



Maghreb A safe region?

No country can be deemed « safe ». That is the spirit of the Convention relating to the Status of Refugees which provides for the individual examination of each asylum claim: each personal situation is unique and no country is free from malfunctioning or human rights violations including in the Maghreb or within the European Union (EU).

To label a country as a “safe country of origin” suggests that there is no general risk of persecution and that the state of law is respected. A “safe” country can also be categorised as a “safe third country” where asylum-seekers who have transited through the said country may be returned there because their asylum procedure is in line with international and European refugee law standards. The notion of safety as an examination tool can have dire consequences on asylum-seekers’ rights (see analysis): accelerated procedures, non-suspensive appeals, claim likely to be rejected if not inadmissible in the case of safe third countries.

The AEDH, EuroMed Rights, and the FIDH are opposed to the use of the notion of « safety ». On 13 May 2016, the German Bundestag has given its approval to the listing of Maghreb as “safe” countries of origin. This policy development was preceded, in early 2016, by the conclusion of agreement with Algeria, Morocco and Tunisia so as to facilitate the readmission of rejected asylum seekers originating from these countries.

Out of the 28 Member States of the EU, only 12 have a national “safe countries of origin” list; only Bulgaria has listed Algeria as a safe country of origin and no other Member State has deemed Algeria, Morocco or Tunisia as such so far.

The degree of respect for civil liberties and individual freedoms directly impact on the situation of nationals, refugees and migrants. This factsheet gives an overview of the situation in Algeria, Morocco and Tunisia in specific domains, some of which are in direct link with the rights of refugees and asylum-seekers. It is by no means an exhaustive picture of the human rights situation, nor does it get into the specifics of each of the three countries.

CIVIL LIBERTIES AND INDIVIDUAL FREEDOMS

• *Restrictions to freedom of association and assembly*

Freedom of association is greatly hampered in Algeria, including for independent trade-unions which are prevented from registering and whose leaders are constantly harassed by the authorities.

In Morocco, freedom of association is guaranteed by the constitution but has recently been restricted (registration of civil society organisations denied; meetings banned) despite appeals before administrative courts which have condemned such decisions by the authorities.

In Tunisia, since the revolution, freedom of association is hardly ever questioned.

• *Restrictions to the right to protest:*

In Algeria, restrictions are as important as those imposed on freedom of assembly; hindrance to the right to protest is also noted in Morocco, often through disproportionate use of force.

• ***Restrictions to freedom of the press***, media often being the only able to unveil human rights violations. 2016 ranking by [Reporters Without Borders](#) :

- Tunisia : 96th
- Algeria: 129th
- Morocco : 131th

• ***Criminalisation of homosexuality in Algeria, Morocco, and Tunisia*** targeting all people (nationals or foreigners): imprisonment and fines.

• *Unauthorised exit of the territory is prohibited and sanctioned by law (imprisonment and fines), be it for nationals and foreigners, in breach of the international right to leave any country including one's own* in Algeria (law 09-01 of 25 February 2009), in Morocco (law 02-03), and in Tunisia (law No. 2004-6 of 3 February 2004).

• *Instances of torture and ill-treatment have been documented* with varying degrees of severity in each of the three countries ; none of these acts have been sanctioned, with no exception.

OBSTACLES TO THE RIGHT TO SEEK ASYLUM AND VIOLATIONS OF MIGRANTS' RIGHTS

• *No asylum law in Algeria, Morocco or Tunisia:* if, for some time, Morocco had delegated the Geneva Convention refugee status determination procedure to the UNHCR, the High Commissioner is not in charge any more. Despite the regularisation process, which only Morocco conducted in 2014-2015, access to work, to health care, to accommodation and to education is not taken care of except by civil

society in all three countries. Asylum seekers do not have access to an independent body to determine whether they are eligible to the refugee status; they have no access to their basic economic and social rights either.

• *Impunity enjoyed by perpetrators of racist attacks against migrant and refugee communities, especially Sub-Saharan people:* two violent attacks in Ouargla and Bechar-Colombe in Algeria in March 2016, without an investigation being commissioned in the latter case (dozens of injured persons and several fatalities); a young Cameroonian woman was beaten and raped in Oran in November 2015: she was denied access to the hospital and to the registration of her complaint; no investigation was conducted either after the death of a young Senegalese man following racist attacks in Tangier (September 2014) ; police violence at the border enjoy full impunity (Morocco/Spain ; Algeria/Morocco ; Tunisia/Algeria)

• *Mass arrests by law enforcement authorities and administrative detention (no trial) of migrants including when in a regular situation, and collective expulsions* (Morocco, Tunisia, Algeria)

Further information

[AEDH, EuroMed Rights, FIDH: Safe countries: a denying the right to asylum, May 2016](#)

Algeria

[Note](#) on the situation of human rights in ALgeria, EuroMed Rights, January 2016

EuroMed Rights [on Algeria](#)

FIDH on Algeria
<https://www.fidh.org/en/region/north-africa-middle-east/>

Collective of the Families of the Disappeared in Algeria (CFDA)
<http://www.algerie-disparus.org/>

Algerian League for the Defence of Human Rights (LADDH) <http://www.la-laddh.org/>

Publications by the National Autonomous Trade-Union of Public Officials (SNAPAP):
www.jcalgerie.be (french)
www.jcalgerie.biz (arabic)

Morocco

FIDH on Morocco
<https://www.fidh.org/en/region/north-africa-middle-east/>

EuroMed Rights [on Morocco](#)

Association Marocaine des Droits Humains
<http://www.amdh.org.ma/ar>

[Letter and recommendations](#) of EuroMed Rights on the occasion of the EU-Morocco Association Council (December 2015)

Tunisia

[Address](#) by 46 Tunisian and international NGOs opposing the anti-terror law [in FR]

[Advocacy for a reform](#) of the laws pertaining to migrants, foreigners and to nationality in Tunisia, by EuroMed Rights/CeTuMA, December 2014 [in FR]

EuroMed Rights [on Tunisia](#)

FIDH on Tunisia
<https://www.fidh.org/en/region/north-africa-middle-east/>

Tunisian Organisation of Democrat Women
<http://femmesdemocrates.org.tn/>

Committee for the Respect of Liberties and Human Rights in Tunisia
<https://www.facebook.com/crldhtunisie>

Tunisian Forum for Economic and Social Rights
<http://ftdes.net/>

Tunisian League for Human Rights
<https://www.facebook.com/ldh.tn/>



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