of the refugees are female headed households. Unaccompanied children are on the rise. They now make up 35 individuals. Most of them are from DRC and the Ivory Coast, a few from Nigeria.

UNHCR is financing 200 refugees, most of them single women, but the support is insufficient. The women risk being dragged into prostitution. Trafficking is a big problem in Morocco. There are established networks. A Nigerian one is very active.

UNHCR often hears about people being caught at the border or after having crossed the border, but the desert areas are enormous. The representative can't imagine that the surveillance is 100 %.⁴⁹

In the end Morocco may become an immigrant country to sub-Saharan. The Gnawa music (and the origins of the Almoravid dynasty⁵⁰) with its roots in Sub-Sahara is a connecting link between Morocco and Africa south of the border.⁵¹

6.3 Direct consequences of the Arabic spring

The revolution in Tunisia and the armed conflict in Libya have only brought a few Tunisians and Libyans with family links to Morocco. There were more than 100 000 Moroccans in Libya at the start of the uprising. Morocco

⁴⁹ UNHCR, Rabat, 22 June 2011

⁵⁰ Author's remark

⁵¹ IPPR, Rabat 17 June 2011

organized safe returns, but many probably remain. The Moroccan guest workers and their families came back to nothing, but the state has mobilized resources to help them.⁵²

No third country nationals or stateless Palestinians from Tunisia and Libya have arrived in Morocco during the upheavals. However, Palestinians have for a long time been coming to Morocco using legal routes. The same rules apply to them as to other Arabs.⁵³

⁵² UNHCR, Rabat, 22 June 2011

⁵³ Ibid and Ministry of Interior, Rabat 22 June 2011

7. Sources

Association Marocaine des Droits Humains (AMDH), Rabat
British Broadcasting Corporation (BBC)
Bulletin Officiel No. 5952 (The draft constitution)
Embassy of Saharan Arab Democratic Republic (SADR), Algiers
Embassy of Spain, Rabat
Embassy of Sweden, Rabat
Embassy of USA, Rabat
European Union Delegation Office, Rabat
Institute for Public Policy Research (IPPR), Rabat
International Organization for Migration (IOM), Rabat
L'Union de l'Action Féminine (UAF), Rabat
Le Conseil National des Droits de l'Homme (CNDH), Rabat
Ministry of Interior
Organisation Marocaine des Droits Humains (OMDH), Rabat
TIME Magazine
United Nations High Commissioner for Refugees (UNHCR), Rabat

Appendix A

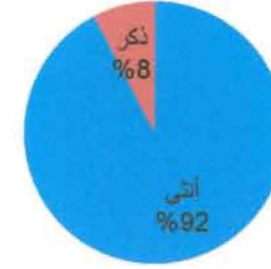
Place of crime (macro perspective), mainly cities (70%) and rural areas (21 %) (lower diagram).

[Upper diagram shows distribution of men and women consulting UAF]

الحالات حسب الجنس

	المجموع	النسبة المئوية
انثى	2503	92,26
ذكر	210	7,74

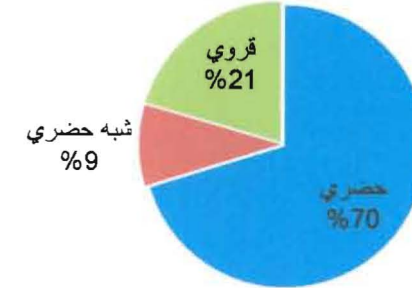
الحالات حسب الجنس



التوزيع حسب مكان الإقامة

	المجموع	النسبة المئوية
حضري	1906	70,28
شبه حضري	249	9,18
قروي	557	20,54

التوزيع حسب مكان الإقامة

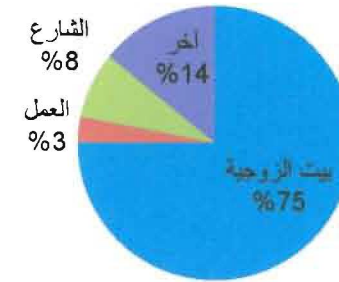


Appendix B
 Place of crime (micro perspective).
 Upper diagram: Home (75%), streets (8%), work (3%)
 Lower diagram shows perpetrators by relation: Spouse (73%), parents (3%)

أماكن العنف

	المجموع	النسبة المئوية
بيت الزوجية	1735	75,08
العمل	70	3,03
الشارع	180	7,79
آخر	326	14,11

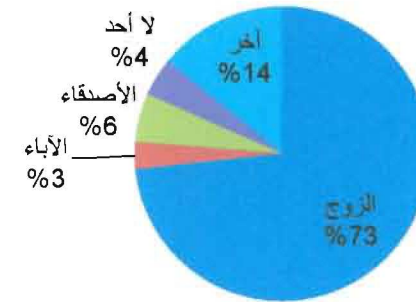
أماكن العنف



العلاقة مع المعتنف

	المجموع	النسبة المئوية
الزوج	2033	73,29
الآباء	82	2,96
الأصدقاء	150	5,41
لا أحد	116	4,18
آخر	393	14,17

العلاقة مع المعتنف



Appendix C

Type of violence:

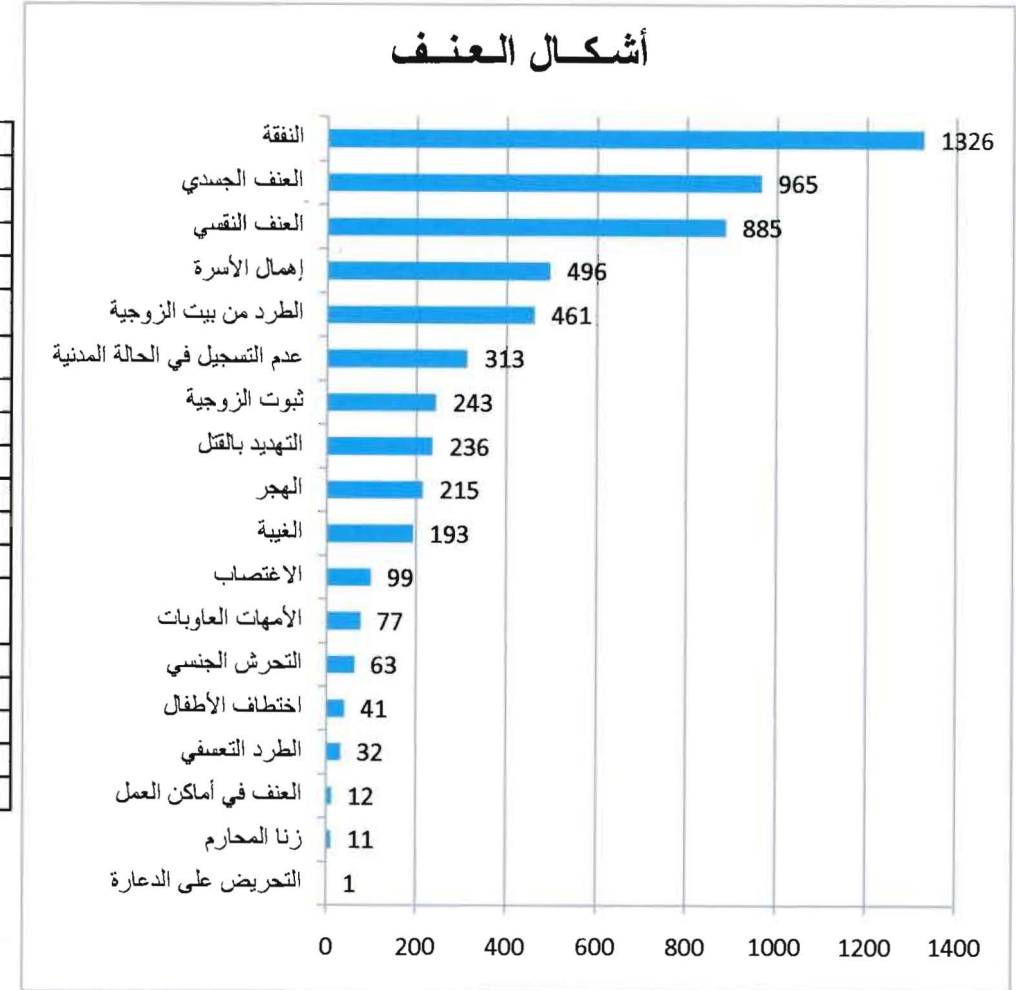
1326 Withdrawal of alimony

965 Physical

885 Psychological

	المجموع	النسبة المئوية
التحريض على الدعارة	1	0,02
زنا المحارم	11	0,19
العنف في أماكن العمل	12	0,21
الطرد التعسفي	32	0,56
اختطاف الأطفال	41	0,72
التحرش الجنسي	63	1,11
الأمهات العاوبات	77	1,36
الاغتصاب	99	1,75
الغيبه	193	3,40
الهجر	215	3,79
التهديد بالقتل	236	4,16
ثبوت الزوجية	243	4,29
عدم التسجيل في الحالة المدنية	313	5,52
الطرد من بيت الزوجية	461	8,13
إهمال الأسرة	496	8,75
العنف النفسي	885	15,61
العنف الجسدي	965	17,02
النفقة	1326	23,39

أشكال العنف



Appendix D
Level of education (upper
diagram) and profession
(lower diagram) of male
perpetrators

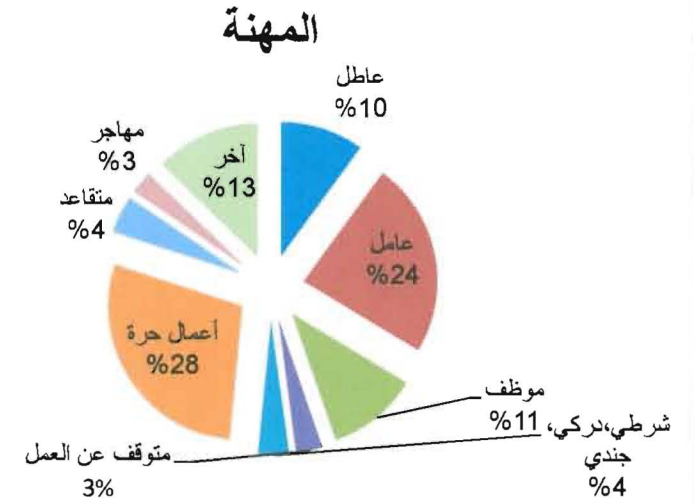
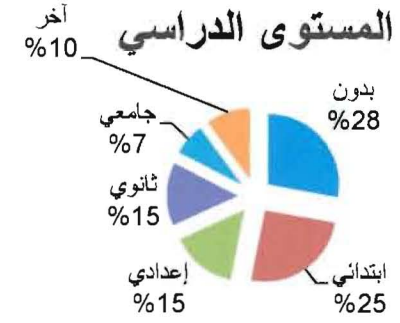
المستوى الدراسي

المستوى الدراسي	المجموع	النسبة المئوية
بدون	878	27,8
ابتدائي	800	25,33
إعدادي	474	15,01
ثانوي	454	14,38
جامعي	231	7,31
آخر	321	10,16

المهنة

المهنة	المجموع	النسبة المئوية
عاطل	281	10,02
عامل	660	23,54
موظف	311	11,09
متوقف عن العمل	90	3,21
شرطي، دركي، جندي	104	3,71
أعمال حرة	797	28,42
متقاعد	127	4,53
مهاجر	76	2,71
آخر	358	12,77

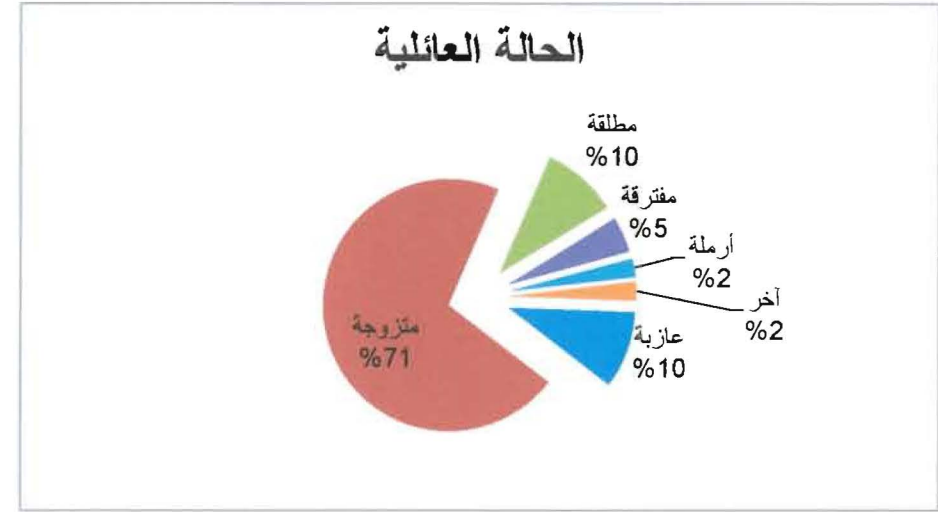
خاصيات المعنف



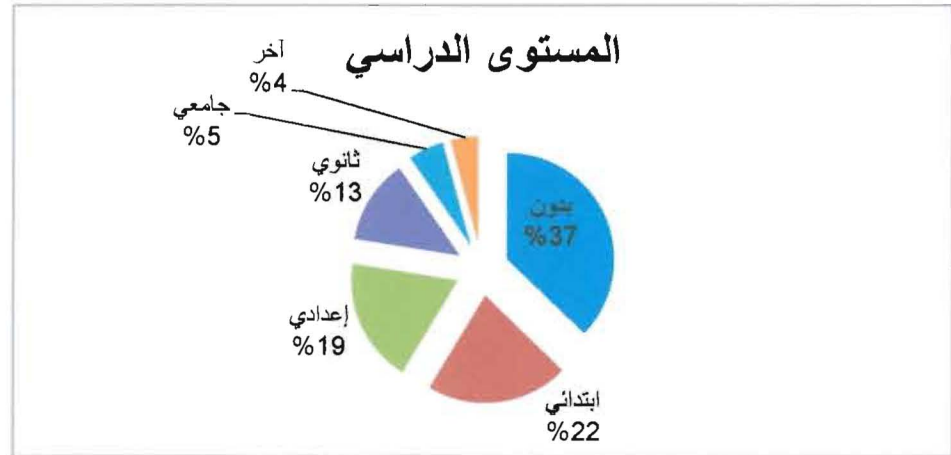
Appendix E
Civil status (upper diagram)
and level of education (lower
diagram) of victimized
women.

الحالة العائلية	المجموع	النسبة المئوية
عازبة	315	9,91
متزوجة	2256	70,97
مطلقة	310	9,75
مفترقة	146	4,59
أرملة	76	2,39
آخر	76	2,39

خاصيات المعنفة



المستوى الدراسي	المجموع	النسبة المئوية
بدون	1174	37,21
ابتدائي	678	21,49
إعدادي	593	18,80
ثانوي	406	12,87
جامعي	170	5,39
آخر	134	4,25



Appendix F

Judgements concerning violence against women.

Upper diagram:

371 Withdrawal of alimony

232 Physical violence

Lower diagram:

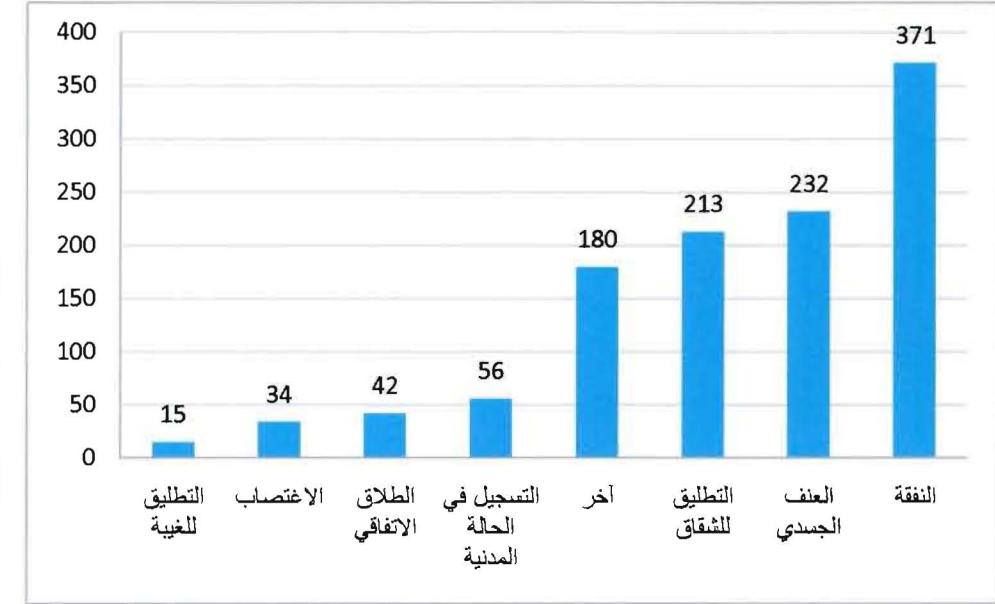
55% (52+3%) Convictions

23% Settlements

10% Acquittals

نوع الملف	المجموع	النسبة المئوية
التطبيق للغيبة	15	1,31
الاغتصاب	34	2,97
الطلاق الاتفاقي	42	3,67
التسجيل في الحالة المدنية	56	4,9
أخر	180	15,75
التطبيق للشقاق	213	18,64
العنف الجسدي	232	20,3
النفقة	371	32,46

نوع القضايا القانونية



النتيجة	المجموع	النسبة المئوية
لصالح المدعية	241	52,16
ضد المدعية	46	9,96
حكم جزئي	13	2,81
جلسات الصلح بالمحكمة	105	22,73
أخر	57	12,34

النتيجة

