Policy paper

Forced migrants in Morocco and Melilla

A. Introduction

From 3 to 8 March 2014, JRS Europe visited Nador in northern Morocco and the Spanish enclave Melilla. The visit was organised by the Delegación de migraciones in Nador and extremely profited from their assistance. Following is what we learned from contacts with migrants and interviews with NGOs during this visit.

B. Morocco

1. General observations: Despite reforms, a « politique de sécurité » persists

On 9 September 2013, the Moroccan government announced that the King had approved in general new migration policies. They included new legislative projects and an exceptional regularisation campaign for irregular migrants. Following this announcement, efforts have been made to set up institutions that would facilitate the regularisation of irregular migrants. This process is still on-going. Regularisation is currently the focus of official activities. Many migrants, especially women, do not know much about the new regularisation policies. The Moroccan Conseil national des droits de l’homme (CNDH) and the Conseil des Migrants Subsahariens au Maroc, however, have intensified their information campaigns.

The Parliament is currently debating proposals for legal changes including a new law on asylum and refugees.

Irregular migrants are no longer be ‘dumped’ in the desert at the border to Algeria. Instead they find themselves in a ‘circle’: From, e.g., the hospital they might be handed over to the local Commissariat de police, from there transferred to Rabat and then practically left to their own resources without any sort of assistance. Some Moroccan NGOs have dubbed this policy ‘forced displacements’ (déplacements forcés) within the country. Very often, the migrants return to the places near the borders and wait for another chance to go to Europe.
Especially migrants who have tried to enter Ceuta or Melilla but were detained by the Moroccan police are transferred to Rabat. They are often simply abandoned at the bus station. Many of them end up requesting support from Caritas, whose capacities are overstretched. The situation is described as very tense between the local migrant’s communities and the new arrivals. Indeed Caritas decided to close the project temporarily in order to calm down the general situation.

In Oujda, the raids against migrants have stopped. The city is still perceived as a place of transit where migrants would rather wait for a chance to get to Europe. Many hide in the forests in order to not be brought to Rabat. Many migrants decide to go to Oujda to wait until they get money to go to Nador and try to cross the border. From Oujda they can easily cross the border to Algeria to work a bit and save some money. Oujda is perceived by migrants as a place to rest where the police is less hostile than in northern Morocco.

Generally migrants have access to free public health care. For negotiating with the hospitals and the purchase of medicine they do, however, very much rely on NGOs like the Delegción de migraciones in Nador or Médécins sans frontières in Oujda. Neither in Oujda nor in Nador any sufficient psycho-social or judicial help is available especially for victims of domestic and/or gender-based violence (be they Moroccans or migrants).

Integration is still difficult, especially because of the high rate of unemployment among Moroccans. Additionally, a striking example is that in Nador a migrant, even if s/he has the proper documents, is confronted with many difficulties when trying to rent an apartment. Many landlords would refuse renting out to migrants, not in all cases because of racism but rather because of fear of the authorities. Also taxi drivers often refuse to transport migrants. There is, therefore, the need of more elaborated integration policies. However, as one NGO representative has put it: « La politique marocaine c’est une politique de sécurité. ». Nevertheless, negotiations between the EU and Morocco on a readmission agreement are reportedly on-going.

2. The Gougourou forest and the Selouane mountains

In this forested area between Nador and Melilla migrants hide from the Moroccan police and wait for an opportunity to get to Europe. JRS Europe met with more than 80 migrants, all sub-Saharan Africans, among them many women and children of all ages (including babies) who were clustered in a sort of national ‘communities’ with a ‘leader’ (or ‘ami’) each. Some of the migrants had been (severely) injured, others report head or stomach aches. They were evidently very ill-equipped for life in the forest, some of them only wearing flip-flops, a soccer dress and no warm clothing. The migrants staying in the proper Gougourou
forest were generally the poorest and waiting there for a possibility to try to climb the fence at the border to Melilla. Other communities stayed a bit more far away with more children and women. They were waiting for boats (‘zodiacs’) to cross the Mediterranean Sea.

3. **The Hôpital Hassani in Nador**

This is a big public hospital where reception is free of charge. At the time of our visit, the hospital had 3 sub-Saharan African migrants from the Gougourou forest as patients (from Cameroun and Gabon). All of them showed severe injuries, e.g. head wounds and broken arms. With regard to clothing and other needs, they were taken care of by the Delegación de migraciones.

Migrants who are released from the hospital either return to the Gougourou forest and wait for another chance to go to Europe, or go to Casablanca or Rabat for getting support of national communities there. They do not want to stay in Nador because there they have no real opportunity to establish themselves, even if their residence status is regularised. Especially sub-Saharan African migrants fear to be apprehended on the streets by the police and ‘disappear’.

C. **The situation in Melilla**

⚠️ Please note that this section describes the situation at the time of our visit which was before the very recent mass-influx into the two Spanish enclaves.

The atmosphere at the border crossing point was very tense and aggressive. Some NGOs stated that because of the indiscriminate violence (beatings with batons) used by the Spanish border police or the Moroccan Auxiliary Forces to disperse protests, even for Spanish nationals the crossing of the border can become dangerous.

In the Centro de Estancia Temporal de Inmigrantes (CETI) of Melilla which, at the time of JRS Europe’s visit, had a capacity of 480 places, about 1,200 asylum-seekers were accommodated. They were mainly from sub-Saharan Africa, but also about 200 from Syria. Despite of the rising numbers there, most of the asylum-seekers had to stay in the CETI Melilla and were not transferred to the Spanish mainland which caused a lot of frustration. Melilla and Ceuta are excluded of the Schengen area and therefore migrants cannot freely travel to the Spanish mainland. Only recently small numbers have been transferred to Sevilla. According to law, the asylum-procedure should not extend 6 months, but in practice the length can be somewhere between 3 months and 3 years. However, the local
organisations described the living conditions in the CETI as good, despite that they were overcrowded. Migrants received shelter, food and health care in the centre and could leave it freely during opening hours (9-19h). Spanish NGOs were allowed to provide different kind of services in the centre.

The number of unaccompanied minors in Melilla had increased lately. The majority among them was originating from Morocco, with the percentage of sub-Saharan Africans being on the rise. The capacity of the local institutions (120 places) was not adequate to the actual number of minors (280 persons). The minors were mainly accommodated in two different centres: the boys at ‘La Purisima’, a centre managed by a private enterprise, and the girls were accommodated in the ‘Divina Infantita’ College, managed by a religious congregation, as well as in the ‘La Gota de Leche’ centre.

D. Conclusion: A Shift in Responsibilities

The European approach towards border control has shifted responsibility for the protection of those in need to lie solely in the hands of the countries at their borders, countries which at times lack the resources or willingness to provide such protection.

The authorities and organisations providing support for migrants in Morocco face a number of challenges due to the increase in number of people getting stuck there for a long period of time. This situation has also created complicated dynamics for the migrant and host populations, both still coming to terms that Morocco is increasingly becoming a country of long-term stay rather than of transit. Indeed, migrants find themselves facing the possibility of living several years in a country where they have very few rights and where they are looked down upon by the local population. It is, therefore, evident that Morocco, at least for the time being, can not be considered a safe place for forced migrants who are in need of protection.

Meanwhile people keep on risking their lives despite being aware of the danger of the sea crossing towards Europe and the amount of lives at lost attempting the crossing.

The EU and its member states respond by further closing their external borders and intensifying cooperation on migration management – preventing immigration to Europe – especially with the Moroccan authorities.

The Spanish-Moroccan agreement of 1992 on the readmission of irregular migrants is still in place, and the European Commission is currently negotiating a similar agreement with Morocco on behalf of the entire EU. Refugee protection does not rank high on these
agendas. Yet it is important that long term durable solutions are sought that first and foremost ensure the respect for human rights of forced migrants. The responsibility to find such solutions should lie with the international community as a whole and should not be a game of shifting responsibilities onto others due to their geographical location along the migration route. The protection of human lives must be higher up on the list of political priorities, even when dealing with the lives of those stuck in transition.

E. Recommendations:

1. To the EU Institutions and Member States

   • To set up mechanisms that effectively ensure the proper identification of persons in need of protection at the external borders and that the necessary protection is granted.

   • To ensure that readmission and other cooperation agreements with third countries, be they concluded by the EU or a Member State, contain effective human rights guarantees protecting the fundamental rights of all migrants including their economic, social and cultural rights.

   • To monitor forced returns to countries with which readmission and other cooperation agreements are made in order to ensure that the human rights of returnees are protected.

   • To immediately stop forced return to a third country if the human rights of migrants are not effectively protected.

   • To organise independent oversight of border actions to ensure that human rights and access to asylum are respected.

   • To provide UNHCR and other organisations with financial and other support, and to ensure that their projects are adequately funded.

   • To undertake the resettlement of vulnerable persons with international protection stuck in North African countries as well as in Mauritania and Senegal.

2. To the Government of Morocco

   • To continue with the implementation of the new policies announced in September 2013 and to grant a safe residence status to all persons who are recognised as being in need of protection, either by the national authorities or by UNHCR.
• To implement laws they have already enacted or to amend the national legislation in order to ensure the respect and fulfilment of all human rights, including the social rights, of all migrants be they legally or irregularly staying in their territories.

• To put into place measures, controls and awareness raising necessary to ensure that rights are respected in conformity with the international laws signed by Morocco.

• To put into place legal oversight of authorities’ actions in respect to the treatment and respect of the rights of migrants.

• To give instructions to the relevant law enforcement authorities (including border guards and the Moroccan Auxiliary Forces) that ensure the proper respect of the rights of every individual and the abolishment of the ‘forced displacement’ within Morocco.

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