



**2018
REPORT:HUMAN
TRAFFICKING
AND
SUBSAHARAN
MIGRANT
WOMEN IN
MOROCCO**

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I. Introduction	

In a world that is increasingly characterized by political unrest and armed conflict, destruction, whether it be measured in the unit of human lives or urban sites is more prevalent than ever and the struggle for peace and security seems to be an unending one. The instability that we are witnessing today is not without consequences: migration flows have increased dramatically over the last ten years. When supported by appropriate policies, migration can prove to be a sustainable development factor for both the country of origin and the host country. However, in the context of Sub-Saharan Africa, the political and economic state of affairs, the threats of climate change, as well as tightened border control, the migrant population finds itself in a real predicament which only reinforces its will to search for a more dignified life, even if it means being robbed of that very dignity with the threat of human trafficking. The latter is indeed one of the most tragic human rights issues of our times. This study will focus on the Sub-Saharan migrant women who transit in Morocco and their protection from human trafficking networks.

1.1.1. Statement of the problem

Human trafficking is a global issue and affects a large population worldwide (66,520 victims identified in 2016)¹, an estimate provided by foreign governments that do not have a full hold on the issue given its transnational and hidden aspect, the complexity of the trafficking networks, and the lack of efforts in the identification of the victims. It is impossible to confine the magnitude of this crises to numbers, one must also consider its scope in terms of violations of basic human rights and the intensity of the physical, emotional, and psychological suffering endured by victims. While human trafficking affects different populations, it presents much higher risks and dangers for females due to their greater vulnerability to sexual violence and

¹ <https://www.state.gov/documents/organization/271339.pdf>

exploitation. For Sub-Saharan migrant women engaged in a seemingly unending journey through Morocco they endure an unspeakable amount of atrocities along the way due to their gender and irregular situation.

In spite of Morocco's ratification of the Trafficking in Persons Protocol in 2016, as well as the enactment of a new anti-trafficking law in September 2016, known as law 24-17, it still presents many challenges in its implementation and more specifically in the identification and protection of trafficking victims. With the Moroccan government's limited efforts and reluctance to offer an adequate protection to migrant women and victims of human trafficking, many of them find themselves stranded at the borders of the country at the mercy of traffickers who continue to exploit them sexually and financially.

1.1.2. Glossary

TIP: Trafficking in Persons

UNODC: United Nations Office on Drugs and Crimes

Law 24-17: Moroccan law combatting Human trafficking

MSF: Médecins Sans Frontières (Doctors without Borders)

IOM: International Organization of Migration

FRONTEX: European Border and Coast Guard Agency

1.1.3. Significance of the report

This report is a part of Beauty for Ashes' research series and its commitment to submitting its constantly changing environment to a critical assessment in order to better understand how human trafficking evolves in the Middle East North Africa (MENA) region and to what extent it is addressed by local governments and civil society. Given that the ultimate goal is to create awareness about human trafficking in the community and rehabilitation programs for victims, this report will also serve as a base for awareness campaigns addressed at migrant women throughout Morocco.

II. Patterns of Migration: The triple role of Morocco

Historically, Morocco has been a crossing point for migration flows due to its strategic geographical position. Located in North Africa in very close proximity to Europe (Spain), and given the increased population pressure on natural resources and political unrest in African countries Morocco is the final frontier for those seeking to flee the African continent. Economic challenges within the country itself leads many Moroccans to also attempt illegal and dangerous crossings into Europe. Yet, the richness of Moroccan resources and relative internal stability (compared to many Sub-Saharan countries) leaves many undocumented migrants in preferable situations than they had experienced in their home countries. Thus Morocco functions as a source, transit route, and a destination country within the Euro-African migration system ².

Starting in the mid-nineties, waves of undocumented migrants coming from Sub-Saharan African countries – particularly West Africa- have intensified.³ These migrants follow established routes through Morocco arriving in the city of Oujda (see Figure 1). In Oujda they temporarily reside in makeshift camps in the forest waiting to cross into Spain. Traditionally, Sub-Saharan migrants follow one of two routes: the Saharan one via Algeria or the West African coastline one if they deem the journey through the Sahara too dangerous.

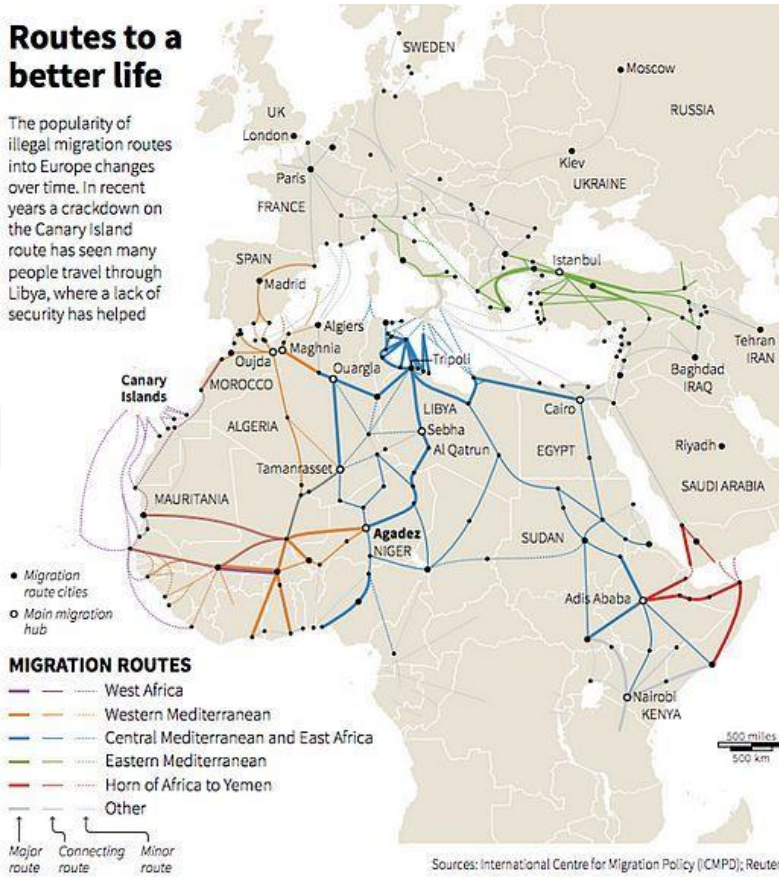
Figure 1: Euro-Migration routes in Africa

² (Middle East Institute, 2018)

³ Ibid

Routes to a better life

The popularity of illegal migration routes into Europe changes over time. In recent years a crackdown on the Canary Island route has seen many people travel through Libya, where a lack of security has helped

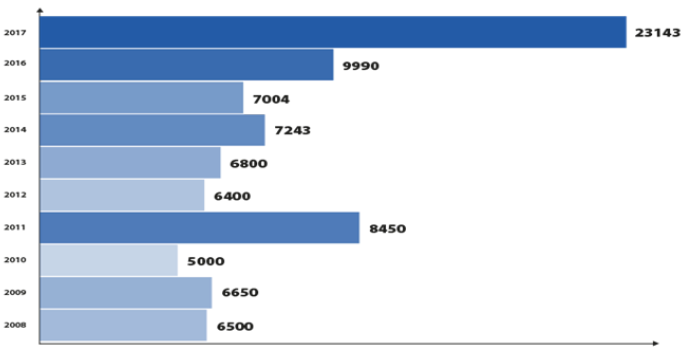


Source: International Centre for Migration Policy and Reuters.com

According to a report of Frontex, , the number of crossings from Morocco to Spain have increased in the past 10 years, from 6,500 in 2008 to 23,143 in 2017⁴ .

Figure 2: Number of illegal border crossings on the Western Mediterranean route:

⁴ (Frontex.europa.eu, 2018)



Given its irregular character, there are no official statistics about the number of irregular Sub Saharan migrants in Morocco. However, this report will focus on a normative analysis of the situation of irregular Sub Saharan migrant women in Morocco and their exposure to human trafficking networks that connect their countries of origin, Morocco, and the destination country.

III. Sub Saharan migrant women and human trafficking:

1. Human trafficking: definition

Human trafficking is defined as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”⁵.

2. Conditions of the migration journey and the first contact with traffickers:

A migrant woman’s journey to and through Morocco depends on her financial resources, social network and prior knowledge⁶. Her financial resources will dictate the form of transportation, social circle, duration of the journey, as well as the woman’s degree of forward planning. However, since most migrant women come from very poor backgrounds, she will generally fall easy prey to human trafficking networks, no matter which route she takes. A typical trafficking situation would involve the migrant woman dealing with a front man who is a part of the network and who promises her a job in the destination country. Because no money is collected from the woman before the supposed arrival at the destination country, she is bound to fulfill the payment of the agreed-upon sum to the front man upon successful arrival. However, as

⁵ <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

⁶ (Mbarek, page 16)

soon as she accepts the deal, she officially becomes a 'slave' to the traffickers who lead her on with fake promises.

One of the most famous trafficking and prostitution hotspots in the region is Arlit in Niger ⁷.

3. Vulnerability, violence and sexual exploitation:

The EU's response to the increased migration flow and rising conflict in public opinion has been to tighten its Mediterranean borders, establish migrant camps on the African side of the Mediterranean, and cooperate with the Moroccan government to gradually externalize the 'dirty job' of blocking migrants from crossing to Spain through the use of force. According to the European Council of Refugees and Exiles, a complex system of barriers has been established to keep migrants in Africa, forcing them to live for months or years in very inhumane conditions or risk dangerous less policed routes⁸. A precarious consequences of this situation is the heightened vulnerability of migrant women to extended sexual exploitation and physical violence in the hands of trafficking networks.

According to a MSF report on the situation of sub-Saharan migrants in irregular situations in Morocco, "MSF's experience demonstrates that the longer sub-Saharan migrants stay in Morocco the more vulnerable they become"⁹. These women don't have the means to cross to Spain, yet they can't go back to their countries, so they find themselves trapped in transit which increases the physical and psychological trauma experienced through the journey. This precarious situation leads them to desperately resort to poorly paid jobs without any social or legal protection in big cities, or to begging and prostitution.

Migrant women face exploitation on every side including armed forces, police, and other migrant men along with traffickers who systematically use violence against them. Their level of vulnerability is even more alarming knowing that the "perpetrators of violence are able to act with impunity knowing that vast majority of sub-Saharan migrants who are beaten, abused, raped and attacked will not seek medical help, protection or justice due to fear of arrest or other repercussions"¹⁰. They use "extortion, threats, intimidation, physical and sexual violence and torture to ensure maximum financial profit and the smooth running of their operations"¹¹.

While it is impossible to measure the exact proportion of violence experienced by trafficked migrant women, we can at least focus on one of the forms of violence that they are continuously subjected to and which leaves acute physical and psychological scars: sexual violence. Upon arrival to Morocco, the migrant women that follow their smuggler – who is usually of the same nationality as them—usually settle in one of the makeshift camps in the forest north of Morocco. Until they pay him the full cost of the smuggling service, they are

⁷ Ibid, page 18

⁸ <https://www.ecre.org/oped-cooperation-with-morocco-in-the-eus-african-border-a-laboratory-of-externalization/>

⁹ https://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/MAR/INT_CMW_NGO_MAR_14800_E.pdf

¹⁰ Ibid

¹¹ ibid

forced to serve him in any way he orders. Consequently, many women are subjected to forced labor and/or prostitution at the threat of physical assault, and according to the MSF report, “they have little or no control over their sexual and reproductive health, have limited freedom of movement and are often kept captive and subjected to continuous exploitation and sexual, physical and psychological violence”¹². According to one Nigerian migrant woman who was trafficked into Morocco in 2015, she was repeatedly raped by men belonging in the trafficking network and forced to have sex for money with other men that they would bring to the camp. When she refused, they would tie her hands and beat her. This woman escaped and is now pregnant and hiding from her traffickers. According to her, the men who are after her are extremely dangerous and would murder her if they found her. Traffickers threaten their victims and their families back home with physical assault if they ever flee the network or report them to the police. Along with the physical dangers of violence, sexual exploitation exposes these women to sexually transmitted diseases and pregnancy without access to healthcare, thus increasing the health risks inherent to female migrants.

This situation seems to be deteriorating due to insufficient efforts both on the part of the International community in combating Human trafficking as a transnational organized crime, and the Moroccan government which “reported limited efforts to investigate and prosecute potential trafficking crimes, did not report screening for or proactively identifying trafficking victims, nor provided specialized protection services specifically catered to them”¹³.

IV. The legal framework:

In the last decade, migration issues have undergone profound changes worldwide due to a growing sense of instability with the prevalence of armed conflict and the humanitarian crises that resulted from it. Therefore, the continuous attempt to contain and regulate all the different aspects has given birth to many international conventions, as well as a set of legal and administrative measures pertaining to each country. As far as human trafficking in Morocco is concerned, both national laws and ratified international conventions have provide limited protection for trafficked migrant women on the ground, due to many obstacles on which we will elaborate in the following sections.

1. International conventions on human trafficking and other human rights instruments:

- **The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)**
- **The Convention on the Elimination of All Forms of Discrimination against Women (1979), ratified on 21 June, 1993;**

¹² ibid

¹³ <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271247.htm>

- **UN Convention against Transnational Organized Crime (smuggling protocol, 2000)** ratified on 19 September 2002
- **Protocol against the Smuggling of Migrants by Land, Sea and Air**
- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the Palermo protocol):**

This Protocol, which has been ratified by Morocco, stipulates that the following measures be taken by signatory states:

- Facilitating the return and acceptance of children who have been victims of cross-border trafficking, with due regard to their safety
- Prohibiting the [trafficking of children](#) (which is defined as being a person under 18 years of age) for purposes of [commercial sexual exploitation of children](#) (CSEC), exploitative labour practices, or the removal of body parts
- Suspending parental rights of parents, caregivers, or any other persons who have parental rights in respect of a child should they be found to have trafficked a child
- Ensuring that definitions of trafficking reflect the need for special safeguards and care for children, including appropriate legal protection
- Ensuring that trafficked persons are not punished for any offences or activities related to their having been trafficked, such as prostitution and immigration violations
- Ensuring that victims of trafficking are protected from deportation or return where there are reasonable grounds to suspect that such return would represent a significant security risk to the trafficked person or their family
- Considering temporary or permanent residence in countries of transit or destination for trafficking victims in exchange for testimony against alleged traffickers, or on humanitarian and compassionate grounds
- Providing for proportional criminal penalties to be applied to persons found guilty of trafficking in aggravating circumstances, including offences involving trafficking in children or offences committed or involving complicity by state officials
- Providing for the confiscation of the instruments and proceeds of trafficking and related offences to be used for the benefit of trafficked persons

2. National law:

There are some existing provisions concerning human trafficking in the Moroccan Penal code, Immigration law and labor law, which, before the introduction of Law 27-14 only vaguely defined human trafficking and the sanctions that it entails.

- **Law 27-14:** Adopted by Morocco in 2016, and induced by the ratification of the TIP, it is considered to be the most important law combating human trafficking in the Moroccan penal code. It makes the following provisions:
 - Provisions on criminal sanctions, detailing offenses and penalties, as well as aggravating and mitigating circumstances;
 - Amendments to the Code of Criminal Procedure prioritizing the identification of the victim and enabling the judicial authorities to issue the orders indicated in case of trafficking;
 - Arrangements for assistance, within available resources, in public services for protection, medical care, psychological and social assistance for victims of trafficking and free legal aid;
 - The establishment of a National Commission, under the authority of the Head of Government, to coordinate measures to combat and prevent TIP.

In its 2017 report, the UNODC ranked Morocco in Tier 2 in recognition of the enacting of Law 27-14 and the demonstrated efforts to “extend legal protection and social services to irregular migrants”¹⁴ who previously had limited rights and suffered forced deportations and internal relocations. The government cooperated with different countries during the 2016-2017 period in order to combat and dismantle human trafficking networks in the region. In addition, it offered training programs to several judges and judicial officials in order to strengthen the implementation of the law and the coordination capacity between all the different anti-trafficking departments. However, the report emphasizes that the government’s efforts remained insufficient in some areas such as the investigation and prosecution of human trafficking crimes. The government also reportedly hasn’t met the minimum standards in the proactive identification of victims, especially among irregular migrants, the most vulnerable population to trafficking. It also doesn’t provide them with a specialized victim-based approach to post-trauma therapy (*see Annex*) which the UN has deemed best practice in the treatment of the psychological and physical scars caused by human trafficking.

Implementation of national law in the identification, rescue, and treatment of trafficking victims is supplemented by the work of NGOs and local associations. However, there are not enough of them and they are geographically saturated in the capital city, thus leaving the rest of the country even more under-resourced.

V. Main organizations that help victims of human trafficking in Morocco:

- **IOM:** Based in Rabat IOM’s work is centered around reinforcing the capacity of civil society and other governmental organizations to enhance their understanding of the phenomenon and to create an effective protection and assistance to the victims of human trafficking in Morocco.

¹⁴ UNODC Human trafficking report, 2017

- **Médecins sans frontières:** As an international organization that is a very strong presence in conflict zones and high-risk/ humanitarian crises areas, MSF provides secondary care and specialized protection and assistance for migrant survivors of sexual violence and human trafficking in Morocco, especially in the Northern Algerian border.
- **GADEM: groupe anti-raciste d'accompagnement et de défense des étrangers et migrants :** Based in Rabat, this organization focuses on raising awareness and training programs for social workers pertaining to human trafficking, legal services to the victims, as well as integration programs for Sub-Saharan migrants.
- **UNODC**
- **Beauty for Ashes (Fes and Casablanca)**
- **Médecin du monde (Oujda)**
- **Oum El Banine (Rabat)**
- **Fondation Orient Occident (Rabat)**
- **CARITAS**
- **IPDF (Fes, Meknes, Marrakech)** Temporary shelter in emergency cases

VI. Recommendations and best-practice for helping victims of human trafficking:

- Fostering international cooperation on combating human trafficking
- Enabling civil society organizations through drafting a larger legal framework within which they can legally offer assistance to human trafficking victims
- Increase efforts in victim identification and assistance
- Raising awareness of the Sub-Saharan migrant women and victims of human trafficking about their rights in Morocco and adjusting the information to the different audiences according to their literacy level
- Offering adapted psychological care and counseling to the victims as a part of the rehabilitation program

Annex:

Tools:

Victim identification:

A victim of trafficking may look like many of the people health-care practitioners help every day. Victims of trafficking can get the assistance they need if people with whom they come into contact look beneath the surface for the following clues:

Evidence of being controlled

Evidence of an inability to move or leave a job

Bruises or other signs of battering

Fear or depression

Not speaking the language of the State

Recently arrived in the State from another country

Lack of passport, immigration or identification documentation

Traffickers use various techniques to keep victims enslaved. Some traffickers keep their victims under lock and key. However, the more frequent practice is to use less obvious techniques, including: Debt bondage (financial obligations, honour-bound to satisfy a debt)

Isolation from the public (limiting contact with outsiders and making sure that any contact is monitored or superficial in nature)

Isolation from family members and members of their ethnic and religious community

Confiscation of passports, visas and identification documents

Use or threat of violence toward victims and families of victims

The threat of shaming victims by exposing the circumstances to their family

Telling victims they will be imprisoned or deported for immigration violations if they contact the authorities

Control of the victims' money (e.g. holding their money for "safe-keeping")

The result of such techniques is to instill fear in victims. The victims' isolation is further exacerbated because many do not speak the language of the destination and are from States where law enforcement is corrupt and feared.

Victim interaction

Asking the right questions may help to determine if someone is a victim of human trafficking. It is important to talk to a potential victim in a safe and confidential environment. If someone who seems

controlling accompanies the victim, an attempt should be made to separate the victim from that person. The accompanying person could be the trafficker or someone working for the trafficker.

Ideally, you should also enlist the help of a staff member who speaks the victim's language and understands the victim's culture. As an alternative, the services of an interpreter can be used. Interpreters must be screened to ensure they do not know the victim or the traffickers and do not otherwise have a conflict of interest.

Source: United States Department of Health and Human Services, at:
www.acf.hhs.gov/trafficking/campaign_kits/tool_kit_health/identify_victims.html

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