REPORT ON THE HUMAN RIGHTS SITUATION IN NORTH AFRICA

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Theme of the African Union 2019
Refugees, returnees, displaced persons and asylum seekers: towards sustainable solutions to forced displacement in Africa

INTRODUCTION
Over the last ten years, crises of all origins and conflicts have led to a high rate of population displacement on the continent. The situation of refugees, returnees, displaced persons and asylum seekers in the North Africa region remains one of the most critical to date.

In particular, we have recorded cases in some of the countries that make up North Africa.

ALGERIA

RIGHTS OF REFUGEES OR MIGRANTS
From April to June, a group of 25 Syrian refugees, including 10 children, remained stuck in the buffer zone between the Moroccan desert and Algeria. In June, the Algerian authorities announced that they would allow them to enter Algeria and allow the Office of the United Nations High Commissioner for Refugees (UNHCR) to help them. However, they subsequently refused to allow them to enter an unofficial crossing point. The refugees remained stuck in the desert until Morocco gave them protection.

Between August and December, the authorities carried out, on the basis of ethnic profiling, the arbitrary arrest and forced eviction of more than 6,500 migrants from various countries in sub-Saharan Africa to the neighboring states of Niger and Mali. In February, 27 people, including Algerian nationals, who tried to leave Algeria by sea were convicted of illegal exit by an Annaba court. They were fined 20,000 Algerian dinars each (approximately US $ 180).
LYBIA

DISPLACED PERSONS

40,000 former residents of Tawargha town, not far from Misratah, had been internally displaced for six years. In June, a political agreement was signed by the mayor of Misratah, the local council of Tawargha and the president of the Misratah-Tawargha Reconciliation Commission, in the presence of Prime Minister Fayez Sarraj, with the stated aim of allowing the former inhabitants of this city to return.

This agreement, however, did not contain any provision regarding accountability for past actions. Three days later, a group of tawargha families tried to return to the city, but they were threatened and intimidated at a checkpoint held by residents of Misratah, and had to return to Tripoli. By the end of the year, no progress had been noted regarding the return of the Tawarghas or the implementation of this agreement.

MIGRANTS, REFUGEES OR ASYLUM SEEKERS

Migrants, refugees and asylum seekers were routinely and systematically subjected to serious human rights abuses in detention centers and at the hands of the Libyan coastguard, smugglers and armed groups. Some were detained after being intercepted at sea by the Libyan coastguard as they tried to cross the Mediterranean to reach Europe.

It was estimated that some 20,000 people were held in detention centers run by the Directorate for Combating Illegal Migration (DCIM), a branch of the GUN Ministry of the Interior. Conditions of detention were appalling, with extreme overcrowding, lack of medical care and food, and systematic torture and other ill-treatment, including sexual violence, beatings, and extortion.

DCIM controlled between 17 and 36 official centers, but several thousand unlawful places of detention throughout the country were in the hands of armed groups and criminal gangs that were involved in the lucrative trafficking of human beings. In November, the broadcast by the American television channel CNN of a video showing apparently a sale of enslaved migrants caused a wave of indignation around the world.

Libyan legislation continued to criminalize illegal entry and stay in the country, as well as the illegal exit of the territory by foreigners, and still did not contain provisions governing the...
right of asylum. In November, the Office of the United Nations High Commissioner for Refugees (UNHCR) announced that it had reached an agreement with the Libyan authorities providing for the temporary accommodation of people from a transit center who needed international protection.

However, no progress had been noted with respect to the memorandum of understanding that would lead to official recognition of UNHCR's activities in Libya. The International Organization for Migration (IOM) counted 416,556 migrants in Libya at the end of September. UNHCR reported that as of 1 December 44,306 people were registered as refugees or asylum-seekers in Libya. However, the actual number of refugees was probably much higher. IOM continued its program of support for "voluntary return"; 19,370 people, often from detention centers, were able to return to their country of origin during the year. Notably, UNHCR began evacuating refugees and asylum seekers; 25 people were transferred to Niger for resettlement in France in November, and 162 in Italy in December.

EGYPT

RIGHTS OF REFUGEES OR MIGRANTS

This year, asylum seekers and refugees were again arrested, detained and expelled for entering or leaving the country illegally. Between January and April, the immigration services returned at least 50 asylum seekers from Eritrea, Ethiopia and Sudan, including young children, to their country of origin without allowing them to benefit from legal assistance and contact the Office of the United Nations High Commissioner for Refugees (UNHCR). The forcible return of Eritrean asylum-seekers, like that of Ethiopian or Sudanese nationals with good reason to fear persecution in their country, constituted "repression". In July, the authorities carried out a roundup among Chinese students, targeting mainly those belonging to the Uyghur ethnic minority; they arrested at least 200 of them and deported at least 21 men and one woman to China, in violation of Egypt's "non-refoulement" obligations.
MOROCCO AND WESTERN SAHARA

RIGHTS OF REFUGEES OR MIGRANTS

Morocco did not pass asylum legislation, but still allowed refugees access to basic rights and basic services, including education. Refugee claimants and refugees registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) have received documents protecting them against "refoulement" (forcible return to a country where they are at risk of serious human rights violations), without a decision being taken on their final status. Twenty-five Syrian refugees were abandoned for three months in the buffer zone on the border with Algeria, before the authorities granted them protection in July. Security forces continued to participate in summary deportations of migrants and asylum seekers from the Spanish enclaves of Ceuta and Melilla to Morocco, as well as to use excessive or unjustified force against them.

MAURITANIA

RIGHTS OF REFUGEES OR MIGRANTS

In its March report, the UN Special Rapporteur on Torture expressed concern over the collective expulsions of migrants and irregular refugees, who were often abandoned just after the border with Senegal in the south of the country, indicating that such expulsions could contravene the principle of "non-refoulement". During a visit to Nouakchott in a place of detention where irregular migrants were detained, the rapporteur found that the 20 to 30 detainees had no sanitary facilities and did not have enough room for them to lie down or even to sit down to sleep.