

2013-08-16

Fråga-svar

Marocko. Asylprocess

Fråga

Har Marocko skrivit under Genevekonventionen?
Finns ett fungerande asylsystem i Marocko?
Finns det information om huruvida Marocko är ett säkert tredjeland?

Svar

US Department of State, *2012 Country Reports on Human Rights Practices*
- *Morocco*, 2013-04-19:

sid. 17-18

"Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The UNHCR registered 750 refugees and 2,292 asylum seekers. The increase in asylum seekers, nearly six-fold compared with 2011, was mainly due to 839 Syrian and 128 Malian citizens who entered the country during the year.

Access to Asylum: The country has not adopted national refugee legislation, nor has it established asylum procedures meeting international standards. It defers to the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases. In this void the UNHCR conducted refugee status erminations

and expected to continue this work in the future even as it sought increased involvement by the government. ...

Refugee Abuse: Refugees and asylum seekers as well as migrants were particularly vulnerable to abuse. UN Special Rapporteur Mendez noted during his September visit that "severe beatings, sexual violence, and other forms of ill-treatment" against migrants appeared to be on the rise. There were frequent reports of security forces brutalizing sub-Saharan migrants and of abuse by criminal gangs involved in human trafficking.

Access to Basic Services: Refugees were unable to obtain residence permits that would allow them access to the national health-care system and continued to have little access to the judicial system."

Euro-Mediterranean Human Rights Network (EMHRN), *Asylum and Migration in the Maghreb - Country Fact Sheet: Morocco*, December 2012:

sid. 7

"Despite the positive changes in recent years as reflected through a relative enhancement of press freedoms, changes to the family code to improve the rights of women, and a relatively improved human rights situation in the new millennium, the situation of migrants and refugees in Morocco remains difficult..."

"Thanks to the mobilization of Moroccan and international civil society actors, however, the struggle for the rights of migrants and refugees has been gaining momentum in the last several years and, while conditions remain extremely difficult, there have also been improvements. Marc Fawe, Director of external relations at the United Nations High Commissioner for Refugees (UNHCR), argued that their greatest accomplishment has been securing the right of non-refoulement for refugees in Morocco. This is a significant advancement, though the lack of an internal Moroccan institution to recognize refugees and the inability for them to obtain a residency permit continues to cripple their ability to work, their access to health care and their hope for a stable future.³⁷"

sid. 10

"Ratification of International Instruments
Convention of 1951/Protocol of 1967: Yes

- Morocco ratified the 1951 Geneva Convention on 07 November 1956, without reservation.

- It ratified the 1967 Protocol on 20 April 1971."

Sid. 19

"Several observers and players in the field have put forward the regional context to explain the current hold-up in introducing protection for refugees in Morocco. Despite the breaches of the rights of refugees and asylum seekers, the practices of Moroccan

authorities are more favourable to refugees than those in the other states of the Maghreb. Equally, the economic situation in Morocco offers certain opportunities that are not found in neighbouring countries. For these different reasons, Morocco is much more attractive than these neighbours, and the Moroccan authorities are aware of this. It would therefore seem that Morocco is reluctant to encourage this situation and to increase the flow of asylum seekers by improving the protection enjoyed by refugees.

sid. 26

"A.4. The Rights of Refugees and Asylum Seekers

Does the existing framework effectively protect the rights of refugees and asylum seekers? No

The legislative framework would allow, were it applied, the guarantee of the most fundamental rights of asylum seekers and refugees, especially the right of stay, access to health care, to education and to work under certain conditions. However, generally, the suspension of the activities of the BRA and the development of administrative practices in contradiction to Moroccan law entail serious violations of the fundamental rights of asylum seekers and refugees."

sid. 31

"B.1. Legal Entry and Stay

Is there any legislation which regulates entry, departure and stay in the country? Yes

• Decree n° 1-03-196 of 11 November 2003 adopting law n° 02-03 relating to the entry and stay of foreigners in the Kingdom of Morocco, and relating to illegal emigration and immigration (hereinafter "law 02-03")."

sid. 32

"Although this law has been in force for nine years, most observers agree that it remains little known by law enforcement officials and members of the judiciary (judges and lawyers). For example, some procedural documents in 2008 and 2009 cited laws and decrees repealed as far back as 2003.

Is there a ministry or government body responsible migration related issues? Yes

Direction de la Migration et de la Surveillance des Frontières
Ministère de l'Intérieur Quartier Administratif, Rabat"

sid. 37

"Expulsion cannot be made in the case of several categories of persons (stay in Morocco from the age of 6, stay of more than 15 years, legal stay of more than 10 years, a foreigner married to a Moroccan, a foreigner who is the father of a child with Moroccan nationality, anyone who has not been sentenced to more than one year in prison - Article 26). However, in the event of "overriding need for the security of the State and public safety", these guarantees can not be applied (Article 27)."

sid. 39

"Effects of these legal provisions on the rights of migrants and refugees:

- It would seem that in general these protective provisions have little effect on the rights of migrants, refugees and asylum seekers and this is because of their not being applied by the administration or the police."

sid. 49

"Several international associations (Caritas, MSF, CEI - the Evangelical Church...) have developed effective and coordinated humanitarian and material assistance programmes for refugees, asylum seekers, and illegal migrants. However these programmes are concentrated in Rabat and Casablanca although MSF does have one in Oujda. This geographical concentration corresponds to where the majority of migrants and refugees in Morocco have settled."

UD, *Mänskliga rättigheter i Marocko 2011*, 2012-06-30:

sid. 18

"20. Flyktingars rättigheter

Marocko har ratificerat 1951 års flyktingkonvention och 1967 års protokoll, men någon nationell asylprocedur finns inte. FN:s flyktingkommissariat (UNHCR), som fick rättslig status i Marocko först 2007, har i stället gjort bedömningar rörande flyktingstatus. De marockanska myndigheterna tolererar att personer, som getts flyktingstatus av UNHCR, vistas tillfälligt i landet, men de får inga uppehållstillstånd. Principen att ingen får återsändas till ett område där han eller hon har välgrundad fruktan för att råka ut för örföljelse eller omänsklig behandling tillämpas. Relativt få flyktingar söker fristad i landet. Marocko är framför allt ett transitland för personer från söder om Sahara, som – liksom många marockaner – försöker ta sig till Europa. Många befinner sig illegalt i Marocko under kortare eller längre tid och har på senare år kommit att utgöra ett allt större socialt problem. Förhandlingar mellan EU och Marocko förs kring ett återtagandeavtal. Marocko erkänner inte återtagandeansvar i fråga om tredjelandsmedborgare."

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

Euro-Mediterranean Human Rights Network (EMHRN), *Asylum and Migration in the Maghreb - Country Fact Sheet: Morocco*, December 2012, <http://www.refworld.org/docid/514d77c22.html>

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