



MOROCCO

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Civil Law Religious Law Customary Law	Written	Yes	Single State	Monarchy

1. INTRODUCTION

1.1. Morocco and Modern Slavery (Human Trafficking)

The Kingdom of Morocco (**Morocco**) embarked on an effort to implement human rights in the early 1990s. Development of human rights organizations and their decision to “set aside political lineage” contributed to their policy advocacy and initiatives to promote “alternatives to meet growing social and societal demands.”¹ The 2011 Arab Spring revitalized the human rights approach to politics and social problems. During that time, Morocco introduced a new Constitution, which includes a bill of 21 “fundamental freedoms and rights”.

After the adoption of the new Constitution, the Moroccan Government passed several laws and decrees having the overarching goal of eliminating human trafficking. The Government has committed to meet the minimum standards for a complete elimination of trafficking.²

The International Organization for Migration (**IOM**) has concluded that “Morocco is at one and the same time a country of origin, transit, and destination for trafficking in human beings, without being capable of estimating its extent, although it does seem limited.”³ According to a study conducted with UN Women, Morocco has become more of a destination country, given the difficulties of piercing the highly secured European borders.⁴

1.2. Morocco’s Policy and Legal Position

There is tension between the Monarchy’s powers and the new Constitution’s emphasis on human rights. Nevertheless, Morocco is a party to all of the leading international human rights conventions, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁵ and is actively encouraging universal accession to this instrument. In its annual human rights and democracy world report for 2017, the European Union acknowledged that Morocco had made “significant progress,” citing

¹ “Human Rights and the State in Morocco: Impact of the 20 February Movement,” April 4, 2018, available at: <https://www.arab-reform.net/publication/human-rights-and-the-state-in-morocco-impact-of-the-20-february-movement/>.

² <https://www.state.gov/reports/2020-trafficking-in-persons-report/morocco/>.

³ “Asylum and Migration In Maghreb, Country Fact Sheet: Morocco” (2012), available at: <https://www.refworld.org/pdfid/514d77c22.pdf>.

⁴ “Take five: Morocco’s Anti-Trafficking Law and its link to migration,” December 11, 2019, available at: <https://www.unwomen.org/en/news/stories/2019/12/take-five-morocco-anti-trafficking-law-and-migration>.

⁵ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

in particular the April 2017 reestablishment of the Ministry of Human Rights (previously abolished in 2002) and the Government’s satisfactory cooperation with UN human rights bodies.⁶

2. OVERVIEW OF MOROCCO’S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. Morocco’s International Law Obligations

2.1.1. *Fundamental human rights*

Morocco is a State Party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000),⁷ supplementing the United Nations Convention against Transnational Organized Crime (2000),⁸ the Convention Concerning Forced or Compulsory Labour, 1930 (No. 29),⁹ the Abolition of Forced Labour Convention, 1957 (No. 105),¹⁰ the Convention on the Elimination of All Forms of Discrimination against Women (1979),¹¹ the Convention on the Rights of the Child (1989),¹² the Worst Forms of Child Labour Convention, 1999 (No. 182),¹³ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).¹⁴

2.1.2. *Slavery and trafficking*

Morocco is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000),¹⁵ the Worst Forms of Child Labour Convention (1999), and the Convention against Transnational Organized Crime (2000).¹⁶

2.1.3. *Effect under Morocco’s law*

The preamble to the new Constitution of Morocco, adopted on 1 July 2011, recognizes the supremacy of ratified international legal instruments over domestic legislation.¹⁷

⁶ http://arabcenterdc.org/policy_analyses/assessing-moroccos-human-rights-picture-constitutional-reform-may-not-be-enough/.

⁷ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

⁸ See status of ratification section available at: <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.

⁹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312250:NO.

¹⁰ https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105.

¹¹ <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>.

¹² <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

¹³ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

¹⁴ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>.

¹⁵ <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

¹⁶ See status of ratification section available at: <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.

¹⁷ <https://rwi.lu.se/app/uploads/2014/02/Jurisprudence-in-the-Application-of-Human-Rights-Standards-in-Arab-Courts.pdf>, page 28.

2.2. Human Rights Protections Under Morocco’s Law

Title II of the Moroccan Constitution has a Bill of Fundamental Freedoms and Rights. This Bill consists of 21 specific rights covering the main provisions of the UN Universal Declaration of Human Rights. These rights include, among others,¹⁸ the equality of sexes, freedom from torture, freedom from arbitrary arrest, presumption of innocence and the right to a fair trial, freedom of religion, freedom of opinion and expression, the right to access information, freedom of assembly and peaceful demonstration, and the right to take part in and select the Government. In a memorandum published on October 28, 2019, the Moroccan National Human Rights Council (**CNDH**) recommended decriminalizing consensual sex between non-married adults and granting more religious freedoms.¹⁹

2.3. Criminalization of Modern Slavery

Morocco has no applicable laws.

2.4. Supply Chain Reporting

No legislation obliges private businesses to control their supply chains to hinder human trafficking.

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

The Public Prosecutor’s Office handles the investigatory and prosecutorial functions for criminal offenses. In November 2018, the Office of the General Prosecutor entrusted 42 prosecutors to handle human trafficking cases brought before the judiciary in all 13 prefectures of the country.²⁰ The General Prosecutor also ensured that two prosecutors specialize in such cases in every court of appeal across the country.²¹ Around the same time, the government trained its officials, including security officials and labor inspectors, in anti-trafficking practices.²²

The results confirmed these efforts. In 2019, the U.S. Department of State reported that the Moroccan government “investigated 80 potential sex and labor trafficking cases involving 231 alleged traffickers during the 2018 calendar year, which demonstrated a significant increase from 34 total investigations in 2017.” Of these, 16 cases (14 sex trafficking cases and two forced labor cases) were prosecuted, and five resulted in convictions in 2018. By contrast, in 2017, the Government prosecuted 20 alleged traffickers and secured four convictions.

The U.S. Department of State further reported that, in 2019, the government investigated 151 cases involving sex trafficking, forced labor, or forced begging.²³ The government reported that “it initiated the prosecution of 307 alleged traffickers for sexual exploitation and forced labor under Law 02-03,” yet it is

¹⁸ Human rights as provided for in the new Moroccan Constitution: <https://www.cndh.ma/an/bulletin-d-information/human-rights-provided-moroccan-new-constitution>.

¹⁹ <https://www.hrw.org/news/2019/12/04/morocco-landmark-proposals-individual-freedoms>.

²⁰ U.S. Dep’t of State, Trafficking in Persons Report (2019), available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/morocco/>.

²¹ U.S. Dep’t of State, Trafficking in Persons Report (2020), available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/morocco/>.

²² *Id.*

²³ *Id.*

unclear how many of these crimes involved smuggling rather than trafficking.²⁴ Of these prosecutions, the government reported that it convicted 68 traffickers and acquitted 10; 17 of the 68 received less than one year of imprisonment, 27 received sentences of one to five years of imprisonment, 17 received sentences ranging from five to 10 years of imprisonment, and seven received more than 10 years of imprisonment.²⁵ These results marked a considerable increase from the previous year.

2.5.2. *Mutual assistance/international cooperation*

The European Union and the United Nations Office on Drugs and Crime (**UNODC**) launched a EURO 15 million three-year program (2019–2022) to counter human trafficking and smuggling in the north Africa region, including in Morocco.²⁶ The program seeks to enhance capacities to dismantle criminal networks involved in migrant smuggling and human trafficking. The program’s objectives are to increase detection and interception capacities of front-line officers at border crossing points and key hub cities, to improve capacities of first responders to identify and investigate cases of migrant smuggling and human trafficking, and to improve the skills in adjudicating migrant smuggling and human trafficking cases, with an emphasis on regional and international cooperation.

3. MOROCCO’S FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

Morocco adopted human trafficking legislation in the form of Law 27-14 in 2016²⁷ and Decree No. 2-17-740 in 2018 based on UN recommendations.²⁸

While Law 27-14 (2016) is the main legal instrument targeting human trafficking, other pre-existing laws complete this framework: Articles 52 and 53 of Law 02-03 (2003),²⁹ Articles 467-2 and 497–499 of the Criminal Code (2011),³⁰ and Article 10 of Morocco’s Labor Code (2003).³¹ Law 02-03, however, pertains to illegal migration of foreigners and does not provide sufficiently stringent penalties. Law 27-14 clearly

²⁴ *Id.*

²⁵ *Id.*

²⁶ <https://www.unodc.org/romena/en/dismantling-human-trafficking-and-migrant-smuggling-criminal-networks-in-north-africa.html>; see also https://www.unodc.org/documents/middleeastandnorthafrica/2020/EUTF/UNODC_ROMENA_-_Dismantling_human_trafficking_and_migrant_smuggling_criminal_networks_in_North_Africa.pdf

²⁷ Law 27.14 relating to the fight against trafficking in human beings (2016) available at: <http://adala.justice.gov.ma/production/legislation/fr/Nouveautes/Lutte%20contre%20la%20traite%20des%20C3%AAtres%20humains.pdf>.

²⁸ Decree No. 2-17-740 of 22 Shaoual 1439 (July 6, 2018) establishing the composition and functions of the Commission in charge of coordinating measures aimed at preventing human trafficking, available at: <https://www.refworld.org/docid/5d6d1e984.html>; see also <https://aujourd'hui.ma/actualite/les-deputes-adoptent-la-loi-sur-la-traite-des-etres-humains>.

²⁹ Law No. 02-03 relating to the entry and stay of foreigners in the Kingdom of Morocco, to emigration and irregular immigration, November 11, 2003, available at: <https://www.refworld.org/docid/3ae6b4ed5c.html>.

³⁰ Criminal Code, consolidated version of 15 September 2011, available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>.

³¹ <https://www.ilo.org/dyn/travail/docs/450/Maroc%20-%20Code%20travail.pdf>.

classifies human trafficking offenses, which are punishable by a minimum and a maximum penalty of imprisonment and additional fines, depending on the presence of aggravating circumstances. Smuggling is punished in Article 448.2 of Law 27-14, which provides that “[w]ithout prejudice to more severe criminal provisions, any person who commits the offence of trafficking in human beings shall be punished by imprisonment for five to ten years and a fine of 10,000 to 500,000 dirhams[AED 10,000 to AED 500,000].”

Law 27-14 allows criminal prosecution of several types of offenses:



3.2. Slavery Offenses Under the Criminal Code

3.2.1. General

According to Article 448.1 of the Criminal Code modified by Article 1 of Law 27-14:

“Trafficking in human beings is to recruit, to train, to transport, to lodge, to host or to act as an intermediary for this purpose, through threat of use of force, the use of force or other forms of coercion, kidnapping, fraud, deception or abuse of authority, function of power or the exploitation of a situation of vulnerability, need or insecurity, or by the fact of giving or receiving money or other benefits to obtain the consent of a person having authority over another person for exploitation purposes.”

This offense is punishable by a prison sentence of five to 10 years and a fine of AED 10,000 to 500,000.³²

³² 1 Moroccan Dirham = USD 0.11013 at the conversion rate of 24 October 2021, www.oanda.com.

Articles 448.3, 448.4, and 448.5 of the Criminal Code, as modified by Article 1 of Law 27-14, provide several stages of aggravating circumstances, for which the prison sentence ranges between 10 to 20 years and a fine from AED 100,000 to 1,000,000.

Article 448.3 of the Criminal Code provides a list of aggravating circumstances:

1. The offense is committed under the threat of death, assault, torture, forced confinement, or defamation;
2. The offender is carrying either a visible or a hidden weapon;
3. The offender is a public servant, who abuses official authority to commit the offense or facilitate the commission of the offense;
4. The victim has suffered a permanent infirmity or an incurable psychological or mental illness as a result of the exploitation;
5. The offense was committed by two or more persons;
6. The offender is a repeat offender;
7. The offense is committed against multiple people in assembly.

Article 448.4 describes additional aggravating circumstances, which permit a prison sentence from 20 to 30 years and a fine of AED 200,000 to 2,000,000:

1. The crime was committed against a minor (a person under 18 years of age);
2. The offense was committed against a person in a difficult situation due to age, illness, or physical or mental disability, or against a pregnant woman, if her pregnancy is apparent or known by the offender;
3. The offender is the spouse of the victim, one of her ascendants or descendants, her tutor, or her “*kafil*”³³ under which the legal authority the person is placed.

Offenses under Article 448.5 are also punishable with 20 to 30 years of prison, but the fine ranges from AED 1,000,000 to 6,000,000. This article punishes human trafficking offenses committed by an organized gang, occurring on a transnational level, or causing the victim’s death. Article 448.5(2) further increases the prison sentence to life imprisonment when the offender committed the crime using torture or acts of barbarism.

HUMAN TRAFFICKING PENALTIES IN MOROCCO	Duration of imprisonment	Amount of the fine
Human trafficking offense without aggravating circumstances	5 to 10 years	AED 10,000 to 500,000
Attempted offense	Same as for the committed crime	Same as for the committed crime
Noticing someone committing a trafficking offense and not	1 to 5 years	AED 5,000 to 50,000

³³ The “*kafala*” or “*kafalah*” (sponsorship) is a concept of care relating to child protection that exists in Islamic countries. In Morocco, Law 15-01 of June 13, 2002, on foster care for abandoned children governs this concept. Under Article 2, the “*kafil*” or “*kafeel*” (sponsor) undertakes responsibility for the protection, education, and maintenance of a child (*makfoul*) in the same way as parents for their children.

HUMAN TRAFFICKING PENALTIES IN MOROCCO	Duration of imprisonment	Amount of the fine
denouncing it to the competent authorities		
The offense was committed under the aggravating circumstances of Article 448.3	10 to 20 years	AED 100,000 to 1,000,000
The offense was committed under the aggravating circumstances of Article 448.4	20 to 30 years	AED 200,000 to 2,000,000
The offense was committed under the aggravating circumstances of Article 448.5(1)	20 to 30 years	AED 1,000,000 to 6,000,000
The offense was committed under the aggravating circumstances of Article 448.5(2)	Life imprisonment	AED 1,000,000 to 6,000,000

3.2.2. Extraterritorial application

According to Article 12 of the Criminal Code,³⁴ Moroccan criminal law applies to offenses committed outside Morocco where they fall within the jurisdiction of the Moroccan criminal courts under Articles 751 to 756 of the Code of Criminal Procedure.³⁵ According to these Articles, Moroccan courts can adjudicate crimes under Moroccan law committed by a Moroccan national outside the country and offenses that are crimes under both Moroccan law and the legislation of the country where the offense was committed. Under Articles 751 and 752, prosecution or trial may take place in Morocco when the accused becomes a Moroccan national after the time of the offense.

3.3. Slavery-Like Offenses in Morocco’s Legal Order

Article 448.1 of the Criminal Code, modified by Article 1 of Law No. 27-14, defines the offense of “exploitation” to include all forms of sexual exploitation,³⁶ exploitation of forced labor, servitude, begging, slavery, or practices similar to slavery, the removal or trafficking of human organs or tissues, exploitation through experiments of medical research on living beings, or the exploitation of a person for criminal purposes or in armed conflicts.

3.3.1. Servitude

Morocco has no applicable laws.³⁷

³⁴ <https://www.icmec.org/wp-content/uploads/2018/03/ICMEC-Morocco-National-Legislation.pdf>.

³⁵ <http://adala.justice.gov.ma/production/html/fr/87865.htm>.

³⁶ In particular, examples of sexual exploitation under Article 448.1 include prostitution and pornography, including by means of computer communication.

³⁷ <https://antislaverylaw.ac.uk/country/morocco/#:~:text=There%20appears%20to%20be%20no,in%20Morocco%20which%20prohibits%20servitude>.

3.3.2. Forced labor

Article 10 of the Moroccan Labor Code prohibits forced or involuntary labor.

3.3.3. Deceptive recruiting for labor or services

Morocco has no applicable laws.

3.3.4. Early and forced marriage

Morocco has committed to eliminate child, early, and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals.³⁸ Morocco is bound to observe the minimum age of marriage of 18 years old under the Convention on the Rights of the Child (1989) and to ensure a free and fully consented marriage under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.³⁹

However, according to Girls not Brides, a global partnership of over 1,500 member organizations working to end child marriage in more than 100 countries,⁴⁰ 14% of girls in Morocco are married before reaching 18 years old, and 1% are married before the age of 15.⁴¹ In early 2020, the Moroccan Minister of Justice announced that it had approved 81% of the 32,000 requests for marriage to children submitted in 2019.⁴² However, the risk of girls marrying before the age of 18 in Morocco is “less than half of what it was three decades ago.”⁴³ Other data from Morocco’s Ministry of Justice and Liberties shows that “the proportion of all marriages conducted in family courts that involve a minor has increased from 7.0 per cent in 2004 to 11.5 per cent in 2013.”⁴⁴ The reported data exclude undeclared marriages, which are numerous in Morocco.⁴⁵

3.3.5. Debt bondage

Morocco has no applicable laws.

3.3.6. Any other relevant offenses

Morocco has no other relevant slavery-like offenses.⁴⁶

³⁸ <https://indicators.report/targets/5-3/>.

³⁹ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

⁴⁰ <https://www.girlsnotbrides.org/about-us/how-we-work/>.

⁴¹ <https://atlas.girlsnotbrides.org/map/morocco/>.

⁴² Middle East Monitor, January 22, 2020, available at: <https://www.middleeastmonitor.com/20200122-2019-saw-more-than-30000-requests-for-marriage-to-minors-in-morocco/>.

⁴³ <https://atlas.girlsnotbrides.org/map/morocco/>.

⁴⁴ “Child Marriage in the Middle East and North Africa – Morocco Country Brief,” UNICEF Middle East and North Africa Regional Office in collaboration with the International Center for Research on Women (2017), available at: <https://www.unicef.org/morocco/media/181/file/Mariage%20des%20enfants%20au%20Maroc.pdf>.

⁴⁵ *Id.*

⁴⁶ <https://antislaverylaw.ac.uk/country/morocco/#:~:text=There%20appears%20to%20be%20no,in%20Morocco%20which%20prohibits%20servitude>.

3.3.7. Extraterritorial application of the offenses

The extraterritorial application of Moroccan laws is mainly based on Moroccan nationality. Refer to Section 3.2.2.

3.4. Human Trafficking/Smuggling-Related Criminal Offenses

3.4.1. International and domestic trafficking/smuggling of people

Morocco has not signed the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime. It has no domestic regulation making smuggling a criminal offense.⁴⁷

3.4.2. International and domestic trafficking in children

Section VI (Trafficking in Human Beings) of Law 27-14 punishes child trafficking. Article 448.1(2) provides: “[i]t is not necessary to resort to any of the means provided for in the first subparagraph above in order for the crime of trafficking in human beings to be considered to be committed in respect of children under the age of 18 years, provided that it is established that the aim pursued is the exploitation of the said children.”⁴⁸

3.4.3. Victim harboring

Article 448.1 of the Criminal Code modified by Article 1 of Law 27-14 includes in the definition of trafficking in human beings the acts of transporting, lodging, and hosting victims.

3.4.4. Extraterritorial application of human trafficking and smuggling offenses

Morocco has no special laws on this subject. However, according to Article 12 of the Criminal Code⁴⁹ and Articles 751 and 754 of the Criminal Procedure Code,⁵⁰ Moroccan law may generally apply to crimes that take place outside Morocco. In this sense, Article 751 of the Criminal Procedure Code provides:

“Any act qualified as a crime under Moroccan law and committed outside the Kingdom by a Moroccan may be prosecuted and judged in Morocco.

However, the prosecution or the judgment can only take place if [the Moroccan] has been finally judged abroad and, in the case of a conviction, the sentence has been served or is time-barred or a pardon has been granted.”

Article 752 of the Criminal Procedure Code further provides:

“Any act qualified as a crime under Moroccan law as well as under the legislation of the country where it was committed may be prosecuted and judged in Morocco, when its author is a Moroccan.

⁴⁷ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&clang=en.

⁴⁸ <https://antislaverylaw.ac.uk/country/morocco/#:~:text=There%20appears%20to%20be%20no,in%20Morocco%20which%20prohibits%20servitude.>

⁴⁹ <https://www.refworld.org/docid/54294d164.html>.

⁵⁰ http://www.vertic.org/media/National%20Legislation/Morocco/MA_Criminal_Procedure_Code.pdf.

The prosecution or trial may only take place under the conditions provided for in the second paragraph of the preceding article.”

3.4.5. Human organ trafficking

Unlawful organ removal and trafficking are criminalized in Law No. 16-98 relating to the donation, removal, and transplants of human organs and tissues enacted in 1999.⁵¹ Article 30 provides at paragraphs 1 and 2:

“Whoever proposes, by any means whatsoever, to organize or carry out a transaction for the removal of human organs, in violation of the provisions of Article 5 of this law, shall be punished by imprisonment of two to five years and a fine of 50,000 to 100,000 dirhams [AED 50,000 to AED 100,000].

Those who already carried out a transaction concerning a human organ are punished by the penalties provided for in the previous paragraph.”

3.5. Online Exploitation of Children Offenses

According to Article 503-2 of the Criminal Code, exploitation of minors in pornography “by any representation, by means whatsoever, of a real, simulated or perceived sexual act or any representation of the sexual organs of a child for purposes of a sexual nature, is punishable by imprisonment of one year to five years and a fine of ten thousand to one million dirhams [AED 10,000 to AED 1 million].” A similar sanction applies to whoever produces, distributes, publishes, imports, exports, exhibits, sells, or possesses similar pornographic materials.

When the perpetrator is a relative or a person in charge of the minor, the penalty is doubled. In addition to the destruction of the pornographic material, the judge may order, if necessary, the withdrawal of the convicted person’s license as well as the temporary or permanent closure of the convicted person’s premises.

These acts are punishable even if their elements are committed outside of Morocco.

3.6. Child Sex Tourism Offenses

Article 501 of the Criminal Code makes sex tourism an offense for persons of all ages.

4. MOROCCO’S SUPPLY CHAIN REPORTING LEGISLATION

Morocco has no legislation requiring private companies to monitor their supply chains to report or prevent human trafficking.

⁵¹ <https://www.sante.gov.ma/Reglementation/REGLEMENTATIONDESPRATIQUESMEDICALES/16-98.pdf>; see also “Don d’organes: La loi en vigueur a sécurisé le processus, et dissipé les méfiances,” October 17, 2019, available at: <https://www.maroc.ma/fr/actualites/don-dorganes-la-loi-en-vigueur-securese-le-processus-et-dissipe-les-mefiances>.

5. FORCED LABOR: OVERVIEW OF MOROCCO’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

Moroccan employment laws generally protect, but do not target, victims of forced labor and human trafficking.

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

Articles 10 and 12 of the Moroccan Labor Code prohibit forced labor; however, sanctions are limited to a fine.

The first paragraph of Article 467-2 of the Criminal Code penalizes exploitation and forced labor of children under fifteen years old: *“Without prejudice to more serious penalties, [such exploitation] is punishable by one year to three years in prison and a fine of five thousand to twenty thousand dirhams [AED 5,000 to AED 20,000], whoever exploits a child of less than fifteen years for the exercise of forced labor, acts as an intermediary, or causes this exploitation.”* Article 467-2(2) defines forced labor of a minor as *“the act of forcing a child to perform work prohibited by law or to perform work that is prejudicial to his or her health, safety, morals or education.”*

5.3. Statutory Rights

5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

The Moroccan Labor Code (2003) regulates employee’s rights to a legal minimum wage in Article 56 and Title V, Section II, Articles 356 and following.⁵² As of July 1, 2020, the legal minimum wage is AED 2,828.71 per month in industrial, commercial, and liberal professions. In the agricultural sector, the minimum wage is AED 76.70 (approximately USD 8.00) for a working day.⁵³ This increase is the result of a tripartite agreement between the Government, the General Confederation of Moroccan Enterprises, and the three main trade unions on 25 April 2019. The Code makes it a crime for any employer to offer a salary below the legal minimum wage.⁵⁴ Additionally, under Article 361 of the Labor Code, the court may order an employer to pay the amounts unjustly withheld from an employee.

5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

Moroccan law does not address misrepresentations and “sham” arrangements.

5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

Moroccan law does not address unlawful deductions, loans, and debt bondage.

⁵² <https://www.ilo.org/dyn/travail/docs/450/Maroc%20-%20Code%20travail.pdf>.

⁵³ <https://www.challenge.ma/hausse-du-smig-voici-ce-que-vous-devez-savoir-147751/>.

⁵⁴ We Count report, available at: <https://wecount.ma/fr/smig-maroc-2019-montant-du-smig-net-brut-et-horaire>.

5.3.4. Remedies

Employees who are paid less than the minimum wage can submit a claim court to recover the difference up to the minimum wage.

5.3.5. The well-being of workers: Rest time

Article 174 of the Labor Code grants women and juveniles a rest period of at least 11 consecutive hours between two days of night work. Article 188 states that, in cases of work shifts, employees may have a break not exceeding one hour during the daily eight hours. As per Article 205 of the Labor Code, employees must receive one rest day per week.

5.3.6. The well-being of workers: Freedom to change jobs and right to leave

Moroccan law gives everyone, including non-Moroccan citizens, the freedom to choose their workplace. In accordance with Article 31 of the Moroccan Constitution, everyone has the right to work.⁵⁵ The Preamble of the Law No. 65-99 related to the Labor Code (2003), grants everyone the right to choose and exercise professions freely, including the right to change employment:

“In accordance with the right to work provided for in the Constitution, any person having reached the age and wishing to obtain a job which he/she is capable of performing and which he/she is actively seeking to obtain, has the right to benefit free of charge from public services in the search for a decent job, requalification or training for a possible promotion.

Everyone has the right to a job suitable to his/her state of health, his/her qualifications and abilities. They also have the right to choose their work freely and to perform it throughout the national territory.”⁵⁶

Indeed, Article 1, which determines the scope of application of the Labor Code, is drafted in general terms, in a way that does not distinguish between Moroccan citizens and non-citizens:

“The provisions of this law shall apply to persons bound by an employment contract, regardless of the manner in which it is performed, the nature of the remuneration and the method of payment provided for therein, and the nature of the enterprise in which it is performed, in particular industrial, commercial and craft enterprises and agricultural and forestry operations and their dependencies.”

Also, Article 9 of the Labor Code promotes anti-discrimination measures in the implementation thereof and clearly sanctions discrimination based on nationality:

“Any violation of the freedoms and rights relating to the exercise of trade union activities within the company, in accordance with the laws and regulations in force, as well as any violation of the freedom to work with respect to the employer and employees belonging to the company, is prohibited. Discrimination against employees on the basis of race, color, gender, disability, marital status, religion, political opinion, trade union membership, national origin or social

⁵⁵ http://www.sgg.gov.ma/Portals/0/constitution/constitution_2011_Fr.pdf.

⁵⁶ <http://www.droit-afrique.com/upload/doc/maroc/Maroc-Code-1999-du-travail.pdf>. See also “Maroc. Le cadre juridique relatif à la condition des étrangers au regard de l’interprétation du juge judiciaire et de l’application du pouvoir exécutif” (2009), available at: <https://www.lacimade.org/wp-content/uploads/2009/02/ETUDE-GADEM-janv2009.pdf>.

origin, which has the effect of violating or altering the principle of equal opportunity or equal treatment with respect to employment or the exercise of a profession, is also prohibited, particularly with respect to hiring, conduct and distribution of work, vocational training, wages, promotion, granting of benefits, disciplinary measures and dismissal.”

However, to benefit from such protection, the worker, whether Moroccan citizen or not, is required to have a valid work permit delivered by the competent authorities pursuant to Articles 516 and 517 of the Labor Code.

5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness

Section VIII of the Labor Code applies to the employees who have suffered an accident at work or have an occupational disease. According to Article 265, “[t]he employer must grant annual leave with pay to an employee who has suffered an accident at work until his injury has been cured. The sums paid to the victim by way of daily allowance are not taken into account in the determination of the paid annual leave indemnity or the compensatory leave allowance.” If, after recovery, the victim of a work accident ceases to work for that employer, Article 266 provides that the employer shall pay the compensatory leave allowance at the same time as the last daily allowance. Failure to pay the compensatory leave allowance is sanctioned with fines from AED 300 to 500 under Article 268 of the Labor Code.

Articles 281 to 283 along with Articles 286 and 289 of the Labor Code require a clean and safe workplace. Employers must provide such conditions by making sure that all the sites are heated, ventilated, and lighted, as appropriate, and that the machines used meet the highest standards of security according to the ILO Convention No. 119 ratified by Morocco in July 1974.⁵⁷ Any employer failing to comply with these safety measures is subject to dismissal.⁵⁸

5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

Victims have limited access to justice in Morocco.⁵⁹ The government has significantly increased efforts to identify trafficking victims but it lacks appropriate victim protection services.⁶⁰ A key challenge is identifying victims and persuading them to report to the authorities the crimes perpetrated against them.⁶¹

Without an effective protective system, criminals can act against victims with impunity, knowing that their victims have no legal recourse or effective remedies; consequently, victims are deterred from seeking

⁵⁷The Guarding of Machinery Convention 1963 (No 119) available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C119,/Document.

⁵⁸U.S. Department of Labor Bureau of International Labor Affairs, Morocco Labor Rights Report, pages 24–26, available at: [https://ustr.gov/sites/default/files/files/agreements/FTA/Morocco/Morocco%20-%20LRR%20\(2004\).pdf](https://ustr.gov/sites/default/files/files/agreements/FTA/Morocco/Morocco%20-%20LRR%20(2004).pdf).

⁵⁹ Report of the Office of the United Nations High Commissioner for Human Rights Special Rapporteur on trafficking in persons, especially women and children, Visit to Morocco, April 2014, page 12, available at: <https://undocs.org/A/HRC/26/37/Add.3>.

⁶⁰ <https://www.state.gov/reports/2018-trafficking-in-persons-report/morocco/#:~:text=Moroccan%20men%2C%20women%2C%20and%20children,and%20emotional%20and%20physical%20abuse>.

⁶¹ “Take five: Morocco’s Anti-Trafficking Law and its link to migration,” December 11, 2019, available at: <https://www.unwomen.org/en/news/stories/2019/12/take-five-morocco-anti-trafficking-law-and-migration>.

help.⁶² To remedy this problem, the Office of the Public Prosecutor has developed a program aimed at training public prosecutors to identify the signs of human trafficking. With the support of UN Women, it has also launched a large public awareness campaign.⁶³

5.6. Interaction Between Employment Law and Migration

5.6.1. *Employment rights affected where employment is unlawful under migration law*

When the victims of forced labor are undocumented migrants, they are deemed illegal and subject to various immigration laws. Decree No. 1-03-196 (2003) for the adoption of the Law No. 02-03 addresses illegal emigration and immigration in Morocco.

Indeed according to Article 50 of Decree No. 1-03-196, other scenarios of illegal emigration, such as leaving without a permit or in a clandestine manner, are considered:

“Is punishable by a fine of 3,000 to 10,000 dirhams [AED 3,000 to AED 10,000] and by imprisonment of one month to six months, or six months, or one of these two penalties only, without prejudice to the provisions of the criminal code applicable in this matter, any person who leaves the Moroccan territory in a clandestine manner, using clandestine way, by using, at the time of crossing one of the terrestrial, maritime or air border posts, a fraudulent means to evade the presentation of the necessary official documents or the accomplishment of the formalities prescribed by the law and regulations in force, or by using falsified documents or by usurpation of name, as well as any person who enters or leaves the Moroccan territory through exits or places other than the border posts created for this purpose.”⁶⁴

Foreigners arriving in Morocco are required to present themselves to competent authorities with the necessary documentation.⁶⁵ Undocumented migrants may be subject to fines and penalties for failing to comply with Moroccan employment laws. In practice, however, most people with irregular migrant status are detained only when they breach the law and commit crimes.

Also, according to Articles 516 and 517 of the Labor Code,⁶⁶ illegal migrants (*i.e.*, migrants without a valid work permit) cannot claim rights under this law.

However, there are indications of awareness of the need for protection for illegal migrants. In 2012, the Council of the Community of Moroccans Abroad and the Institute for Public Policy Research in Rabat in collaboration with the Platform for International Cooperation on Undocumented Migrants (**PICUM**), organized in 2012 a workshop on the protection of the rights of illegal migrants in Morocco, in the framework of the project “Beyond irregularity.” The general opinion was clearly in favor of granting such

⁶² Report of the Office of the United Nations High Commissioner for Human Rights Special Rapporteur on trafficking in persons, especially women and children, visit to Morocco, April 2014, page 13, available at: <https://undocs.org/A/HRC/26/37/Add.3>.

⁶³ “Take five: Morocco’s Anti-Trafficking Law and its link to migration,” December 11, 2019, available at: <https://www.unwomen.org/en/news/stories/2019/12/take-five-morocco-anti-trafficking-law-and-migration>.

⁶⁴ <https://www.refworld.org/docid/3ae6b4ed5c.html>.

⁶⁵ <https://www.refworld.org/pdfid/514d77c22.pdf>.

⁶⁶ <http://www.droit-afrique.com/upload/doc/maroc/Maroc-Code-1999-du-travail.pdf>.

protection along with ensuring protection on the illegal migrants' basic needs. Indeed, the PICUM director stated that: “A worker is a worker is a worker; there is no such a thing as an illegal worker.”⁶⁷

Moreover, Article 1 of the Law 27-14, which amends Article 448.14 of the Criminal Code, provides that victims of trafficking will not be punished for any act committed under duress. Juvenile judges also have the authority to decide whether to prosecute a minor for illegal immigration.⁶⁸

It is not uncommon for the Moroccan authorities to conduct large-scale roundups of migrant workers, causing concern to Amnesty International and other similar international organizations. Some migrants are reportedly detained without due process, transported by bus to remote locations near the Algerian border, and abandoned there.⁶⁹

5.6.2. Rights/remedies available under applicable migration law and regulations

Refer to Section 7.

5.7. Employment Laws and Child Labor

According to Article 143 of the Moroccan Labor Code, the minimum age of employment is 15 years old. Chapter one of Title II of the Labor Code is devoted to the protection of minors and women. To protect children's lives, health, safety, or morals, this Chapter restricts the professions that minors can choose. Morocco has also ratified all key international conventions concerning child labor,⁷⁰ such as the ILO C.138, Minimum Age,⁷¹ the ILO C. 182, Worst Forms of Child Labour,⁷² and the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.⁷³

6. GOVERNMENT PROCUREMENT RULES

Morocco has no applicable laws.

7. RESTITUTION AND VICTIM COMPENSATION

Trafficked victims have limited access to the judicial process or support systems. Victims are legally entitled to receive protection and health-care services under the Law 27-14, which defines the State's responsibilities in the fight against trafficking. Those responsibilities include the availability of resources, protection, medical needs, psychological and social assistance, accommodation for victims, legal assistance,

⁶⁷ PICUM, “Un projet de régularisation pour les travailleurs sans papiers au Maroc”, 10 September 2012, available at: <https://picum.org/un-projet-de-regularisation-pour-les-travailleurs-sans-papiers-au-maroc/>.

⁶⁸ “Country Report Morocco – Protection and assistance to victims of human trafficking,” The Danish Immigration Service (2019), page 12, available at: https://www.ecoi.net/en/file/local/2018054/COI_report_morocco_protection_assistance_victims_of_human_trafficking_oct_2019.pdf.

⁶⁹ “Morocco: Relentless crackdown on thousands of sub-Saharan migrants and refugees is unlawful,” Amnesty International, September 7, 2018, available at: <https://www.amnesty.org/en/latest/news/2018/09/morocco-relentless-crackdown-on-thousands-of-sub-saharan-migrants-and-refugees-is-unlawful/>.

⁷⁰ https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Morocco.pdf.

⁷¹ https://www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138.

⁷² https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

⁷³ https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&lang=en.

rehabilitation, and voluntary return to country of origin.⁷⁴ Moreover, humanitarian organizations may file complaints on behalf of the victims of human rights violations. In practice, as there are no government-run assistance programs for victims, civil organizations such as churches provide shelter to trafficked persons.⁷⁵

8. MOROCCO'S MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

8.1. Overview

The most noticeable multi-disciplinary cooperation approach regarding human trafficking is the National Commission for the Coordination of Measures to Combat and Prevent Trafficking in Human Beings. Other initiatives created an Inter-Ministerial Delegation for Human Rights and entrusted various ministries and bodies with the authority to punish and prevent human trafficking.

8.1.1. *National Commission for the Coordination of Measures to Combat and Prevent Trafficking in Human Beings*

The National Commission for the Coordination of Measures to Combat and Prevent Trafficking in Human Beings (**National Commission**) was foreseen in Articles 6 and 7 of Law 27-14 (2016)⁷⁶ and put in place by Decree No. 2-17-740 (2018).⁷⁷

The National Commission is a key element of the country's efforts to address and prevent human trafficking. The National Commission defines policies, details an action plan, and evaluates the prevention and protection of victims. It is also in charge of establishing a database, developing educational programs, conducting research, and producing an annual report. Moreover, the National Commission is the coordinator between relevant authorities, national agencies, and international organizations.⁷⁸

The Head of Government or a government official appointed by the Head of Government for this purpose presides over the National Commission. The Commission consists of representatives of the following individuals and entities, among others:⁷⁹

⁷⁴https://www.ecoi.net/en/file/local/2018054/COI_report_morocco_protection_assistance_victims_of_human_trafficking_oct_2019.pdf.

⁷⁵ "Country Report Morocco – Protection and assistance to victims of human trafficking," The Danish Immigration Service (2019), page 20, available at: https://www.ecoi.net/en/file/local/2018054/COI_report_morocco_protection_assistance_victims_of_human_trafficking_oct_2019.pdf.

⁷⁶<https://adala.justice.gov.ma/production/legislation/fr/Nouveautes/Lutte%20contre%20la%20traite%20des%20C3%AAtres%20humains.pdf> (French version).

⁷⁷ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/107933/133139/F987710437/MAR-107933.pdf>.

⁷⁸ Articles 6 and 7 of the of Law 27-14, available at: <https://adala.justice.gov.ma/production/legislation/fr/Nouveautes/Lutte%20contre%20la%20traite%20des%20C3%AAtres%20humains.pdf> (French version).

⁷⁹ Other members are representatives of the following: the Government official in charge of Finances, the Government official in charge of Housing, the Government official in charge of Transports, the Government official in charge of Youth and Sports, the Government official in charge of Communications, the Government official in charge of Family, Solidarity, Equality and Social Development, the Government official in charge of Labor and Professional Integration, the Government official in charge of Relations with Civil Society, the Government official in charge of Moroccans Residing Abroad and Migration Affairs, the

- the Head of Government;
- the Government official in charge of Human Rights;
- the Government official in charge of the Interior;
- the Government official in charge of Foreign Affairs;
- the Government official in charge of the Justice System;
- the Government official in charge of Health;
- the Presidency of the Public Ministry; and
- the National Human Rights Council.

The Commission also includes two representatives of civil society associations that provide protection and assistance to victims of human trafficking. The Head of Government appoints these two representatives from a list proposed by Government authorities.

The Commission can submit proposals to the Government regarding prevention, awareness, deterrence, and protection mechanisms against human trafficking.⁸⁰

8.1.2. *The Inter-Ministerial Delegation for Human Rights*

The Inter-Ministerial Delegation for Human Rights is a government body established in 2011 to promote action in the field of human rights. It contributes to the elaboration and implementation of policies to protect and promote human rights.⁸¹ It also established the Inter-Ministerial Commission on Human Trafficking, which coordinates policy issues relating to trafficking in persons.

8.1.3. *Ministry of the Interior*

Along with agencies under its responsibility, the Ministry of the Interior coordinates operational issues. It principally provides assistance to victims, by uncovering and neutralizing trafficking networks and collaborating with other countries on these matters.⁸²

8.1.4. *Moroccan police*

In addition to its obligation to dismantle human trafficking criminal networks, the Moroccan police are responsible for the protection of human trafficking victims and the prevention of their incrimination, and training its forces and immigration officers on human trafficking issues.⁸³

Deputy President of the Superior Council of the Judicial Power, National Cooperation, the general staff of the police force, a representative of the General Directorate of National Security, and a representative of the Royal Gendarmerie.

⁸⁰ See website at: <https://www.didh.gov.ma/index.php/en/didh/about-us/>.

⁸¹ Report of the Office of the United Nations High Commissioner for Human Rights Special Rapporteur on trafficking in persons, especially women and children, visit to Morocco, April 2014, page 9, available at: <https://undocs.org/A/HRC/26/37/Add.3>.

⁸² *Id.*

⁸³ *Id.*

8.1.5. Directorate of Migration and Border Surveillance of the Ministry of the Interior

The Directorate of Migration and Border Surveillance was established in December 2003 to combat clandestine immigration. It cooperates with other nations and multinational organizations.⁸⁴ According to the Ministry of Interior, it discovered and dissolved 480 human trafficking operations in 2005, and in the first part of 2006, it broke up 120 human trafficking operations.⁸⁵

8.1.6. Ministry in Charge of Moroccans Living Abroad

The Ministry in Charge of Moroccans Living Abroad⁸⁶ works with diplomatic and consular missions abroad to protect the interests and rights of Moroccans living abroad, in particular those in difficult circumstances. Moroccan women living in the Gulf region need particular assistance and protection, since a considerable number have become victims of trafficking, forced labor, and sexual exploitation.⁸⁷

8.1.7. Ministry of Labor and Professional Insertion, the Labor Inspectorate

The Labor Inspectorate⁸⁸ monitors the use of child work and labor exploitation as well as human trafficking, and cooperates with the civil society organizations to achieve its goals. In 2018, it received a budget of approximately USD 213,860 to provide support to such organizations.⁸⁹

8.1.8. National Human Rights Council

The National Human Rights Council is an independent and pluralistic national institution established in 2011 to replace the pre-existing Consultative Council on Human Rights.⁹⁰ The Council is responsible for all matters relating to the protection of human rights standards. It prepares reports, makes recommendations to the government,⁹¹ drafts comments on human rights laws, and submits reports to UN treaty bodies.

8.1.9. College of Public Prosecutors

There are 42 prosecutors nationwide in the College of Public Prosecutors, and they are responsible for handling human trafficking cases brought before the judiciary in all 13 prefectures.⁹²

⁸⁴ *Id.*

⁸⁵ UN Women, Directorate of Migration and Border Surveillance, report available at: <https://evaw-global-database.unwomen.org/fr/countries/africa/morocco/2003/directorate-of-migration-and-border--surveillance>.

⁸⁶ See website at: <https://marocainsdumonde.gov.ma/>.

⁸⁷ Report of the Office of the United Nations High Commissioner for Human Rights Special Rapporteur on trafficking in persons, especially women and children, visit to Morocco, April 2014, page 10, available at: <https://undocs.org/A/HRC/26/37/Add.3>.

⁸⁸ *Le Matin*, “Pourquoi contacter l’inspection du travail” (2015), available at: <https://lematin.ma/journal/2015/pourquoi-contacter-l-inspection-du-travail/230482.html>.

⁸⁹ Refworld, UN Refugee Agency, “Trafficking in Persons Report – Morocco” (2018), available at: <https://www.refworld.org/docid/5b3e0ac84.html>.

⁹⁰ See website at: <https://www.cndh.org.ma/fr>.

⁹¹ Report of the Office of the United Nations High Commissioner for Human Rights Special Rapporteur on trafficking in persons, especially women and children, visit to Morocco, April 2014, page 10 available at: <https://undocs.org/A/HRC/26/37/Add.3>.

⁹² U.S. Dep’t of State, Trafficking in Persons Report (2019), available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/morocco/>.

8.1.10. Ministry of Tourism

The Moroccan Committee of Responsible Tourism, chaired by the Ministry of Tourism, adopted the Moroccan Charter of Responsible Tourism, in accordance with the Global Code of Ethics for Tourism.⁹³ The Charter reflects the need of protection and promotion of human rights in the tourism industry. It states that any form of exploitation, including sexual exploitation (in particular of children), undermines the fundamental objectives of tourism and should be punished.⁹⁴

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⁹³See website at: <https://mtataes.gov.ma/fr/tourisme/>.

⁹⁴ Report of the Office of the United Nations High Commissioner for Human Rights Special Rapporteur on trafficking in persons, especially women and children, visit to Morocco, April 2014, page 10, available at: <https://undocs.org/A/HRC/26/37/Add.3>.