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Embassy of the Kingdom of Morocco  
Washington, D.C. 76



سجلارة المملكة المغربية  
ول شنهو

C-138/14

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Washington, 23 Juin 2014

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Monsieur le Ministre des Affaires Étrangères et de la Coopération  
-Rabat-

DESTINATAIRE PRINCIPAL : CAB/1-CAB/2-SG/4-DG/8/3  
 DESTINATAIRE CC : DG/7/6  
 TRANSMISSION : CRYPTÉE  
 OBJET : Rapport de 2014 du Département d'Etat sur la traite des personnes.

J'ai l'honneur de porter à votre connaissance que le Département d'Etat américain a publié, le 20 courant, son rapport annuel sur la traite des personnes au titre de l'année 2014. Ce rapport décrit la situation de la traite des personnes dans plus de 186 pays et territoires et souligne les efforts entrepris par les différents gouvernements pour lutter contre cette menace.

A l'instar des rapports précédents, celui de cette année s'est basé sur trois critères d'évaluation notamment, les poursuites judiciaires, la protection et la prévention. Notre pays a gardé le même rang que l'année dernière et figure dans les tiers 2.

Dans le chapitre consacré au Maroc, le rapport a noté que le Gouvernement marocain n'atteint pas les standards minimaux pour l'élimination de la traite des personnes. Cependant il a souligné les efforts entrepris par le Maroc pour lutter contre ce fléau, mesures qui restent, selon le rapport, loin des recommandations du rapport de 2013.

Les principaux points sur lesquels le rapport a mis l'accent, se présentent comme suit:

- Le Maroc étant un pays source, de destination et de transit pour les hommes, les femmes et les enfants ayant fait, durant la période considérée, l'objet de traite des personnes à des fins de travail forcé et d'exploitation sexuelle et commerciale;
- La loi marocaine n'interdit pas toutes les formes de traite des personnes et comporte une confusion entre la traite des personnes et la contrebande humaine, ajoutant que le Gouvernement marocain n'a pas enregistré de progrès en matière d'enquête, de poursuite et de condamnation. Il a également noté l'absence de services de protection adéquate pour les victimes, ainsi que le manque d'orientation de ces mêmes victimes vers les services de protection proposés par la société civile. Aussi le rapport a signalé que les efforts du Maroc n'ont pas pu garantir que les victimes étrangères ne soient pas soumises à l'arrestation, la détention et la déportation.

Direction des Affaires Américaines  
 Arrivé le : 24 Juin 2014  
 Numéro : 20221  
 Ministère des Affaires Étrangères  
 et de la Coopération

RECEVU  
 2728  
 23 JUIN 2014

- Le Maroc, comme ce fut le cas en 2013, connaît encore des abus liés au travail des jeunes filles rurales comme domestiques, des jeunes apprentis dans le secteur de l'artisanat, du bâtiment ou alors dans des ateliers de mécanique à l'exploitation sexuelle et au travail forcé dont fait objet la communauté migrante vulnérable, ainsi que l'exploitation des hommes, des femmes et des enfants marocains en Europe et au Moyen-Orient.
- le rapport a signalé le cas de l'ancien fonctionnaire près l'Ambassade du Maroc Washington (cas d'Amal Abdelkader et son épouse ayant fait l'objet de mon courrier c-56-14 du 6 mars 2014) qui ont été poursuivis aux Etat Unis en mars 2014 et accusés d'infractions aux lois en matière d'immigration et d'exploitation de leur femme de ménage, qui se trouve en situation irrégulière, aux fins de gains financiers.
- Le Gouvernement marocain n'a pas pu fournir des statistiques officielles sur le nombre des victimes identifiées de la traite au cours de la période considérée.
- Le Gouvernement marocain n'a pas développé un système efficace de collecte de données d'application de la loi anti-traite, n'a pas signalé le lancement d'enquêtes, de poursuites ou de condamnations liés à la traite des personnes.
- Cependant, le rapport a souligné que le Gouvernement a continué à fournir et financer des sessions de formation sur la traite des personnes, l'identification des victimes et de la communauté la plus vulnérable à la traite, et ce au profit des juges, des officiers de police judiciaire, des gendarmes et des représentants de la société civile.

#### Recommandations:

Les recommandations du rapport de cette année ne présentent pas de grands changements en comparaison à celles du rapport de l'année 2013 et se résument essentiellement à un appel au Gouvernement marocain afin de mener les actions suivantes :

- Achever la rédaction et la promulgation d'une législation globale contre la traite des personnes, qui interdit toutes les formes de traite et renforce les pénalités prévues pour le travail forcé;
- Augmenter de manière significative les enquêtes, les poursuites et les condamnations des auteurs de traite avec des peines suffisamment sévères.
- Instituer une identification des victimes et le mécanisme d'aiguillage pour guider les fonctionnaires dans l'identification et l'assistance des victimes de la traite; fournir des fonds supplémentaires aux ONG fournissant des services spécialisés aux victimes de la traite.
- Veiller à ce que les victimes identifiées ne soient pas punies pour des actes commis en tant que résultat direct de leur soumission à la traite.
- Encourager les victimes à participer à des enquêtes contre les trafiquants, notamment en offrant un assurance contre la déportation,
- Améliorer la collecte et la communication des données, y compris la ventilation des données entre la traite des êtres humains et le trafic humain, et mener des campagnes de sensibilisation du grand public portant sur toutes les formes de traite y compris le tourisme sexuel qui implique des enfants.



L'Ambassadeur

Rachad Bouhial

## State Department 2014 Trafficking in Persons Report

### Morocco

#### OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

#### 2014 Trafficking in Persons Report

Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Some rural Moroccan girls as young as 6-years-old are recruited to work as maids in cities and become victims of forced labor, experiencing nonpayment of wages, threats, restrictions on movement, and physical, psychological, or sexual abuse; however, an NGO reports that the incidence of child maids has decreased since 2005, in part due to government-funded programs promoted in primary school and awareness programs funded by UN agencies and NGOs. Some Moroccan boys experience forced labor while employed as apprentices in the artisanal and construction industries and in mechanic shops. Some men, women, and children, primarily from sub-Saharan Africa and South Asia, enter Morocco voluntarily, but illegally, with the assistance of smugglers; once in Morocco, some of the women and older girls are coerced into prostitution or, less frequently, forced into domestic service. International organizations and local NGOs report that unaccompanied children and women from Cote d'Ivoire, the Democratic Republic of the Congo, and Nigeria are highly vulnerable to sex trafficking and forced labor in Morocco. Some women from Cote d'Ivoire, the Philippines, and Indonesia are recruited for employment as domestic workers in Morocco; some report being subjected to forced labor, experiencing nonpayment of wages, withholding of passports, and physical abuse at the hands of their employers. Criminal networks operating in the northern border town of Oujda on the Algerian border force undocumented foreign migrant women into prostitution and begging; these networks also reportedly force children into begging. Some female migrants transiting Oujda, particularly Nigerians, are forced into prostitution once they reach Europe. There is some child sex tourism committed by foreigners in major cities in Morocco. Due to conflicts in the region, Morocco experienced a small increase in the number of irregular migrants and asylum seekers in 2013, including from Syria and the Central African Republic; these migrants are vulnerable to trafficking in Morocco.

Moroccan men, women, and children are exploited in forced labor and sex trafficking in Europe and the Middle East. Moroccan women are forced into prostitution primarily in the United Arab Emirates, Bahrain, Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Recruiters reportedly offer Moroccan men jobs in the Persian Gulf, but seize the victims' passports and subject them to debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers and are subsequently forced to sell drugs.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate evidence of overall increasing efforts to address human trafficking since the previous reporting period; therefore, Morocco is placed on Tier 2 Watch List. Moroccan law does not prohibit all forms of human trafficking and continued to conflate human trafficking and human smuggling. The government did not demonstrate progress in investigating, prosecuting, convicting, and adequately punishing trafficking offenders and provided limited law enforcement data. It continued to fail to identify or provide adequate protective services to trafficking victims in 2013, and it failed to refer victims of all forms of trafficking to protection services provided by civil society. Furthermore, it did not show progress in screening for trafficking victims among vulnerable groups, especially the

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sub-Saharan migrant community. It also did not ensure that foreign trafficking victims were not subject to arrest, detention, and deportation.

#### **Recommendations for Morocco:**

Complete drafting and enact legislation that prohibits all forms of trafficking and increases prescribed penalties for forced labor; ensure that victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as immigration violations; proactively identify trafficking victims, especially among the foreign migrant community, and institute a victim identification and referral mechanism to guide officials in the identification and provision of assistance to trafficking victims; provide additional funds to NGOs that provide specialized services for human trafficking victims, including foreign victims, and refer victims of trafficking to these service providers; significantly increase investigations, prosecutions, and convictions of trafficking offenders, as well as provision of sufficiently stringent penalties for all forms of human trafficking, distinct from human smuggling; significantly improve law enforcement data collection and reporting, including the disaggregation of data between human trafficking and human smuggling crimes; and conduct public awareness campaigns addressing all forms of trafficking and encompassing child sex tourism.

#### **Prosecution**

The government made little progress in its law enforcement response to human trafficking. Morocco lacks an anti-trafficking law, which remained a serious obstacle to successfully prosecuting human trafficking and contributed to confusion among officials in differentiating human smuggling and human trafficking crimes. Morocco's penal code prohibits forced child labor through Article 467-2, which prescribes punishment of one to three years' imprisonment.

The penal code also prohibits forced prostitution and child prostitution through Articles 497-499, which prescribe punishment of up to 10 years' or life imprisonment for crimes found to have occurred with aggravated circumstances. The penal code does not specifically define and penalize sex trafficking. Article 10 of Morocco's labor code prohibits forced labor of a worker; this offense is punishable by a fine for the first offense and a jail term of up to three months for subsequent offenses. Penalties for coerced child labor under Article 467 range from one to three years' imprisonment. With the exception of the punishment for aggravated forced and child prostitution, the penalties are generally insufficiently stringent.

The government did not report data on investigations, prosecutions, or convictions of sex and labor trafficking offenders, though it reported general data on trafficking-related crimes. It did not have, nor did it develop, an effective system to collect anti-trafficking law enforcement data. In January 2014, the media reported that the Court of Appeals in Agadir sentenced an employer to 20 years' imprisonment for involuntary homicide of her 14-year-old female maid; the maid died in March 2013 after suffering third degree burns to her face and hands, in what appeared to be a forced labor case. The government, however, did not provide information regarding its investigation or prosecution of this case. The government reported cases of trafficking-related crimes from 2012—the most recent period for which data was available—including exploitation of children for begging and sexual exploitation; however, the government did not provide details of these cases. The government also reported dismantling 63 human smuggling and trafficking networks from January to November 2013; however, it did not provide additional details about this law enforcement action, and it frequently conflated human smuggling and human trafficking. The government reportedly cooperated with the Indonesian government to investigate trafficking allegations made by Indonesian domestic workers in Morocco, but the details of these cases were unclear. The Government of Morocco did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. A former Moroccan official and his wife were arrested in the United States in March 2014 and charged with immigration offenses and one count of alien harboring for commercial advantage and private financial gain, in connection with allegations that they held a woman in their home as a domestic servant for three years. The government provided multiple training sessions and workshops for judicial, law enforcement, and labor officials on a variety of human trafficking issues. The Ministry of Interior

also continued to provide border guards with trafficking awareness training at the Training Institute for Auxillary Forces.

#### Protection

The Moroccan government's efforts to protect victims of trafficking were not sufficient; it did not report its identification of and provision of services to all victims of trafficking. The government's provision of services was limited to assisting vulnerable and exploited women and children—some of whom may be trafficking victims. It did not develop or employ systematic procedures to proactively identify victims of trafficking, and it continued to show weak efforts in protecting victims of all forms of trafficking. The government provided limited to no social or protective services, including shelter, to victims of trafficking—especially foreign victims—and it relied heavily on NGOs and charitable organizations to provide such services. The government lacked sufficient and well-trained staff and funding resources to effectively protect victims of trafficking. Some local and international NGOs reported having an active working relationship with local law enforcement officials, who reportedly referred cases of vulnerable women and at-risk children, some of whom may be trafficking victims, to local NGOs for assistance. The government did not provide official statistics on the number of victims of trafficking it identified; however, an international organization reported its identification of 65 victims of trafficking during the reporting period, compared with 36 victims in the previous year. As part of the government's migration policy reforms and regularization program for irregular migrants initiated in this reporting period, it began the process of issuing official status cards and residency permits to refugees and irregular migrants in September 2013. However, some civil society organizations criticized the government for excluding several categories of migrants, including victims of trafficking and unaccompanied minors, through overly restrictive criteria for eligibility for this program. While international organizations and NGOs identified victims of trafficking among the irregular migrant and refugee populations, the government made no attempt to proactively identify victims among these highly vulnerable groups. The government failed to protect trafficking victims from being prosecuted for crimes committed as a direct result of being trafficked. International organizations, NGOs, and civil society groups reported that authorities continued to arrest, detain, and deport illegal foreign migrants, including trafficking victims, through individual arrests and mass raids; authorities often treated foreign victims, especially men, as illegal migrants. International organizations also reported that Moroccan authorities deported undocumented migrants, some of whom may be trafficking victims, back to the Algerian border—oftentimes through violence or threats of violence—with no access to an interpreter, legal services, or communication with the migrants' respective embassies before their deportation. International organizations reported that it was not uncommon for women, including pregnant women, and children to be deported at the Algerian border, many of whom may be unidentified trafficking victims and highly vulnerable to being re-trafficked. The government's migration reform efforts reportedly significantly reduced these deportations of undocumented migrants after September 2013. There was no evidence, however, to suggest that authorities made efforts to identify potential trafficking victims among those who were arrested and deported. As Moroccan authorities allegedly made no distinction between traffickers and victims, these groups were often deported together.

The Ministry of Employment and Social Affairs (MOESA) employed 492 labor inspectors for the entire country, designating 51 to child labor cases. In 2012—the most recent statistics available—MOESA conducted 279 inspections and identified hundreds of child laborers, but inspectors did not identify trafficking victims among this group. The inspectors were hindered by inadequate staffing and did not have the legal authority to enter homes, preventing them from investigating and identifying instances of child labor or trafficking in domestic service situations. The Ministry of Justice operated units that provided social assistance and referrals to police, medical services, and NGOs to women and child victims of crime; these services are reportedly available to foreign and Moroccan trafficking victims, but the government did not provide detailed information on assisted victims in 2013. The government continued to protect child victims of violence, some of whom may be unidentified victims of trafficking, through 75 children reception centers and five child protection centers. These centers and MOJ units

however, lacked adequate personnel and specialized services for trafficking victims, and it is unknown whether any victims of trafficking received services through the units or at these centers. The government reportedly provided assistance to Moroccan trafficking victims overseas through the issuance of travel documents and provision of transportation home; however, the government was unable to provide statistics for the number of victims it provided such assistance or link any such assistance to subsequent investigations for prosecution. The government did not provide specialized care for repatriated Moroccan victims of trafficking. In coordination with an international organization, the government provided exit visas for over 500 migrants to be repatriated in 2013; an international organization identified 61 of these migrants as trafficking victims. The government reportedly encouraged victims to participate in investigations against trafficking offenders by providing testimony; however, it did not provide evidence that any victims testified in this reporting period. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. Decree No. 1-11-164 provided greater protections to victims and witnesses that testify against their traffickers, but no information was available as to the application of this law during the reporting period.

#### Prevention

The Moroccan government made some efforts to prevent human trafficking. In September 2013, the government's National Council for Human Rights released a report and recommendations to radically reform Morocco's migration policies, to include changes to policies on human trafficking as they pertain to migration. The report recommended that the government improve its anti-trafficking response, to include conducting a survey of trafficking in Morocco, developing a national plan of action to combat trafficking, establishing an anti-trafficking training program to strengthen law enforcement capacity, and strengthening inter-ministerial cooperation and partnerships with civil society. Immediately after the report's release, according to the media, Moroccan King Mohammed VI stressed that the government must "relentlessly pursue the fight against trafficking and human trafficking networks." In September 2013, the Inter-ministerial Delegation of Human Rights and the Ministry of Justice formed a committee to lead efforts to draft anti-trafficking legislation; this committee reportedly met once a week beginning in September 2013. The government did not implement public awareness campaigns specifically addressing human trafficking in this reporting period. However, the King publicly raised migrants' rights issues and the need for greater cooperation with African countries, from which many vulnerable migrants and trafficking victims in Morocco originate; he also publicly recognized that Morocco is increasingly a country of destination for sub-Saharan migrants. The government reported conducting an unknown number of inspections of private employment agencies that failed to follow employment regulations; however, it did not provide information on the outcomes of such inspections. The government did not take any reported measures to reduce the demand for commercial sex acts, child sex tourism, or forced labor. The government provided training on the issue of sexual exploitation, but not specifically of trafficking in persons, to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions.