



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### List of issues prior to submission of the second periodic report of Morocco\*

#### Part I

##### A. General information

1. Please provide information on the national legal framework regarding the Convention, including:

(a) Laws regarding the protection of migrant workers and members of their families and on migration policies under the Convention;

(b) Measures taken by the State party to comply with the recommendation made in the Committee's previous concluding observations by harmonizing its legislation with the Convention, in particular Act No. 02-03 of 11 November 2003 on the entry of foreign nationals into Morocco and their residence in the country, illegal emigration and immigration (para. 10), and the two bills on migration and asylum: bill No. 72.17 on the entry and residence of foreigners and on migration, and bill No. 66.17 on asylum and the conditions under which it is granted;<sup>1</sup>

(c) The existence and scope of bilateral and multilateral agreements concluded with other countries concerning the rights of migrant workers and members of their families under the Convention. Please specify how these agreements protect migrant workers' rights in transit and destination countries, particularly with regard to detention, repatriation, expulsion and family reunification procedures. Please provide information on any measures taken to strengthen the protection of Moroccan migrant workers abroad, including by reviewing or amending these bilateral and multilateral agreements.

2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party, including the national strategy on immigration and asylum adopted in 2014. Please include information on specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on the resources allocated for the implementation of these goals and targets and the results obtained.

3. Please provide information on the government ministry or public body responsible for intergovernmental coordination of the implementation of the Convention in the State party, including information on the staffing and resources available to it and monitoring activities and follow-up procedures. Please provide information on the mandate of this ministry or

\* Adopted by the Committee intersessionally on 11 February 2021.

<sup>1</sup> Unless otherwise indicated, paragraph numbers in brackets refer to the Committee's previous concluding observations (CMW/C/MAR/CO/1).



body and on the resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

4. Please provide qualitative information and statistical data, disaggregated by sex, age, nationality and migration status, on labour migration flows to and from the State party, including returns, other labour migration-related issues and unaccompanied children and children left behind by migrant parents. Please also provide qualitative and statistical data – or, if precise data are not available, data based on studies or estimates – on migrant workers in an irregular situation in the State party and abroad, in particular those working in less regulated sectors such as agriculture and domestic service. In addition, please provide information on measures taken by the State party to establish a coherent and comparable system of data collection on these issues, including measures aimed at making the information public. Furthermore, please inform the Committee about the financial and human resources that will be allocated for the running of the African Observatory for Migration and Development and the mechanisms that will be established to promote coordination, cooperation and the exchange of data and information between this Observatory and the National Migration Observatory.

5. Please provide information on the human, technical and financial resources made available to the National Human Rights Council and the activities carried out by the State party to raise awareness among the public in general, and migrant workers in particular, of the services provided by this institution and the right to submit a complaint directly to it.

6. Please provide information on the measures taken by the State party to promote and publicize the Convention and to increase awareness and understanding of its provisions among the general public, migrant workers, members of migrant workers' families, employers, teachers, health workers, public officials (including embassy and consulate staff), law enforcement officials, border guards, the judiciary, members of civil society and media professionals (para. 18). Please state whether the media promote the Convention and, if so, how they do so and what impact this engagement has on the situation of migrant workers entering and leaving the State party.

7. Please describe any measures taken by the State party to promote training programmes on the rights of migrant workers and members of their families, including awareness-raising activities on gender issues and the rights of the child aimed at officials providing legal and consular assistance to Moroccans abroad (para. 18). In particular, please provide information on training related to migration and associated issues such as discrimination, labour abuse and exploitation, arrest, provisional detention, immigration detention, imprisonment, deportation and repatriation.

8. Please provide information on the cooperation and interaction between the State party, civil society organizations and other social partners whose work relates to the rights of migrant workers under the Convention (para. 18). Please indicate whether and how the representatives of civil society organizations and other stakeholders are involved in the preparation of the replies to the present list of issues.

9. Please provide information on the existence of private employment agencies in the State party that recruit migrant workers to work abroad and on the laws, rules and regulations pertaining to private recruitment, in particular on:

(a) Measures taken to provide information and training to migrant workers on their rights and obligations and to protect them against abusive employment situations;

(b) The role and responsibilities of recruitment agencies and their joint responsibility with the employer abroad for claims and liabilities that may arise in connection with issues addressed in employment contracts, in particular wages, disability compensation, repatriation and death, including the repatriation of the bodies of deceased migrant workers;

(c) Whether recruitment agencies provide life, disability or workers' compensation insurance to migrant workers for work-related injuries and death;

(d) Information relating to the issuance and renewal of licences for such employment agencies;

(e) Information on complaints lodged against recruitment agencies, labour inspections conducted and penalties and sanctions imposed in cases of non-compliance with the law;

(f) Measures taken by the State party to strengthen mechanisms to regulate and supervise private employment agencies and to avoid situations where such agencies act as intermediaries for foreign recruiters that use improper practices.

## **B. Information relating to the articles of the Convention**

### **1. General principles**

10. Please indicate whether the provisions of the Convention have been directly applied by officials in the administration. Please provide information on, and examples of, judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

(a) The judicial and administrative entities competent to examine and decide on complaints by migrant workers and members of their families, including migrant domestic workers and workers in an irregular situation (para. 36);

(b) The number and type of complaints examined by such entities in the past five years and their outcome, disaggregated by sex;

(c) Whether legal assistance was provided to the interested parties;

(d) Any redress, including compensation, provided to the victims of violations of Convention rights;

(e) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

11. Please provide information on restrictions placed on the full exercise of the rights of migrant workers and members of their families in the face of the coronavirus disease (COVID-19) pandemic, including restrictive measures taken at borders as far as their entry or exit from their countries of origin, transit or destination are concerned. Please also provide information on measures taken in relation to the voluntary return of such persons to their countries of origin in the context of the pandemic. Please outline the measures taken to ensure that the pandemic does not affect the processing of asylum applications or migration procedures, including with regard to the suspension of procedures. Please describe efforts taken on behalf of migrant workers and members of their families to:

(a) Include them in national pandemic prevention and response plans, especially when it comes to ensuring access to a vaccine;

(b) Ensure their access to health-care services;

(c) Apply the necessary health measures to prevent the spread of infection and maintain the desired level of health protection at their workplaces;

(d) Prevent infections in detention centres and provide health-care services to those who have been infected;

(e) Ensure that families of migrant workers who have died of the disease are informed of their deaths and receive their remains;

(f) Protect their rights and mitigate the pandemic's adverse effects in the light of the joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants, published by the Committee and the Special Rapporteur on the human rights of migrants.<sup>2</sup>

<sup>2</sup> <https://www.ohchr.org/Documents/Issues/Migration/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>.

## 2. Part II of the Convention

### Article 7

12. Please indicate whether national legislation, in particular the Constitution and the Labour Code, ensures that all migrant workers and members of their families enjoy the rights established in the Convention, without distinction of any kind, and whether such legislation covers all the prohibited grounds of discrimination enumerated in the Convention (arts. 1 (1) and 7), including sex, language, national, ethnic or social origin, nationality, age, economic status, property, marital status and birth or other status. Please also provide information on all tangible and effective steps taken by the State party to ensure non-discrimination, protection of labour rights and gender equality in all matters relating to migration policy, both in law and in practice, particularly for migrant workers of sub-Saharan origin (para. 20).

## 3. Part III of the Convention

### Articles 8–15

13. Please provide information on legislation concerning domestic workers and its effective implementation to protect migrant domestic workers, including those in an irregular situation and women in particular, from any form of exploitation. Please clarify whether the law provides for the following (para. 36):

(a) Labour inspections to monitor the working conditions of migrant domestic workers;

(b) Fines and other penalties for employers who exploit migrant domestic workers or subject them to forced labour or abuse, especially in the informal economy;

(c) Access to effective mechanisms to file complaints against employers and to prosecute and punish those who are responsible for abusive practices.

14. In addition, please provide information on the measures taken to bring national legislation into compliance with the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

### Articles 16–22

15. Please specify whether immigration-related offences are criminalized in the State party (para. 26). Please describe the due process safeguards in place, including access to a lawyer and an interpreter in situations involving the investigation, arrest, detention or deportation of migrant workers and members of their families for immigration-related offences. Please provide information on places of detention for non-citizens and the conditions in which they are held, including: (a) whether they are separated from convicted criminals or persons detained during criminal proceedings; and (b) whether measures are taken to protect detained women, including measures to ensure that women and men who are not members of the same family are kept separate in places of detention. Please provide information on the monitoring systems in place to ensure that observers have access to sites where migrants are deprived of their liberty.

16. Please describe the measures taken to ensure that the obligation set out in article 16 (7) of the Convention concerning contact with the consular or diplomatic authorities of the State of origin of a detained migrant worker or members of his or her family is implemented in law and in practice. Please include information on specific due process safeguards for unaccompanied children in migration-related administration procedures.

17. In the light of the information received by the Committee that migrants in irregular situations are subjected to physical and psychological violence, including sexual violence, extreme violence and life-threatening violence at the hands of security services and criminal groups in the State party, please provide information on measures taken to combat abuse and exploitation of migrant workers and members of their families, including those in an irregular situation (para. 28).

18. In the light of the information received by the Committee that the State party expels migrant workers in an irregular situation and members of their families, including unaccompanied children, to Algeria and Mauritania, in violation of the principle of non-refoulement, please provide information on expulsions or cases of collective or arbitrary expulsion. Please also provide information on the legal grounds on which migrant workers may be expelled from the State party. Please describe the steps taken by the State party to ensure that its migration control procedures respect the rights of vulnerable persons, such as unaccompanied children. Please also indicate whether migrant workers may challenge expulsion decisions and whether such remedies have suspensive effect (para. 32).

19. Please provide information on border control measures, including the procedures applicable to migrant workers and asylum seekers arriving at the State party's borders; please include information on reception facilities and measures taken to ensure that the State party deals with requests for protection in a manner that complies with the principle of non-refoulement (para. 34).

20. Please provide information on measures taken to ensure that, in proceedings related to immigration, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are afforded due process (with legal assistance and interpretation services, if required) and access to information in a language that they understand. Please provide information on measures taken to ensure that migrant workers and members of their families are not expelled from the State party unless in accordance with a decision taken by a competent authority, following a procedure established by law and in accordance with the Convention, and that this decision can be reviewed on appeal. Furthermore, please provide updated information, including disaggregated statistical data, on migrant workers and their families who are undocumented or in an irregular situation and who have been, or are about to be, expelled.

### **Article 23**

21. Please provide detailed information on policies and practices related to the assistance and protection provided by the State party's embassies, consulates and labour attachés to Moroccan nationals working abroad, including those in an irregular situation (para. 46).

22. Please indicate whether migrant workers and members of their families in the State party have effective access to the protection and assistance of the consular or diplomatic authorities of their State of origin, in particular in cases of abuse, arrest, detention or expulsion. Please also indicate how migrant workers who are deprived of their liberty are informed of this right, especially in cases of expulsion from the State party.

### **Articles 25–30**

23. Please indicate whether national labour laws and regulations relating to remuneration and working conditions (for example, working hours, overtime, weekly rest, paid holidays, safety, health, the termination of work contracts and the minimum wage) are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and whether the conditions enjoyed by Moroccan nationals apply on an equal basis to migrant workers in regular and irregular situations.

24. Please describe the conditions of access to health care for migrant workers, including those in an irregular situation and members of their families, and the type of care provided, particularly with respect to emergency medical care (para. 30) and free childbirth services for migrant women in public hospitals. Please provide information on the National Strategic Plan on Health and Immigration (2017–2021) and its outcomes. Please describe the measures taken to protect migrant prisoners during the COVID-19 pandemic and state whether persons have been released as a safeguard measure, whether the number of persons in detention facilities has been reduced and whether the country has temporarily stopped placing persons in migrant detention centres owing to concerns about the infection spreading in these facilities.

25. Please provide information on measures taken to ensure that children of migrant workers have full access to education and attend school, irrespective of their migration status

(para. 40) and nationality. Please also provide information on measures taken to ensure that schools are not obliged to report the immigration status of children to the authorities.

26. Please provide information on the measures taken by the State party to ensure the right of children of Moroccan migrant workers abroad, including children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality recognized in law and in practice. Please also provide information on the measures taken to ensure the birth registration of foreign migrant children in the State party (para. 38).

#### **4. Part IV of the Convention**

##### **Article 40**

27. Please provide information on measures taken to guarantee to migrant workers and members of their families the right to form, and be part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention.

##### **Article 41**

28. Please provide information on the measures taken by the State party to ensure that Moroccan migrant workers and members of their families living abroad may exercise their right to vote and participate in public affairs and their right to be elected to public office in the State party (para. 42).

#### **5. Part VI of the Convention**

##### **Article 67**

29. Please provide information on cooperation programmes in place between the State party and relevant States of employment, in particular Algeria, for the voluntary return of Moroccan migrant workers and members of their families to the State party when they decide to return or when they are in an irregular situation in the State of employment (para. 44). Please provide information on cooperation programmes established between the State party and relevant States of employment to provide adequate financial support for the resettlement and reintegration in the State party of migrant workers in a regular situation.

30. Please provide information on measures taken to facilitate the reception and reintegration of migrant workers and members of their families upon their return to the State party, including the outcome of the Assisted Voluntary Return and Reintegration Programme of the International Organization for Migration in Morocco for migrants in distress.

##### **Article 68**

31. Please provide information on measures taken by the State party, including through international, regional and bilateral cooperation with countries of origin, transit and destination, to prevent and combat the trafficking and smuggling of migrants, in particular women and children, and on the human, technical and financial resources that the State party allocates for such measures. In particular, please provide information on the following (para. 48):

- (a) Act No. 27-14 of 25 August 2016 on combating trafficking in persons;
- (b) Trafficking in persons, including disaggregated data on the number of reported cases of trafficking and the steps taken to systematically collect such data;
- (c) The efforts made to effectively and impartially investigate all acts of trafficking in persons and to prosecute and punish the perpetrators, specifying the number of judgments issued in connection with this offence, the number and types of convictions handed down and the reparations awarded to victims;
- (d) Prevention campaigns, particularly in the border areas where victims of trafficking are most numerous, and the human, technical and financial resources available for their implementation.

32. With regard to the prevention and combatting of migrant trafficking and smuggling, please also provide information on:

- (a) The human and financial resources allocated to the National Commission for the Coordination of Measures to Combat and Prevent Trafficking in Persons;
- (b) The establishment of shelters and programmes to help victims rebuild their lives, including measures taken to assist their physical, psychological and social recovery;
- (c) Training in the prevention of trafficking provided to law enforcement officers, members of the judiciary, labour inspectors, teachers, social workers, health-care providers, embassy and consulate staff and border guards;
- (d) The measures taken to protect victims of trafficking from arrest, detention and forced relocation or deportation.

### **Article 69**

33. Please provide information on any measures taken to comply with article 69 of the Convention by ensuring that migrant workers and members of their families in an irregular situation in the State party are able to regularize their situation, in particular the campaigns to regularize the status of migrants in Morocco conducted from 2014 to 2017.

## **Part II**

34. The Committee invites the State party to provide information (in no more than three pages) regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws and their implementing regulations;
- (b) Institutions (and their mandates) or institutional reforms;
- (c) Policies, programmes and action plans covering migration, and their scope and financing;
- (d) Recent ratifications of human rights and other relevant instruments, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97);
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

## **Part III**

### **Data, official estimates, statistics and other available information**

35. Please provide, if available, disaggregated statistical data and qualitative information for the last three years (unless indicated otherwise) on:

- (a) The volume and nature of migration flows to and from the State party since the Convention entered into force in the State party;
- (b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party and are detained abroad in States of employment, and whether such detention is immigration-related;
- (c) Migrant workers and members of their families who have been expelled from the State party;
- (d) The number of unaccompanied migrant children or migrant children separated from their parents in the State party;
- (e) The number of migrant workers and their families infected with severe acute respiratory syndrome coronavirus 2, the number vaccinated against COVID-19 and the number who have died as a result of COVID-19, disaggregated by sex, age and nationality;

- (f) Remittances received from nationals of the State party working abroad;
- (g) Reported cases of trafficking in migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking);
- (h) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.

36. Please provide any additional information on any important developments and measures to implement the Convention that are considered a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

37. Please submit an updated core document in line with the harmonized guidelines on reporting (HRI/GEN/2/Rev.6). In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.

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