

Western Sahara

MODERATE ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

In 2013, Morocco, which controls most of the territory of Western Sahara, made a moderate advancement in efforts to eliminate the worst forms of child labor in Western Sahara. The Government of Morocco initiated its Integrated Public Policy on the Protection of Children, a key phase of its National Plan of Action for Children. The Government continued to invest in education in the region through the Tayssir cash assistance program and to extend services provided by the second phase National Initiative for Human Development Support Project to Western Sahara. However, evidence suggests that children continue to engage in child labor. The Government of Morocco lacks a national coordinating mechanism to combat all worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Limited evidence suggests that children in Western Sahara are engaged in child labor.(1) In general, there has been a lack of research to understand the extent of child labor in Western Sahara.




Data on key indicators on children’s work and education are not available from the sources used in this report.

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.(2) The Popular Front for the Liberation of the Polisario Front, a Sahrawi national liberation movement, controls 15 percent of the territory, and information on the laws applicable in this area is unavailable.(1, 3, 4)

Morocco has ratified all key international conventions concerning child labor and those conventions extend to the areas in the Western Sahara administered by the Moroccan government (Table 1).

Table 1. Ratification of International Conventions on Child Labor

Convention		Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The Government of Morocco has established relevant laws and regulations related to child labor that extend to Western Sahara (Table 2).

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 143 of the Labor Code of 2004 (5)
Minimum Age for Hazardous Work	Yes	18	Article 147 of the Labor Code of 2004 (5)
List of Hazardous Occupations Prohibited for Children	Yes		Hazardous Child Labor List; Decree no. 2-10-183 (6-8)
Prohibition of Forced Labor	Yes		Article 10 of the Labor Code of 2004 (5, 9)
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 503 of the Penal Code (9)
Prohibition of Using Children in Illicit Activities	Yes		Hazardous Child Labor List; Decree no. 2-10-183 (6-8)

Table 2. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Royal Decree of 9 June 1996 (10)
Compulsory Education Age	Yes	15	Law No. 04-00 (11)
Free Public Education	Yes		Law No. 04-00 (11)

* No conscription or no standing military.

Children in the informal sector do not have the same legal protections as children working in the formal sector. The Labor Code does not apply to those who are self-employed, work in private residences (including domestic workers), or work in traditional artisan or handicraft sectors for businesses with fewer than five employees, which leaves children working in these sectors unprotected by the law.(5, 12, 13)

The Labor Code allows children under the age of 15 to perform certain types of agricultural work and children ages 16 and 17 to perform agricultural work at night, potentially exposing children involved in this exempted agricultural work to hazardous labor.(5)

The Labor Code's prescribed penalties for employing children younger than age 18 in hazardous work include fines or jail time between 6 days and three months. The ILO Committee of Experts notes that the fines imposed on companies for employing children are inadequate to act as an effective deterrent.(13).

The Government participated in two workshops during the reporting period to draft additional trafficking provisions in the Penal Code that would add further protections for victims of human trafficking.(2)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government of Morocco has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms that extend to Western Sahara (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Employment and Social Affairs' (MOESA) Child Labor Task Force	Enforce child labor laws and oversees programs on child labor. Employ labor inspectors in 51 sectors nationwide; one inspector in each sector is dedicated to child labor.(2, 14)
The Ministry of the Interior	Enforce prohibitions on prostitution and other exploitive crimes involving minors as established in the Penal Code.(14)
Ministry of Justice (MOJ)	Prosecute criminal offenses against children, such as commercial sexual exploitation and child trafficking.(14)
MOJ's Child Labor Units	Process cases involving women and children once in the court system.(2)

Law enforcement statistics do not specify the specific region in which actions were taken to combat child labor, including in its worst forms. Therefore it cannot be determined which actions were conducted specifically in Western Sahara.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 4).

Table 4. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Ministry of Solidarity, Women, Family and Social Development (MSWFSD)	Coordinate the implementation of the National Plan of Action for Children (PANE) (2006–2015). Establish continuity of child protection efforts, increase access to education and eliminate child labor. (14, 15)
The National Observatory for Children's Rights	Register complaints related to child welfare and refer them to the labor inspectorate units and to the general law enforcement officials. Operate a toll-free telephone number available to child victims of violence, including commercial sexual exploitation. Operate specific units for women and children victims of violence in hospitals.(2) Operate 75 Child Reception Centers that provide services to child victims of violence, sexual abuse, or neglect.(16)
MOESA, Office for the Fight Against Child Labor	Provide some guidance and limited funding to NGOs working against child labor.(2)

Although the Government has a mechanism to coordinate its anti-trafficking efforts, it does not have a body to coordinate nationwide efforts to combat other forms of child labor.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Morocco has established policies related to child labor, including its worst forms that extend to Western Sahara (Table 5).

Table 5. Policies Related to Child Labor

Policy	Description
MSWFSD's National Plan of Action for Children (PANE)* †	Establishes policies that promote children's health, protection, civic participation, and education. Supported by UNICEF.(14, 15) Promotes the Integrated Public Policy on the Protection of Children, an interdisciplinary approach to: analyze the scope of services that prohibit, prevent, and respond to abuse, exploitation, and violence against children; and define responsibilities by coordinating mechanisms to improve access, regional coverage, and impact of services.(2)
United Nations Development Assistance Framework (UNDAF)	Addresses education, health, and socio-economic development in an effort to alleviate poverty. Plan includes a focus on equal access to education for vulnerable children.(18)

* The impact of this policy on child labor does not appear to have been studied.

† Policy was launched during the reporting period.

During the reporting period, progress on the legislative and institutional front was slowed due to the breakup of the governing coalition and related ministry restructuring.(2)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Morocco funded and participated in programs that include the goal of eliminating or preventing child labor, including in its worst forms that extend to Western Sahara (Table 6).

Table 6. Social Programs to Address Child Labor

Program	Description
National Initiative for Human Development Support Project Phase II (INDH2)*	\$100 million World Bank-funded Government program that increases access to basic services, such as schools; provides enhanced income-earning opportunities, such as micro-credit for women; and supports improved participation at the local level, to assure sustainability.(19) Western Sahara receives more funding per capita under the INHD program than does Morocco proper.(20, 21)
Tayssir Conditional Cash Transfer Program*‡	Ministry of National Education and Vocational Training (MONEVT) program that provides direct cash transfers, between \$7 and \$16 a month, to qualifying families provided the children meet school attendance criteria. Aims to increase school enrollment and reduce dropout rates, particularly in rural areas.(14, 22-24)
National Vocational Programs*‡	MONEVT program that provides education and training and specific programs that address factors that contribute to the reduction of child labor.(2)
Non-formal education programs*‡	MONEVT program that offers vocational training and alternative education programs to assist school dropouts to re-enroll in school. Has enrolled a number of working children, including child domestics. During the 2012/2013 school year, 63,488 children enrolled, of whom 30,282 were girls.(16)
Social Welfare Program*	Part of the UNDAF, addresses education, including equal access to education, especially for vulnerable children. Also addresses health and socio-economic development of children.(2)

Table 6. Social Programs to Address Child Labor (cont)

Program	Description
High Commission for Planning	A division of the Minister of Planning and Development of the National Territory that conducts annual labor surveys, which include the collection of data on the number of children younger than age 15 who work.(25-27)

*The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Morocco.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Western Sahara (Table 7).

Table 7. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Recommended
Laws	Approve legislation to prohibit children under the legal working age from employment in the handicraft sector and to regulate apprenticeships in traditional sectors.	2009 – 2013
	Ensure that relevant child labor laws and regulations apply equally to children working in the formal and informal sectors.	2013
	Amend legislation to increase the penalties for those who employ children under age 18 in hazardous work.	2012 – 2013
Enforcement	Disaggregate enforcement data for Western Sahara and publish information on the number of investigations and prosecutions and the amount of penalties imposed for violations of child labor and child exploitation laws.	2013
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2012 – 2013
	Conduct a needs assessment to determine the extent of child labor in Western Sahara.	2013
Policies	Conduct study to measure the impact of previous education plans and the impact of PANE in Western Sahara.	2013
Social Programs	Assess the impact that existing programs may have on child labor.	2013

REFERENCES

- U.S. Department of State. "Western Sahara," in *Country Reports on Human Rights Practices- 2012*. Washington, DC; April 19, 2013; <http://www.state.gov/documents/organization/204600.pdf>.
- U.S. Embassy- Morocco. *reporting, January 16, 2014*.
- Central Intelligence Agency. *The World Factbook: Western Sahara*, CIA, May 2, 2013 [cited 2014]; <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>.
- Álvaro Longoria. "Sons of the Clouds, The Last Colony," 2012; Documentary;
- Government of Morocco. *Le nouveau code de travail*, enacted 2004. <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>.
- ILO Committee of Experts. *Individual Direct Request concerning Abolition of Forced Labour Convention, 1957 (No. 105) Morocco (ratification: 1966) Published: 2011*; accessed December 1, 2013; <http://www.ilo.org/ilolex/english/iloquery.htm>.
- U.S. Consulate- Casablanca. E-mail communication to USDOL official. January 14, 2013.
- Morocco. *List of Hazardous Occupations Prohibited for Children*, Decree no. 2-10-183 enacted November 16, 2010.
- U.S. Embassy- Tunis. *reporting, December 8, 2010*.
- Coalition to Stop the Use of Child Soldiers. "Morocco and Western Sahara," in *Child Soldiers Global Report 2008*. London; 2008; http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary Total*. [accessed February 4, 2013]; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- International Trade Union Confederation. *Internationally Recognised Core Labour Standards in Morocco: Report for the WTO General Council Review of the Trade Policies of Morocco (Geneva, 24 to 26 June 2009)*. Geneva; June 2009. http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf.
- ILO Committee of Experts. *Observation concerning Minimum Age Convention, 1973 (No. 138) Morocco (ratification: 2000) Published: 2012*; accessed October 26, 2012; <http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:20010:0::NO:::>
- U.S. Consulate- Casablanca. *reporting, January 30, 2013*.
- Embassy of the Kingdom of Morocco. *Submission to 2013 TDA*; 2014.
- U.S. Consulate- Casablanca. *reporting, January 30, 2013*.
- Embassy of the Kingdom of Morocco Washington DC official. Fax communication to USDOL official. February 3, 2012.
- UNDAF. *Plan Cadre des Nations Unis pour Aide au Développement UNDAF 2012-2016*. Action Plan. Rabat; 2011. http://www.un.org.ma/IMG/pdf/UNDAF_2012-2016.pdf.
- World Bank. *MA-National Initiative for Human Development 2*. Washington, DC; 2012. <http://www.worldbank.org/projects/P116201/ma-national-initiative-human-development-2?lang=en>.

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20. Moroccan American Center for Policy, Government of Morocco. *Morocco's Commitment to the Economic and Social Development of the Sahara*. Rabat; 2012. [source on file].
21. U.S. Consulate- Casablanca. E-mail communication to USDOL official. March 20, 2013.
22. Touahri, S. "USAID, Morocco pleased with ALEF education project" magharebia.com [online] July 7, 2009 [cited July 15, 2013]; http://magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2009/07/07/feature-01.
23. Siham, A. "Education Assistance Pays off in Morocco." magharebia.com [online] October 31, 2012 [cited July 15, 2013]; http://magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2012/10/31/feature-04.

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24. ILO Committee of Experts. *Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001) Published: 2013*; accessed December 1, 2013; <http://www.ilo.org/ilolex/english/iloquery.htm>.
25. UNICEF Rabat official. Interview with USDOL official. February 14, 2013.
26. ILO-IPEC Rabat official. Interview with USDOL official. February 20, 2013.
27. Government of Morocco. "Morocco," in *Observations on the Report of the U.S. Department of Labor on the Worst Forms of Child Labor*. Rabat; November 8, 2012;