

Western Sahara

In 2011, Morocco made a minimal advancement in efforts to eliminate the worst forms of child labor in Western Sahara. During the reporting period, the Government of Morocco provided training on child labor to enforcement officials. Although the Moroccan-controlled territory is subject to the 2004 Labor Code, there are exemptions that compromise its effectiveness. The latest draft bill to protect domestic servants and a separate draft bill to prohibit child labor in traditional artisan or handicraft sectors were not yet adopted. Some evidence suggests that children in Western Sahara continue to engage in the worst forms of child labor, particularly in dangerous forms of agriculture.

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some evidence suggests that children in Western Sahara are engaged in the worst forms of child labor in dangerous forms of agriculture.(1) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful chemicals.(2) Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.(1) Part of the country is controlled by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario Front), a Sahrawi national liberation movement, and information on the laws applicable in this area is unavailable.

In the Moroccan-controlled territory, the minimum age for employment is 15, as established by the Labor Code of 2004. The Labor Code also limits the number of hours that children younger than age 16 can work.(3) However, agricultural or seasonal activities may be exempt from these restrictions for children ages 15 to 16.(3) The Labor Code prohibits hazardous activities for children younger than age 18, although children working on family farms are not protected by the provisions of the Labor Code.(3) The Ministry of Employment and Professional Training updated its list of occupations that qualify as “hazardous work” for children.(4, 5) The list addresses some work in agriculture, including hazards such as use of pesticides and sharp blades.(6)

Multiple iterations of bills have been drafted to provide protections to domestic workers since the 2004 Labor Law was approved; however legislation has not yet been enacted, which leaves children in domestic service without basic protections.(7) In October 2011, a bill on setting the minimum age for domestic service at 15 years old was submitted to Parliament for approval.(8, 9) In May 2011, a draft bill to clarify Article 4 of the Labor Code regarding child labor in traditional artisan or handicraft activities was submitted to the Secretary General for approval. As of the end of the reporting period, both bills remained under review.(9)

Forced or compulsory labor is prohibited under the Labor Code and the Penal Code.(80, 82-85) Although Morocco does not have a specific law against trafficking in persons, child trafficking can be prosecuted using provisions in the Penal Code and the Immigration Law.(10)

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, it is specifically prohibited under the Penal Code to incite, procure or facilitate the prostitution of a minor.(11) Sex tourism is also criminalized under an amendment to the Penal Code.(12)

According to Moroccan law, education is compulsory to age 15.(13) Based on the Moroccan model, education is free through university.(14)

The age for voluntary recruitment to the military is 18. There is no compulsory military service.(15)

Institutional Mechanisms for Coordination and Enforcement

The Government of Morocco administers its laws in Western Sahara through Moroccan institutions.(1)

Morocco’s Ministry of Social Development, Family and Solidarity (MOSDFS) coordinates child labor efforts and oversees the National Plan of Action for Children (PANE), which addresses child labor, in cooperation with other ministries.(8, 9)

Morocco’s Ministry of Employment and Professional Training (MOEPT) enforces the Labor Code and implements child labor laws.(8) The MOEPT Director of Work heads the Child Labor Task Force to coordinate this effort.(8, 16) The MOEPT employed 463 general labor inspectors nationwide in 2011, all of whom have received training on child labor issues. Labor inspectors and child focal point inspectors extend into Western Sahara as well.(8)

Morocco’s Ministry of the Interior (MOI) is responsible for enforcing the Penal Code’s prohibitions on prostitution and trafficking.(8, 16)

Government Policies on the Worst Forms of Child Labor

The Government of Morocco has initiated child protection and development policies that extend to Western Sahara.

The MOSDFS is carrying out the broad PANE 2006-2015, which focuses on children’s health, protection, participation and education.(8, 9, 17) PANE includes the issue of child labor and sexual exploitation of children, and calls for pilot programs focusing on street children and domestic child labor.(8, 17, 18) In May 2011, the MOSDFS held a conference to review PANE and begin developing the second phase of the policy.(8)

The issue of child labor has been incorporated into the Government’s policies, such as the King’s National Initiative for Human Development (NIHD) second phase 2011-2015.(5, 8) This initiative serves as a framework to reduce poverty through improved education and health facilities, access to electricity and drinking water, attention to the needs of girls and women, and income and employment initiatives such as microfinance.(8, 17, 19, 20) Reducing child labor, with particular attention to street children, is one of the goals of the initiative.(8, 21)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Morocco has initiated anti-child labor and livelihood policies that extend to Western Sahara.

Through the PANE, the Government of Morocco allocated \$180,000 to fund anti-child labor programs implemented by local NGOs in 2011.(8, 9) Research did not identify the scale or results of these programs, or whether they addressed child labor in agriculture.

Livelihood projects implemented under NIHD have resulted in improved employment, housing and access to education and medical services for Moroccans.(19, 27) Programs aimed at increasing school enrollment and reducing dropout rates include the Tayssir Program, focused on primary school reform and reducing dropout rates, and the Iqtane Program, focused on secondary schools.(9, 28, 29) Limited information is available regarding these programs in 2011, specific interventions and results are not known. In November, the Government of Morocco began cooperation with UNICEF on a new \$32 million program through 2016 focusing on education for vulnerable children, health services for mothers and socioeconomic development.(8) The direct impact these projects may have had on the worst forms of child labor does not appear to have been assessed.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Western Sahara:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Labor Code to apply to all types of work.	2009, 2010, 2011
	Approve legislation to protect domestic workers from hazardous work and to prevent children under the legal working age from domestic service. Also approve legislation to prohibit children under the legal working age from employment in traditional sectors and to regulate apprenticeships in traditional sectors.	2009, 2010, 2011
Social Programs	Building on the best practices of past and current projects, develop or expand programs addressing the worst forms of child labor to protect a greater number of affected children, with a special focus on children involved in agriculture.	2011
	Assess the impact that existing education and livelihoods programs may have on reducing child labor in the interest of disseminating results and expanding effective programs to further reduce the worst forms of child labor in Western Sahara.	2011

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Reports are not included for Heard Island and McDonald Islands, the Pitcairn Islands or the British Indian Ocean Territories/Chagos Archipelago. Heard Island and McDonald Islands are uninhabited, and the population of the Pitcairn Islands is less than 50 people.(1, 2) The British Indian Ocean Territories are inhabited by U.S. and U.K. military personnel.(3)

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NON-INDEPENDENT COUNTRIES AND TERRITORIES – LAWS AND RATIFICATIONS

		Niue	Norfolk Island	St. Helena, Ascension, and Tristan da Cunha	Tokelau	Turks and Caicos	Wallis and Futuna	West Bank	Western Sahara
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	N/A	X	N/A	X	N/A	N/A	N/A
	CRC Optional Protocol on Armed Conflict	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Palermo Protocol on Trafficking in Persons	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Minimum Age for Work	Unclear	None	Unclear	Unclear	16	16	15	15
	Minimum Age for Hazardous Work	Unclear	None	Unclear	Unclear	None	18	18	18
	Compulsory Education Age	16	15	15, 16, 15	16	16	16	15	15
	Free Public Education	Unclear	Yes	Yes	Yes	Yes	Yes	Yes	Yes