

**Official Gazette # 6501
Dated September 19th, 2016.**

Royal Edict # 1.16.127, dated August 25th, 2016, implementing law # 27.14 on combating trafficking in persons

Praise be to God.

It shall be known from this Royal Edict that we, by virtue of the provisions of the Constitution, mainly Articles 42 and 50 thereof, hereby order the following:

It shall be published, and thus implemented, in the Official Gazette the following law # 27.14 on combating trafficking in persons, as approved by the House of Representatives and the House of Councillors.

Issued in Rabat, on August 25th, 2016.

Signed by delegation
Head of Government: Abdelilah BENKIRANE

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Law # 27.14
On combating trafficking in persons

Article I

The provisions of section seven of chapter one of part three of the penal code, approved by Royal Edict # 1.59.413, dated November 26th, 1962, shall hereby be completed by the following subsection.

**Subsection 6
On trafficking in persons**

Article 448-1

The term “trafficking in persons” shall mean the recruitment, enticement, transportation, transfer, harbouring, or receipt of a person, or being a mediator thereto, by means of use of force, threat of use of force, or all other forms of coercion, abduction, fraud, deception; or abuse of power, office or authority; or taking advantage of a position of vulnerability or poverty; or giving or receiving of payments, benefits, or advantages to obtain consent of a person having control over another person for the purpose of the exploitation of the latter.

However, if the intended exploitation is well established, it shall be considered as trafficking in persons even if it does not involve any of the means provided for in the first paragraph herein if the person subject of such exploitation is a child who has not yet attained 18 years of age.

The term “exploitation” includes all forms of sexual exploitation, especially exploitation of the prostitution of others, and exploitation through pornographic materials including via communication means and technological communication. It shall also include exploitation in the form of forced labour, peonage, beggary, slavery, slavery-like practices, removal and sale of organs and tissues of human origin, or exploitation by means of conducting experiments of medical research on the living, or using a person in crime or armed conflicts.

In furtherance to the above, robbing persons from their free will, their human dignity and depriving them from changing their situation by any means possible shall be considered as exploitation even if they receive payment therefore.

For the purpose of the law herein, peonage shall mean all works or services forcibly imposed upon a person by means of threat, and not voluntarily choosing to do them. Peonage shall not mean works imposed by compulsory military service or due to a penal condemnation, or works or services imposed in a situation of emergency.

Article 448-2

Without prejudice to the severest penal provisions stipulating otherwise, trafficking-in-persons offense shall be punishable with imprisonment of five to ten years and a fine of 10,000 to 500,000dirhams.

Article 448-3

Without prejudice to the severest penal provisions stipulating otherwise, trafficking-in-persons offense shall be punishable with imprisonment of 10 to 20 years and a fine of 100,000 to 1 million dirhams, in the following cases:

1. If the commission of the offense was by means of death threat, injury, torture, detention or defamation;
2. If the perpetrator was carrying an apparent or hidden weapon;
3. If the perpetrator is a public official using his position to commit the offense or facilitate its commission;
4. If the victim subject to exploitation of trafficking in persons suffered permanent disability or incurable physical, psychological or mental illness;
5. If the offense was committed by two perpetrators or more, whether as the main perpetrators of the offense or accomplices thereto;
6. If the perpetrator habitually commits such an offense;
7. If the commission of the offense was against several people altogether.

Article 448-4

The offense of trafficking in persons shall be punishable with imprisonment of 20 to 30 years and a fine of 200,000to 2 million dirhams, in the following cases:

1. If the offense was against a minor not having attained 18 years of age;
2. If the offense was against a person in a difficult situation due to his age, illness, disability, physical or mental deficiency; or against a pregnant woman, whose pregnancy is apparent or known to the perpetrator;
3. If the perpetrator is the husband of the victim, or one of the victim's ascendants or descendants, or victim's legal guardian, or foster guardian or a person charged with the care of the victim;

Article 448-5

Without prejudice to the severest penal provisions stipulating otherwise, trafficking-in-persons offense shall be punishable with imprisonment of 20 to 30 years and a fine of 1 to 6 million dirhams if the crime was committed by a gang, or if the offense was committed within a transnational context or led to the death of the victim.

The above punishment shall be increased to life sentence if the commission of the offense was by means of torture or atrocities.

Article 448-6

Shall be punished with a fine of 1 to 10 million dirhams any legal entity committing the offense of trafficking in persons, without prejudice to the punishments applicable to the natural person representing, managing or working for the legal entity.

In furtherance to the above, the court shall order the dissolution of the legal entity and the application of the preventive measures provided for in Article 62 of the law herein.

Article 448-7

Shall be punished with imprisonment of 1 to 5 years and a fine of 5000 to 50,000 dirhams any person who, being aware of the offense of trafficking in persons or of its potential occurrence, did not report it to the competent authority.

Notwithstanding the above paragraph, shall be exempted from the punishments provided for therein the perpetrator's spouse, ascendant or descendant who abstained from reporting such offense.

Article 448-8

Shall be punished with imprisonment of 1 to 5 years and a fine of 5000 to 50,000 dirhams any person who used or threatened to use violence, or enticed with any benefit any person for the sole purpose as to prevent such person from giving testimony or evidence; incite such person to give false testimony, declaration or statement, or abstain from providing evidence required by and to any appropriate authority at any time the offense of trafficking in persons is being investigated or pursued.

Article 448-9

Shall be punished with imprisonment of 1 to 5 years and a fine of 5000 to 50,000 dirhams any person who intentionally jeopardized any victim or witness of trafficking in persons by

disclosing such victim's or witness' identity or place of residence, or by obstructing the measures taken for the protection of such victim or witness.

“Victim of trafficking in persons” shall mean any natural person, Moroccan or foreigner, proven to have incurred any material or moral damage resulting directly of trafficking in persons as defined herein.

Article 448-10

Shall be punished with imprisonment of 1 to 5 years and a fine of 5,000 to 50,000 dirhams any person who benefits, despite person's awareness of the offense of trafficking in persons, from any service or advantage or work provided by any victim thereof.

This punishment shall be doubled if the victim of trafficking in persons is a minor not having attained eighteen (18) years of age.

Article 448-11

Any attempt to commit any of the offenses provided for in this subsection shall be punishable with the punishments determined for the accomplished crime.

Article 448-12

Shall be exempted from punishment provided for herein any offender who reported to the law enforcement what offender's knows about the offense of trafficking in persons before its commission or occurrence, or helped in preventing its commission or occurrence.

Upon consideration of the reporting circumstances, the reporting offender might be exempted from punishment or may benefit from mitigation of punishment if offender enabled the appropriate authority during investigation to capture the other offenders. Such exemption or mitigation of punishment shall not be applicable if the offense of trafficking in persons led to victim's death, permanent disability or incurable physical, psychological or mental illness.

Article 448-13

Subject to the rights of bona fide third parties, shall be confiscated in favour of the Public Treasury all properties and equipments used or were to be used in, or generated by, the commission of trafficking in persons offenses.

In furtherance to the above paragraph, the court shall order the publication, posting or broadcasting, through audio-visual channels, of its decision of condemnation.

Article 448-14

The victim of trafficking in persons shall not assume any civil or criminal responsibility of any act committed by such victim under threat, if the act is directly linked to the fact that the person is personally a victim of trafficking in persons. However, the victim shall assume the civil and criminal responsibility if s/he committed a criminal act of free will without being under any threat.

Article II

The provisions of law # 22.01 on criminal procedures, approved and implemented by Royal Edict # 1.02.255, dated October 3rd, 2002, shall hereby be completed by Article 82-5-1 hereunder.

Article 82-5-1

In case of offense of trafficking in persons, the victim and victim's identity, nationality and age shall immediately be identified throughout all phases of investigation, questioning and trial.

The appropriate authorities may order the suspect or the accused not to contact or approach the victim of trafficking in persons.

The appropriate authorities may also authorize the foreign victim to remain within the territory of the kingdom until the trial has come to an end.

The provisions provided for in the second and third paragraphs herein shall also be applicable to witnesses, experts and whistleblowers of the offense of trafficking in persons.

Article III

Shall be completed as follows the provisions of Article 82-7 of law # 22.01 on Criminal Procedures:

Article 82.7

The Crown Prosecutor may, regarding cases of....., money laundering, or *trafficking in persons*, or any offense provided for in Article 108 of the law herein.....

(The rest shall remain unchanged).

Article IV

Up to the resources available, the State shall provide protection, health care and social and psychological support to victims of trafficking in persons. It shall also guarantee them with temporary place of shelter and the necessary legal aid; and facilitate not only their reintegration in the social life or their voluntary return to their country of origin or residence if they are foreigners.

Article V

Notwithstanding any other legislative provision stipulating otherwise, specifically the provisions of law # 23.86 on the organization of legal fees in criminal affairs, implemented by Royal Edict # 1.86.238, dated December 31st, 1986, victims of trafficking in persons shall be exempted from the payment of legal fees required when filing any civil action for compensation regarding the damage they might have incurred as a result of the offense.

Victims of trafficking in persons or their right holders shall also benefit from the legal aid in each action, including actions of appeal. Such legal aid shall extend to cover all procedures regarding the execution of court's orders.

Article VI

A national commission for the coordination of procedures to be taken to combat and prevent trafficking in persons (hereinafter the “**Commission**”) shall be established within the Head of Government's Cabinet.

Article VII

The Commission shall have the following functions:

1. Present to the government any proposal it judges appropriate for the establishment of a public policy and a national action plan to combat trafficking in persons, monitor its development and protect the victims thereof. The commission shall follow up and evaluate the implementation of such policy and plan with the involvement of appropriate bodies;
2. Propose different forms of coordination and cooperation that could be established between appropriate authorities and international organizations, national and international NGOs working on combating and preventing trafficking in persons;
3. Propose necessary measures to be taken to support civil society associations regarding their projects for provision of protection and assistance to victims of trafficking in persons, and the prevention thereof;
4. Prepare or contribute to the establishment of a database where information relating to prohibition and prevention of trafficking in persons could be collected;
5. Adopt programs of education and training, continuous training, awareness rising and communication on combating trafficking in persons for all relevant sectors, bodies and organizations;
6. Propose the conduction of studies and research on combating trafficking in persons and make the results thereof available to the relevant authorities and bodies;
7. Propose guidelines on trafficking in persons;
8. Prepare an annual national report on the efforts extended in the field of combating and prevention of trafficking in persons and the obstacles and constraints relative thereto;
9. Monitor for new aspects of trafficking in persons.

The Commission may be consulted during the drafting of legislative and regulatory texts on combating trafficking in persons.

The formation and management of the Commission shall be determined by a regulatory text.