

Inside the Home, Outside the Law Abuse of Child Domestic Workers in Morocco

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Samira M.

Sixteen-year-old Samira M. has worked in “four or five houses” in Casablanca, Fes, Meknes, and Rabat since she began working as a domestic at about fourteen.¹ She told Human Rights Watch that she has never stayed long in one job because “all of the women I worked for treated me badly,” adding, “I would go home for the `Eid [holiday] and not come back because of the bad treatment. When I would go home they wouldn’t give me all the salary owed me, for example they wouldn’t give me the last month or two months or one-and-a-half months.”

Samira M. summed up her most recent job, where she said she worked eighteen hours a day, without rest breaks or days off: “When you finish something you start something else—even sitting you have to be doing something, cleaning vegetables, something.” She said she especially disliked childcare responsibilities in this and some other jobs she has had: “They would go out and leave me with young babies and tell me to make bottles for them but I didn’t know how, and the babies would cry and keep me up at night.”

Samira M. told Human Rights Watch that her mother received 400 dirham (dh) per month (about U.S.\$44) for Samira’s work, from which her mother paid 100 dh (about \$11) to the broker who placed Samira, but that she herself received nothing. Samira said she was not sure of any other details of her parents’ agreement with the broker because her mother hadn’t taken her with her when the agreement was made: “My mother made the agreement and the broker took me to the house.” She told us that she didn’t object to working since her family needed the income, “but I wish it would be work that would be good work.”

Samira M. told us her last employer was often abusive: “She used foul language. She would say bad things about my mother or she would say she would bring the police to beat me. Sometimes she would hit me with her hand or choke me.... [I]f I didn’t bring things to [the employer’s mother] quickly enough [the mother] would complain and the employer would hit me.” She added that the employer kept her inside, and excluded her even from socializing with the other members of the household. “I would eat in the kitchen, whatever was left over. It wasn’t enough but I was afraid to complain lest she hit me or something. I slept in a small storage room under the stairs. It had been a bathroom and had a bad smell coming from the drain. It was very small, my feet would hit the door when I slept.... I didn’t go out except to take out the garbage.”

¹ The names of all domestic workers quoted in this report have been changed to protect their privacy and avoid potential employer retaliation.

Samira M. might have tolerated these abuses until, as with her previous jobs, a religious festival gave her an excuse to go home, but she told Human Rights Watch that the hard work and lack of sleep became too much for her to bear. “I left without permission. I left because I was working from 6 a.m. to midnight and it was hard work, scrubbing, and when I would be sleeping [the employer] would come and wake me up roughly. The work there was more than a lot.”

Because she left without permission, and without money or a way to get back home, Samira M. put herself at risk of arrest for vagrancy or, if her employer had wished to punish her with a false accusation, arrest for theft, as well as risk of recruitment into prostitution, or rape if she was forced to spend the night on the street. She was lucky. She told Human Rights Watch that police at the Casablanca train station found her crying and asked her whether she wanted to return to the house where she worked. When she said no, they searched her “to see if I had stolen anything,” and when they found she only had one loaf of bread with her, they took her to a local nongovernmental organization (NGO) working with street children, including former child domestics.

I. Summary

In some ways Samira M.'s situation, described above, is better than that of many other Moroccan child domestics. Some studies estimate that almost a third of child domestics begin working before their tenth birthdays, making Samira M. relatively old when she first started work. She also had significantly more education than most child domestics, having completed part of seventh grade before her parents withdrew her from school because her family needed the additional income of a full-time job after her brother became unable to work. A 2001 study of child domestics in Casablanca found that more than 83 percent had never attended school and were illiterate. Samira M.'s age and her education may have made her somewhat better able to protect herself from abusive employers, although they also may have contributed to her family's assessment that she was "old enough" and "educated enough" to be sent to work. "Other children in the family go to school," she told us. "I work because I am the oldest girl."

In many other important ways, Samira M. is typical of the current and former child domestics Human Rights Watch interviewed. The majority worked fourteen to eighteen hours per day, without breaks, seven days a week, for salaries between 0.4 dh to 1 dh (\$0.04 to \$0.11) per hour. In comparison, Morocco's minimum wage for other forms of non-agricultural work is 9.66 dh (\$1.07) per hour, and working hours are limited to forty-four hours per week and ten hours per day. Like Samira M., almost no child domestics received their salaries directly or had a say in how that money was spent, leaving them effectively working for food, lodging, and in some instances small amounts of pocket money or clothing.

Also like Samira M., the majority of domestics we interviewed experienced physical and psychological abuse from their employers, including beatings and threats of beatings for working slowly or performing chores badly. In two instances domestics we interviewed also reported sexual harassment by employers or employers' family members.

Morocco has one of the highest rates of child labor in the Middle East and North Africa, and one of the lowest rates of school attendance for working children outside of sub-Saharan Africa. According to a 2004 study of child labor in Morocco by the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), and the World Bank, child domestic workers are "perhaps the most vulnerable group of urban child workers," and urban child labor poses the greatest

dangers to children's health and well-being.² Yet the government has given little emphasis to combating the worst forms of child domestic labor. Few programs exist to prevent children from entering domestic labor or facilitate their rehabilitation and family reintegration, and child domestics with abusive employers have little effective legal or other recourse. The scope of Morocco's Labor Code excludes domestic workers, and labor inspectors lack the authority to enter private homes to investigate violations of the general prohibition on the employment of children under fifteen. Police, prosecutors, and judges rarely enforce Penal Code provisions on child abuse or on forced labor in cases involving child domestics, and parents are rarely willing to press for time-consuming prosecutions that will subject their daughters to stigma without providing any direct benefit to them. NGOs, social workers, and other private parties lack legal status to insist on access to a child working in a private home when they suspect she is being abused.

Most child domestics with abusive employers simply put up with abuse until a major holiday or religious festival provides them with an opportunity to return home. The bravest and the most desperate may, like Samira M., take a chance and run away. There is little middle ground between these two options. Most child domestics work in cities at some distance from their rural homes, and have only infrequent contact with their families. When family members do visit girls at their workplaces the visits are typically short and sometimes are monitored by employers, giving girls little opportunity to convince families who depend on their incomes that the abuses are severe enough to warrant leaving the job. Girls considering running away from abusive employers typically face multiple barriers as well: lack of money and knowledge about how to return home, employers' threats of violence, denunciation to police, and restrictions on girls' movement, and girls' own fears of getting lost or attacked if they left their workplace combined to keep several child domestics we spoke with working against their will for abusive employers. Nor were girls' fears unreasonable: child domestics who fled abusive workplaces described breaking down in tears on the street and in train stations or sleeping on the street, penniless and unable to return home without help from strangers.

The Convention on the Rights of the Child (CRC) prohibits economic exploitation and the employment of children in work that is likely to be hazardous, interfere with their education, or be harmful to their health or development.³ Domestic work by children under such conditions also ranks among the worst forms of child labor, as identified in

² *"Comprendre le travail des enfants au Maroc," une initiative de recherche commune entre l'Organisation Internationale du Travail, l'Unicef et la Banque Mondiale*, ("Understanding Children's Work in Morocco"), May 2004, pp. 5-6.

³ Convention on the Rights of the Child, adopted November 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990, ratified by Morocco on June 21, 1993), art. 32(1).

International Labour Organization (ILO) Convention No. 182, the Worst Forms of Child Labour Convention. Under that Convention, children under the age of eighteen may not be employed in work which is likely to harm their health, safety, or morals. Prohibited labor includes work that exposes them to physical, psychological, or sexual abuse; forces them to work for long hours or during the night; or unreasonably confines them to their employers' premises.⁴ The Worst Forms of Child Labour Convention requires states to take immediate and effective measures to protect all children under age eighteen from the worst forms of child labor and to ensure the rehabilitation and social reintegration of children already engaged in such labor.⁵ Morocco has ratified both of these treaties.

The Worst Forms of Child Labour Convention also prohibits the trafficking of children and their forced labor. Under international law, forced labor is work or service extracted by menace of penalty and without consent. Those who recruit, transport, transfer, harbor, or receive a child for the purposes of forced labor are considered to be traffickers. While not all child domestic labor situations in Morocco meet this test, Human Rights Watch believes that there is ample evidence that enough do to warrant prioritizing child domestic labor in Morocco's programs for the elimination of hazardous child labor and for combating trafficking. In addition, Morocco should demonstrate its commitment to combating all forms of trafficking by becoming a party to the preeminent international treaty on trafficking, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations (U.N.) Convention against Transnational Organized Crime.⁶

Methods

This report looks at child labor by girls under age eighteen who perform household tasks while living with their employers. Young girls engaged in child domestic labor are referred to as "*petites bonnes*" in Morocco, a term without a specific age cutoff but which is meant to differentiate between them and older girls or women engaged in domestic labor. We place special emphasis on the treatment of girls under fifteen in this report because girls in that age group are most vulnerable to abuse and least likely to have the emotional, cognitive, and social resources to remove themselves from an abusive

⁴ ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ("Worst Forms of Child Labour Convention"), adopted June 17, 1999, 38 I.L.M. 1207 (entered into force November 19, 2000). Morocco ratified the convention on January 26, 2001.

⁵ Worst Forms of Child Labour Convention, arts. 1, 2, 7.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol), G.A. Res. 25, annex II, U.N. GAOR, 55th Sess. Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001) (entered into force December 25, 2003), Morocco has ratified the Convention but not the Protocol.

situation. In recognition of this vulnerability, both international law and Moroccan law prohibit children under fifteen from working.⁷ In addition, international law prohibitions on hazardous labor, forced labor, the sale and trafficking of children, labor that interferes with education, and unconditional worst forms of child labor apply to all children under eighteen.⁸

We assess the treatment of child domestic workers according to international law, as set forth in the CRC, the Worst Forms of Child Labour Convention, and other international human rights instruments. These instruments establish that children have the right to freedom from economic exploitation and hazardous labor, the right to freedom from trafficking for forced labor, and the right to an education, among other rights.

Our findings are based on field research conducted in Casablanca, Rabat, and Marrakech in May 2005, and follow-up phone and electronic mail contacts through November 2005, as well as a review of previous studies and statistics on child labor prepared by Moroccan and international governmental and nongovernmental bodies. During the course of the research we spoke with fifteen current and former child domestic workers; educators working with child domestics; staff from ten Moroccan NGOs working in the field of child labor; officials from the Moroccan League for the Protection of Children (*Ligue Marocaine pour la Protection de l'Enfance*, LMPE); the Moroccan Ministry of Employment and Professional Development; the Moroccan Secretariat of State for Family, Solidarity, and Social Action; the ILO's International Programme for the Elimination of Child Labour (ILO-IPEC) program officer in Morocco; and UNICEF's child protection officer in Morocco. In some instances educators and NGO staff who critiqued government policies asked that they or their organization not be cited by name to avoid potential retaliation against them or their organizations.

Human Rights Watch interviewed child and adult domestic workers outside their workplaces. Almost all of the domestics with whom we spoke had worked in more than one household, and many had worked in quite a few before their eighteenth birthdays. Unless noted otherwise, the situations and events cited in this report occurred while the

⁷ See ILO Convention No. 138 concerning the Minimum Age for Admission to Employment ("Minimum Age Convention"), adopted June 26, 1973, 1015 U.N.T.S. 297 (entered into force June 19, 1976, ratified by Morocco on January 6, 2000), art. 2(3); and the Moroccan Labor Code, as amended by dahir no. 1-103-194 of September 11, 2003, Official Bulletin No. 5167 of December 8, 2003, (entered into force June 8, 2004), art. 143. The Minimum Age Convention allows an exception to the minimum age of fifteen only for a state "whose economy and educational facilities are insufficiently developed," which may "initially specify a minimum age of 14 years." *Ibid.*, art. 2(4). Morocco set the minimum age of employment under the Minimum Age Convention at fifteen, but did not amend its Labor Code to raise the minimum age from twelve to fifteen until 2003, and those amendments did not become effective until June 8, 2004.

⁸ Convention on the Rights of the Child, art. 1, Worst Forms of Child Labour Convention, art. 2.

domestic workers were under eighteen years old. The names of all domestic workers have been changed to protect their privacy and avoid potential employer retaliation. In this report, in accord with the CRC, “child” refers to anyone under the age of eighteen.⁹

This is Human Rights Watch’s ninth report documenting abuses against domestic workers, including migrant workers, both children and adults. We have documented such abuses in El Salvador, Guatemala, Indonesia, Malaysia, Singapore, Saudi Arabia, Togo, and the United States (U.S.). It is also our twenty-eighth report on child labor. To date we have investigated bonded child labor in India and Pakistan, the failure to protect child farmworkers in the U.S., child labor in Egypt’s cotton fields, abuses against girls and women in domestic work in Guatemala, the use of child labor in Ecuador’s banana sector, the use of child labor in sugarcane cultivation and abuses against child domestic workers in El Salvador, child trafficking in Togo, the economic exploitation of children as a consequence of the genocide in Rwanda, and the forced or compulsory recruitment of children for use in armed conflict—one of the worst forms of child labor—in Angola, Burma, Colombia, the Democratic Republic of Congo, Liberia, Sri Lanka, Sudan, and Uganda.

II. Recommendations

To the Moroccan Government

- Strictly enforce fifteen as the minimum age of employment for all employment sectors, including domestic work, and enact regulations to provide for sanctions against all employers and formal and informal labor recruiters who employ or recruit children under fifteen.
- Prioritize the elimination of the worst forms of child domestic labor, along with the child labor sectors already prioritized, and with assistance from ILO-IPEC, institute a Time-Bound Program to eliminate the worst forms of child domestic labor.
- Enact regulations to monitor labor recruitment practices and workplace conditions for domestic workers and to provide for sanctions against labor recruiters and employers who perpetrate abuses.
- Create and publicize accessible complaint mechanisms for child domestic workers who suffer abuse, and provide rehabilitation and redress to these

⁹ The Convention on the Rights of the Child defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Convention on the Rights of the Child, art. 1.

workers. Investigate and penalize employers and labor recruiters who perpetrate abuses.

- Ensure that the Secretariat of State for Family, Solidarity, and Social Action has adequate resources and authority to fulfill its role in coordinating Morocco's child protection activities.
- Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention against Transnational Organized Crime.

To the Parliament

- Enact the regulations specified in Article 4 of the Labor Code regulating conditions of employment for domestic workers. These regulations should ensure that domestic workers receive the same rights as other categories of non-agricultural workers, prohibit the worst forms of child domestic labor, authorize labor inspectors to enter private houses to investigate conditions of employment for domestic workers, and provide for effective penalties for violating the law.

To the Ministry of Employment and Professional Development

- Provide labor inspectors with the resources and training necessary to effectively monitor child labor, including child domestic labor, and to refer for prosecution those responsible for abusing working children.
- Gather and include data on domestic workers in all government labor force surveys, including data on exploitation and abuse of domestic workers, disaggregated by sex and age.

To the Ministry of National Education, Higher Education, Staff Development, and Scientific Research and its Secretariat of State for Literacy and Nonformal Education

- Ensure that all children enjoy their right to a free and compulsory basic education, as guaranteed by Moroccan law. In particular, identify and implement strategies to ensure that school fees and related costs, birth registration, and late enrollment are not barriers to children's enjoyment of formal education.
- Develop an integrated plan for reducing school dropout rates, including targeted programs for working children and other children at risk of dropout, with an emphasis on children employed in the worst forms of child labor. The plan should include close coordination between the Ministry's formal and nonformal

education sectors in order to facilitate the reintegration into the formal education system of children who have dropped out.

To the Ministry of Social Development, Family, and Solidarity and its Secretariat of State for Family, Solidarity, and Social Action

- Prioritize the elimination of hazardous child labor, including child domestic labor, in the proposed National Plan of Action on Childhood.
- Ensure that the proposed Code on Child Protection prohibits all forms of hazardous child labor, forced child labor, and trafficking, and includes effective mechanisms for enforcement, rehabilitation, and (where it is in the best interest of the child) family reintegration.

To the Ministry of Justice

- Collect and publish data on prosecutions for abuse and exploitation of domestic workers, disaggregated by sex and age of the worker.
- Train prosecutors and judges to recognize child abuse and economic and sexual exploitation of children, and to use the law to prosecute those who abuse domestic workers and who economically and sexually exploit children, including child domestic workers.
- Collaborate with local NGOs to provide safe shelter to child domestic workers withdrawn from abusive and exploitative workplaces, and determine ways to reintegrate child domestic workers with their families, taking into account the best interests of the child.
- Provide for the rehabilitation of child domestic workers who have suffered physical, psychological, or sexual abuse.
- Implement existing laws to protect children from abuse, exploitation, and forced labor.

To the International Program on the Elimination of Child Labor of the International Labour Organization (ILO-IPEC)

- Urge the Moroccan government to prioritize child domestic labor in its programs to eliminate the worst forms of child labor, including any future Time-Bound Program.

To the United Nations Children's Fund (UNICEF)

- Prioritize the development and expansion of projects aimed at preventing girls from entering child domestic labor, with an emphasis on girls under fifteen.
- Work with the Ministry of National Education, Higher Education, Staff Development, and Scientific Research on strategies to ensure access to basic and secondary education for children who work.

To Donor Countries

- In line with Article 8 of the Worst Forms of Child Labour Convention, assist Morocco in implementing the convention, particularly through support for universal education.

III. The Scope of Child Labor in Morocco

Morocco has one of the highest child labor rates in the Middle East and North Africa. Although Moroccan law prohibits children under fifteen from working, government statistics suggest that at least six hundred thousand children age seven through fourteen— 11 percent of all children in that age group—are engaged in economic activity.¹⁰ Of those working children, 372,000 are under age twelve.¹¹ The true number of working children is undoubtedly higher, as these figures do not include children younger than seven or older than fifteen, are based on labor force surveys that by their nature are poorly suited to capture data on informal and illegal forms of labor, and do not account for a significant proportion of children whom the government categorizes as neither working nor attending school but whom labor experts believe may in fact be working.¹² Morocco is expected to release additional data on child labor collected as part of a 2004 census in late 2005 or early 2006, but according to ILO-IPEC, “[t]he survey takers didn’t have child domestic labor as a priority so the data may not be complete.”¹³

¹⁰ The estimate, by the Understanding Children's Work Project, a joint initiative of the ILO, UNICEF, and the World Bank, is based on data from Morocco's 2000 Labor Force Survey, and includes unpaid and illegal work, work in the informal sector, and production of goods for own use, but not household chores performed in the child's own household. See ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 14-15.

¹¹ In addition, 18 percent of children age twelve through fourteen work. ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 17-18.

¹² The 2000 Labor Force Survey categorized 15 percent of children age seven through fourteen as neither working nor attending school. The authors of the ILO-UNICEF-World Bank study note that at least some of these children may be engaged in illegal or dangerous work, or usually work but were idle at the time of the survey. ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 16.

¹³ Human Rights Watch interview with Malak Ben Chekroun, ILO-IPEC officer, Rabat, May 30, 2005.

Child labor in Morocco is largely a rural phenomenon, affecting an estimated 19 percent of all rural children age seven through fourteen, compared to 3 percent of all urban children in that age group.¹⁴ Rural child labor overwhelmingly consists of unpaid labor on family farms, while urban child labor also includes significant proportions of wage labor, self-employment, and apprenticeships.¹⁵ According to government data, urban child labor is largely divided among textiles (25 percent), other industries (20 percent), commerce (16 percent), domestic service (12 percent), and repairs (9 percent). Domestic service has the highest levels of paid employment of children, at 72 percent, far surpassing the next closest sector, textiles, at 29.8 percent.¹⁶

These estimates are based on the assumption that only ten thousand children under fifteen work as domestics, including four thousand boys.¹⁷ In contrast, a 2001 study by the Fafo Institute for Applied Social Science estimated that between 66,000 and 86,000 girls under fifteen were working as child domestics, and a 2001 government survey found 13,580 girls under fifteen working as child domestics in the greater Casablanca area alone.¹⁸ Of the girls in the Casablanca survey, 870 were under eleven years old, making them some of the youngest child domestics in the world.¹⁹

Morocco's child labor rates appear to have fallen slightly in the 1990s and in the first two years of the current decade (the most recent period for which data is available), a trend

¹⁴ ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 18.

¹⁵ Ninety-six percent of rural children age seven through fourteen work in agriculture, and 96 percent of those children work for their own families. ILO-UNICEF-World Bank. *Understanding Children's Work in Morocco*, p. 20.

¹⁶ ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 20.

¹⁷ ILO-UNICEF-World Bank. *Understanding Children's Work in Morocco*, p. 21. In explaining the apparent undercount, ILO-IPEC told Human Rights Watch that "[t]he problem could also be in the sample, as the sample was chosen according to the 1998 survey and that may not have been representative." Human Rights Watch interview with Malak Ben Checkroun, ILO-IPEC Officer, Rabat, May 30, 2005.

¹⁸ The higher figure in the Fafo estimate includes "adopted" or "fostered" girls and girls with no kinship relationship to the head of the household, whom the authors argue may well be child domestics. The UNICEF survey found 9,360 girls age fifteen through seventeen working as child domestics. Tone Sommerfelt (ed.), *Domestic Child Labor in Morocco: An analysis of the parties involved in relationships to "Petites Bonnes,"* Fafo Institute for Applied Social Science (Oslo: Fafo, 2001), pp. 15-17; Royaume du Maroc haute Commissariat au Plan, Direction Régionale du Grand Casablanca, *Etude sur les filles-domestique âgées de moins de 18 ans dans la Wilaya de Casablanca* (Kingdom of Morocco, High Commission, Regional Office for Greater Casablanca, *Study of Girl Domestics Under Eighteen Years of Age in Casablanca Province*), (Rabat: UNFPA and UNICEF), 2001, p. 39.

¹⁹ Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 3. A 1995 study of child domestics by UNICEF and the LMPE found even higher incidence of very young girls working: 26.4 percent of the under fifteen-year-old girls surveyed were under ten years old, and 45.4 percent were age ten to twelve. Mohamad Tahar Alaoui, "Resultats de l'enquete sur les Petites Filles 'Bonnes' Travaillant dans les Familles," ("Results of the Study on Small Girls 'Bonnes' Working in Families") in Ligue Marocaine pour la Protection de l'Enfance, *Journee d'Etude et de Reflexion sur les Petites Filles 'Bonnes' Travaillant dans les Familles*, Rabat, January 19, 1996, p. 41.

that some experts attribute in part to limited job opportunities for older children and a rise in school enrollment rates for younger children.²⁰ It is not clear whether this statistical trend applies to child domestic workers under fifteen, who are an especially disadvantaged group, as we discuss below. In respect of greater school enrollment, thus far most government and NGO programs targeting child domestic labor have focused on providing them with nonformal education while they continue to work, rather than on preventing young girls from entering domestic work, enforcing existing legal protections against abuse and exploitation, or transitioning working girls back into full-time, formal education.²¹

Factors contributing to child domestic labor

I started working when I was fourteen. My mother died when I was small and my father died when I was twelve. I lived with my father's wife. We needed money so I went to work. It was me and my half sister, who is now eight years old. My father's wife works now [that I don't work anymore], but I haven't seen her for a year.

A neighbor found me the job. I wanted to commit suicide, but then I thought, "No one will miss you." So I went to the neighbor and she found me work in Casablanca.

We were very poor and I didn't see a way out. I didn't want to work in prostitution and I thought that killing myself would be better morally than dying of AIDS from prostitution.

—Nejla O., eighteen, interviewed in Casablanca, May 17, 2005

Moroccan child labor experts frequently cite poverty, poor quality education and poor access to education (particularly for girls), broken families, and widespread social acceptance of child labor as primary factors explaining the prevalence of child labor.²² In addition, studies have found that in Morocco and elsewhere, parents' level of education and access to water and electricity also have a strong impact on whether rural children

²⁰ ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 19.

²¹ See Chapter IX for a discussion of barriers to child domestics' access to nonformal and formal education, and Chapter XI for a discussion of shortcomings in the government response to hazardous child domestic labor.

²² See, for example, "Child Wage Labor," a 2004 pamphlet (in Arabic) by the Labor Directorate of the Moroccan Ministry of Employment, Social Affairs, and Solidarity, p. 28.

work.²³ These rural push factors are particularly important for child domestic labor, because while child domestic laborers' workplace is typically urban their origin is typically rural.

Twelve of the fifteen domestic workers Human Rights Watch interviewed were originally from rural areas with high poverty and unemployment rates, a pattern consistent with the findings of other studies.²⁴ Morocco's rural population continues to suffer the effects of a decade of frequent droughts and falling prices that devastated the agricultural sector.²⁵ Extensive rural poverty has contributed to a high rate of rural-urban migration, which has in turn contributed to growing urban unemployment.²⁶

Despite ongoing efforts by the Moroccan government to address rural poverty, progress has been slow. The World Bank estimated Morocco's poverty incidence in 2005 to be about 15 percent, down from 19 percent in 1998/99; if those considered "economically vulnerable" are included, the incidence rate rises to 40 percent.²⁷ Child domestics appear to be particularly likely to come from the most impoverished families. A 1999 study of child labor by the ILO and Morocco's Ministry of Social Development, Solidarity, Employment, and Professional Development found that 82 percent of child domestics

²³ In Morocco, having an educated mother reduces by 5 percent the likelihood that a rural child will work, and increases the likelihood of attending school by 7 percent. Access to a primary school in the rural community (*duwwar*) increases the likelihood that a child will attend school by 15 percent, and "reduces in almost equal measure the proportion of children working and the proportion neither working nor attending school." Access to a water network connection and electricity reduce the probability of working by 18 and 10 percent, respectively. ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 4. For a detailed discussion of the relationship between access to water and electricity and child labor rates in Morocco, see Lorenzo Guarcello, Scott Lyon, and Furio C. Rosati, *Child Labor and Access to Basic Services: Evidence from Five Countries*, A Joint ILO-UNICEF-World Bank Research Effort, draft, January 2004, [online] <http://www.ucw-project.org/pdf/publications/infrastructure.pdf> (retrieved September 20, 2005).

²⁴ A 2001 government survey of child domestic workers in Casablanca province found that 87.5 percent of girls under fifteen and 85.8 percent of girls fifteen through seventeen had been born in the countryside. More than half of those girls (55.3 percent) came from provinces designated to receive government development assistance (*barnamaj al awaliyat al ijtima'iya*, or BAJ). Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 39.

²⁵ While rural dwellers make up only about 46 percent of the total population, even after several years of improved harvests and increased spending on poverty eradication, the rural areas remain home to some two-thirds of Morocco's poor and 90 percent of the extremely poor. ILO-UNICEF-World Bank. *Understanding Children's Work in Morocco*, p. 9-11.

²⁶ For example, urban unemployment was 20 percent in 2003. World Bank, "Country Assistance Strategy for the Kingdom of Morocco," FY 2006-2009, Report No. 31879-MA, June 14, 2005, pp. 1-2, [online] http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/06/20/000160016_20050620102200/Rendered/PDF/31879a.pdf (retrieved July 17, 2005), p. 2, 5-6.

²⁷ Poverty incidence rose dramatically during that period, from 13.1 percent in 1990/91 to 19 percent in 1998/99—the latter figure translating to 5.3 million people, with another 7 million people considered "economically vulnerable," i.e. at risk of falling into poverty. ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 10; World Bank, "Country Assistance Strategy for the Kingdom of Morocco," pp. 1-2.

came from “very poor families,” and 87 percent from families “living with great difficulty.”²⁸ In contrast, it found that 36 percent of the overall population of working children were living in “restricted circumstances,” and 36 percent in “abject poverty.”²⁹

For children in families living below or near the poverty line, death, divorce, or disability of a wage earner in the household can overwhelm fragile coping mechanisms, increasing the likelihood that children will be sent to work to replace lost income. This appeared to be the case for most of the domestics we interviewed. Nasra J., twenty, said, “I am the only one [in my family] who worked. If my father had lived I would not have worked. All the others married and left home. I was twelve when my father died, and I went to work a year later.”³⁰

Death or divorce also can cause a child to lose a valued protector in the family, leaving her vulnerable to abuse by a step-parent. Several domestics we interviewed reported being sent away to work in order to keep peace in the new marital household, or being told by a step-parent to work or leave. Seventeen-year-old Zahra H.’s parents divorced when she “was small,” and she began working when she was eight, along with her mother’s younger sister. She told us her mother sent her to work during her school vacations to keep her away from her stepfather:

My mom’s husband didn’t like us. He was mean so when we [Zahra H. and her mother’s sister] came home she would take us back to the broker. Her husband didn’t work and we gave mom our money and she paid his expenses. I was fed up with my mom and her husband. Mom didn’t love us and they both hit us. There was a time when I was going to commit suicide. When I was at [an NGO] they took me home to talk to my mom. Her husband said, “don’t come back unless you go to work.” [He told my mother,] “If you want [to see] your daughter, sell her.”³¹

²⁸ The study formed the basis for Morocco’s National and Sectoral Plan of Action on Child Labor. Mohamad al Manasif et al., *Amal al Atfal fi al Maghrib: tashkhis wa iktirah makhattat `amal wataniya wa qitaiya (Children’s Work in Morocco: Diagnosis and Suggested National and Sectoral Plans)*, (Rabat: ILO-IPEC-Ministry of Social Development and Solidarity and Employment and Professional Development, October 1999), p. 71.

²⁹ al Manasif et al., *Children’s Work in Morocco: Diagnosis and Suggested National and Sectoral Plans*, p. 20.

³⁰ Human Rights Watch interview with Nasra J., Casablanca, May 27, 2005.

³¹ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

Thirteen of the fifteen domestics Human Rights Watch interviewed had either never entered school or had dropped out by the end of fifth grade.³² High rates of nonattendance and early school leaving are reflective of barriers to girls' education that make them available for work, and of child domestics' extremely long working hours, which leave them with little time for study. While enrollment rates have risen significantly over the last decade, dropout rates remain high and ILO-IPEC still estimates that 1.5 to 2 million school-age Moroccan children are out of school, with the majority of those children living in rural areas.³³ Nonattendance rates and illiteracy rates for child domestics are especially high: a 2001 study of child domestics found that 84.3 percent of those under fifteen were illiterate, 83.3 percent had never attended school, and only 0.6 percent had made it to the second stage of basic education.³⁴ These rates are markedly higher than those for all working children under fifteen.³⁵ The reasons for these high rates are discussed in greater detail in Chapter IX, below.

IV. Recruitment into Child Domestic Labor

Recruitment of young girls typically takes place through intermediaries.³⁶ In some areas individuals are known in the community to act as informal brokers (*simsar/a*, pl. *samasra*), placing girls in domestic service for a fee, and families seek them out.³⁷ In other cases the child's family may ask friends, neighbors, or relatives whether they know of someone in need of a child domestic. Less frequently, prospective employers may contact families directly, or a broker may approach a girl who is already working to encourage her to move to another household.

Brokers

Agreements through brokers are generally oral contracts where the broker collects a one-time fee both from parents and employers, takes a portion of the child's monthly salary

³² That is, before completing the first cycle of basic education, consisting of grades one through six.

³³ For example, the national net rate for primary school enrollment rose from 52.4 percent in 1990/1991 to 92 percent in 2003/2004, and the national net rate for middle school enrollment rose from 17.5 percent to 32 percent. World Bank, "Country Assistance Strategy for the Kingdom of Morocco," p. 8; Human Rights Watch interview with Malak Ben Chekroun, ILO-IPEC officer, Rabat, May 30, 2005.

³⁴ Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 40.

³⁵ According to the joint ILO-UNICEF-World Bank study, "[o]ver half of Moroccan working children have had no schooling at all, and most of the remainder (41 percent) have only attended the first cycle of the basic schooling level." ILO-UNICEF-World Bank, *Understanding Children's Work in Morocco*, p. 3.

³⁶ For a discussion of recruitment patterns see Sommerfelt, *Domestic Child Labor in Morocco*, pp. 60-65, and Regional Office for Greater Casablanca, *Study of Girl Domestics*, pp. 20-21.

³⁷ The use of such brokers appears limited to child domestic labor. Human Rights Watch interview with Dr. Lahcen Haddad, child rights expert, Rabat, May 18, 2005.

for as long as the child continues to work, or combines a one-time fee from the employer with an ongoing fee from the child's salary.

A broker's interests are frequently at odds with those of child domestics. One-time fees provide an incentive for brokers to negotiate directly with girls to try to maximize the number of times a child changes jobs, further weakening parents' control over their daughters and their ability to monitor the behavior of employers.³⁸ Conversely, a broker receiving a monthly share of a girl's salary has an incentive to ensure that the child domestic continues to work, even when working conditions are abusive. In some cases the brokers may prevent parents from learning about abuse, or use threats, including threats of turning the child over to the police, to ensure a child continues working.³⁹

Even when the broker does not deliberately attempt to prevent a child domestic from leaving an abusive employer, girls may be effectively prevented from doing so if the broker acts as intermediary between families and employers, collecting the child's salary and delivering it to the family. In such situations the broker is often the only person who knows both the child domestic's home address and her current whereabouts, and girls may have to wait months for a religious festival or annual vacation before seeing a family member to whom they can complain about ill-treatment (as discussed below, Chapter VIII). Equally important, young girls who wish to flee an abusive employer may not be old enough to know or remember where their homes are and how to return to them, and parents who want to see their daughters must rely on the broker to tell them how to find the child.

Three of the girls Human Rights Watch interviewed reported having been placed by brokers in their first jobs; all also reported having worked at a large number of houses for short periods of time. Samira M.'s experience is described at the beginning of this report. Zahra H., seventeen, started work at eight and worked "every [school] vacation in different houses." She told us,

My mom and I went to a broker in Khamisat. We paid her 100 dh [about \$11] every month and the employer also paid her. She said my salary would be 250 dh [about \$28] every month. My mother would get the money, not me. All of the money went to my mom. She took the

³⁸ Sommerfelt, *Child Labor in Morocco*, pp. 61, 69.

³⁹ Human Rights Watch interview with Rajae al Meskouri, social assistant, Association Solidarité Féminine, Casablanca, May 25, 2005.

money from the broker, not the employer. She didn't know the house where I worked.⁴⁰

Salwa L., nineteen, told us:

I started working when I was six. A broker found the job. I don't remember very much about it. My parents would visit every month or two months to take my salary. I wasn't happy and I complained but they said I had to work because they needed the money. I worked in a lot of houses. I don't remember how many.⁴¹

Other intermediaries

Placements made through friends, neighbors, or relatives are often perceived as offering greater protection for girls, on the presumption that the intermediary will vouch for the good standing of the employer and that a valued relationship between employer and intermediary will result in better treatment for the child. In only a handful of the cases we interviewed did this presumption appear to be born out.

Amina L., sixteen, started working at eight. She told Human Rights Watch that since then she has worked "in three houses, the last one for a very long time." While she said her family had never used a broker, only intermediaries, her first two jobs lasted only short periods because of abusive conditions. She described her current job's fourteen-hour days, with no rest breaks and only eight days off a year, as "restful" in comparison, and attributed the difference to her paternal aunt's "good relations with the current employer."⁴²

In contrast, Nasra J. told Human Rights Watch that she was "the last person to go to sleep and the first person to get up" in her first job, arranged through "people who knew my family," and Rasha A. told us she was beaten, had to get up at 5 a.m., and had no day of rest in the job a neighbor found her when she was ten.⁴³

⁴⁰ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

⁴¹ Human Rights Watch interview with Salwa L., Casablanca, May 27, 2005.

⁴² Human Rights Watch interview with Amina L., Casablanca, May 18, 2005.

⁴³ Human Rights Watch interviews with Nasra J., Casablanca, May 27, 2005, and Rasha A., Marrakech, May 20, 2005.

Placements directly initiated by parents

Four of the domestics Human Rights Watch interviewed were placed in their first job directly by a parent. They appear to have come from some of the poorest families, and the parents' having initiated placements may reflect the relative poverty of their families' social networks, as well as the parents' desire to save the expense of a broker.

Najat Z., eleven, left school in second grade to join her parents and six siblings begging. She explained how she and one of her two sisters later found work as child domestics:

When my father is begging he is often asked if he has girls who can work. That is how he found my job. I earn 200 dh (about \$22) a month, but my father gets it all. I don't get clothes or anything else from the employer. My father and mother come to get the money every month, but I only see them for a short time.⁴⁴

Abeer T., twenty-one, told Human Rights Watch she began working at age five and was the only wage earner in her family. Shaima J., fourteen, told us she began work at ten "because my father said I had to," while Hiba Kh., twelve, told us she started working two months earlier because, "my father was in the hospital and we needed money to buy medicine."⁴⁵

V. Physical and Verbal Abuse, and Sexual Harassment and Exploitation

If something happened—if I broke something or did something badly—they would beat me with a shoe or a belt on any part of my body. I couldn't leave the house—they would lock the door when they left... Both the husband and the wife hit me. My family saw me twice in the year that I worked. They came to visit me at the house but the employer sat with us during the visit and told me not to say anything bad or she would beat me more. When my mother came the last time to visit I told her I wouldn't stay at that house anymore. I said, "either I go with you or I will run away or kill myself."

⁴⁴ Human Rights Watch interview with Najat Z., Marrakech, May 20, 2005.

⁴⁵ Human Rights Watch interviews with Abeer T., Casablanca, May 27, 2005, Shaima J., Casablanca, May 18, 2005, and Hiba Kh., Marrakech, May 20, 2005.

—Rasha A., fourteen, describing her first job, at age ten, in an interview in Marrakech on May 20, 2005

Domestic workers, especially those who live on the premises where they work, are highly vulnerable to physical, psychological, and sexual abuse because they are hidden from public scrutiny and thus less able to seek help or have others intervene on their behalf. The risk of abuse is particularly great for younger child domestics, who typically have fewer opportunities to leave or seek protection outside their workplace. Under the ILO's Worst Forms of Child Labour Recommendation, any work that "exposes children to physical, psychological or sexual abuse" falls under the international prohibition on harmful or hazardous child labor.⁴⁶

Physical and verbal abuse

Eight of the fifteen domestics Human Rights Watch interviewed reported being subjected to physical abuse by their employers while they were children.⁴⁷ In most cases the abuse was described as slapping with a hand or pulling the child by her hair, but in some instances domestics said that it included knocking the child against a wall or other surface, beating with shoes, sticks, belts, or electrical cables, or choking. Domestics told us that employers who used physical violence typically did so to punish children for

⁴⁶ Worst Forms of Child Labor Convention, art. 3(d); ILO Recommendation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor ("Worst Forms of Child Labor Recommendation"), ILO No. R190, June 17, 1999, para. 3(a). ILO Recommendations do not have the binding force of conventions, and are not subject to ratification. Some, like the Worst Forms of Child Labour Recommendation, are adopted at the same time as conventions to supplement the latter with additional or more detailed provisions. These provisions enable the underlying principles of the Convention to be set out and stated more precisely, and serve as a guide to national policies. See "ILO Recommendations," available online at <http://www.ilo.org/ilolex/english/rece.htm> (retrieved October 28, 2005). In describing hazardous work, ILO-IPEC has said "a child domestic labourer who is beaten by family members for real or imagined transgressions, or taunted and ridiculed by children in the family, or who is discriminated against for example by being obliged to eat inferior food to the rest of the family or to sleep on the floor in the kitchen, is experiencing physical and/or psychological abuse.... a child domestic 'on call' 24 hours a day, including night-time hours, who has no time off and who is not allowed to leave the premises except to perform controlled tasks, is working under particularly difficult conditions and is unreasonably confined. The children in these examples would be considered to be engaged in hazardous work and thus to be in a worst form of child domestic labour." ILO-IPEC, *Helping Hands or Shackled Lives: Understanding Child Domestic Labour and Responses to it* (Geneva: ILO, 2004), p. 12.

⁴⁷ Rates of reported violence in earlier studies vary significantly, and may reflect those studies' decision to conduct interviews at children's workplaces, placing children at risk of retaliation if they disclosed abuse. For example, in a 2001 Casablanca study, 68 percent of child domestics under fifteen and 32 percent of child domestics fifteen through seventeen reported being punished; 85.3 percent of the under fifteens were punished with insults, and 10.7 percent reported being punished physically, compared with 88.2 percent and 7.5 percent of the fifteen through seventeen year olds. The study for Morocco's 1999 National and Sectoral Plan on Child Labor found 60 percent of child domestics subjected to treatment that reached the level of violence, including 13 percent who were subjected to "beating, burning, biting, and imprisonment." Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 57; al Manasif, *Children's Work in Morocco: Diagnosis and Suggested National and Sectoral Plans*, p. 73.

minor accidents involving breakage and minor infractions such as cleaning poorly or responding slowly to an order.⁴⁸

Saida B., fifteen, told us,

If I did something the employer didn't like she would grab my hair and hit my head on the wall. She would say things like, "I don't pay you to play and watch TV! You don't wash the dishes well! I pay your mother good money and you don't do anything [to deserve it]. I pay her out of friendship..." Once I forgot clothes in the washer and they started to smell so she grabbed my head and tried to stick it in the washing machine. I ran away after that but my sister stayed.⁴⁹

Najat Z., eleven, told us,

If something broke, like dishes or a glass, they would tell me they would take the money out of my pay and they beat me. They used an electric cord.... Both the husband and the wife were mean to me. The husband would complain if I didn't wash the clothes well or didn't bring the breakfast fast enough. He used bad language too.⁵⁰

Zahra H., who began working at eight, told us her first employer "hit me a lot. When I broke things or didn't do something she would hit me. If I went out and didn't come back quickly she would hit me. She hit me with her hand on my face or she would pull my hair."⁵¹

Activists working with child domestics told Human Rights Watch that serious injuries were not uncommon. Rajae al Meskouri, a social worker with the Association Solidarité Féminine described one particularly bad case she investigated in March 2005. The child,

⁴⁸ Similarly, in the Casablanca study cited above, the primary reasons given for punishment were poorly done work (38.1 percent of under fifteens, and 50.5 percent of fifteen through seventeen year olds), breaking an object (29.9 percent of under fifteens and 28 percent of fifteen through seventeen year olds), being late returning (19.8 percent of under fifteens and 7.5 percent of fifteen through seventeen year olds), and not caring for an infant well (10.7 percent of under fifteens and 12.9 percent of fifteen through seventeen year olds). Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 58.

⁴⁹ Human Rights Watch interview with Saida B., Casablanca, May 17, 2005.

⁵⁰ Human Rights Watch interview with Najat Z., Marrakech, May 20, 2005.

⁵¹ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

an eleven-year-old orphan, had been placed by a broker and relatives became concerned when the broker refused to tell them where she was.

We made appointments three times to visit the girl but every time it was called off. Finally we had to use a lawyer to threaten the employer with legal action in order to see the girl. We made the appointment and went to the house but no one answered the door. We went again with the sister, lawyer, and another social worker and finally saw the girl. The employer insisted that she treated the girl like a daughter, but I felt she wasn't acting right, that she was being beaten. I asked about school and health care but the employer said she had not done either, although the girl had been there for five months. She said she didn't have enough money and was planning to do it at an undetermined time in the future....

I could see in the girl's eyes a deep sadness, a sense of deep isolation. She couldn't even raise her voice loud enough for us to hear her. We saw burns on her head, hands, feet and back, and evidence of broken bones—bones that had not healed properly on her arm and on a lower leg, and a rib on her back, and on her left shoulder, which was smaller than the right. The broken bones were older, but the burns were recent and so were the burn marks on her head and neck.... The girl said the burns on her hand were from the employer as were the recent deep burns on her neck, from a hot skewer. The employer said the girl was playing with it and burned herself but the girl said the employer did it. Who plays with a hot skewer on their neck?⁵²

Staff at a Marrakech NGO working with women and child victims of violence told Human Rights Watch, "We take about 100 cases of violence against children a year. Most of the children are child maids or working in workshops. Most of the girls working as maids in Casa[blanca] and Rabat are from the Marrakech area."⁵³

The domestics we interviewed reported that employers who used physical violence against children also typically used degrading or threatening language, as did almost every

⁵² Human Rights Watch interview with Rajae al Meskouri, social assistant, Association Solidarité Féminine, Casablanca, May 25, 2005.

⁵³ Human Rights Watch interview with Nadia `Abbasi, Association Ennakhil pour la Femme et l'Enfant, Marrakech, May 19, 2005.

employer whom children said did not use physical violence. For example, fifteen-year-old Saida B. told Human Rights Watch, “[The employer’s] twenty-one-year-old son used bad curses....The son used bad language but he didn’t hit me or harass me sexually. He would curse me when he was mad at his girlfriend.”⁵⁴

Activists working with street children and child domestics told Human Rights Watch that sexual violence by child domestics’ employers or employers’ family members is not uncommon, and that girls fleeing abusive employers are at special risk of sexual violence and recruitment for prostitution if they spend one or more nights on the street.⁵⁵ This view is shared by the U.N. Special Rapporteur on the sale of children, child prostitution, and child pornography, who found “a high incidence of rape and ill-treatment of child maids” during her 2000 investigation of Morocco.⁵⁶ None of the domestics Human Rights Watch interviewed reported having suffered sexual violence while working, although two did report sexual harassment.

Sexual harassment and exploitation

Two of the fifteen domestics Human Rights Watch interviewed reported having left jobs because of sexual harassment—one when sixteen, and one in two separate jobs when she was “about nineteen.”⁵⁷ Both declined to give details of the harassment. Zahra H., seventeen, told Human Rights Watch that the son of one of her employers had harassed her.⁵⁸ Nasra J., twenty, told us, that she had faced harassment twice. In the first case “the wife was nice but the husband was not nice, he would harass me [sexually], so I left

⁵⁴ Human Rights Watch interview with Saida B., Casablanca, May 17, 2005.

⁵⁵ The 2001 Casablanca survey of child domestics found that 4.2 percent of the 529 child domestics interviewed reported having been subjected to “sexual abuse” by an employer and having to change the place of employment as a result. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 29. However, staff at Association Bayti, a Moroccan NGO that participated in the Casablanca study, told Human Rights Watch that in their experience working with child domestics, sexual harassment and sexual violence was much more prevalent. They attributed the difference in the survey’s findings and their own to an extreme stigmatization of victims of sexual violence that frequently results in underreporting, and to the survey’s methods, which they said were based on interviews conducted in the presence of the employer. Human Rights Watch interview with Amina L’Naum, program coordinator, and Yamna Taltit, family program coordinator, Association Bayti, Casablanca, May 17, 2005. Human Rights Watch interview with Najat Oulami and Jamila Tounfi, Association al Aman pour le développement de la femme, Marrakech, May 20, 2005.

⁵⁶ For example, the U.N. Special Rapporteur on the sale of children, child prostitution and child pornography reported that during her 2000 visit to Morocco the Minister for Human Rights, the Ministry of Foreign Affairs, and the Parliamentary Commission on Social Affairs all “confirmed that there was a high incidence of rape and ill-treatment of child maids.” She also noted an increase in the number of girls living on the street, “invariably child maids who have run away from intolerable working conditions, which may have included sexual abuse by her employer or members of the employer’s family,” saying that “they are at a very high risk of being raped and being picked up by recruiters for use in prostitution.” Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to the Kingdom of Morocco (28 February-3 March 2000), November 7, 2000, E/CN.4/2001/78/Add.1, paras. 18-19, 37-39.

⁵⁷ Human Rights Watch interviews with Nasra J., Casablanca, May 27, 2005, and Zahra H., Casablanca, May 17, 2005.

⁵⁸ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

without telling the wife why.... In the third house [I worked in] the wife and daughter were nice but the son would harass me. The husband believed me but the wife said, 'no, my son wouldn't do that,' so I left."⁵⁹

Activists working with current and former child domestics told Human Rights Watch that the conditions of child domestic labor produced in children a psychological vulnerability to sexual exploitation. An educator at an afternoon literacy program for child domestics told us that an important part of her work was teaching students how to fend off sexual advances, but that it was a difficult task because "they don't know the word 'no'—all the time it is '*badir*,' '*badir*,' '*badir*.' (i.e. 'ready [to serve]')." ⁶⁰ One of her students, a fifteen-year-old, had to leave her job because "[t]he wife was very good to her but the husband would try to take her aside and tell her nice things to make her fall in love with him. He promised to marry her if she would sleep with him."⁶¹ The director of an NGO providing services to unmarried mothers told Human Rights Watch that current and former child domestics made up 36 percent of her caseload, and while they were not always victims of sexual violence the younger girls in particular were vulnerable to sexual exploitation, "because they want to have the emotional relationship of family and childhood that they missed out on in their own lives, [so] they often sought the tenderness they had missed in their own childhoods."⁶² A 2002 government study found that current and former domestics accounted for the largest percentage of unwed mothers in the Casablanca area, and that many had first worked as child domestics.⁶³

VI. Other Abusive Conditions of Employment

As of this writing, Morocco's Labor Code does not regulate conditions of employment for domestic workers beyond the overall prohibition on children under fifteen working (and for problems with enforcement of this prohibition in the context of domestic labor, see below).⁶⁴ The absence of such regulation has contributed to conditions of

⁵⁹ Human Rights Watch interview with Nasra J., Casablanca, May 27, 2005.

⁶⁰ Human Rights Watch interview with a teacher at Markaz Sa'd bin Abi Waqas afternoon literacy program for child domestic workers, Casablanca, May 18, 2005.

⁶¹ Ibid.

⁶² Human Rights Watch interview with Nabila Tbeur, director, Institution Nationale de Solidarité avec les Femmes en détresse (INSAF), Casablanca, May 26, 2005.

⁶³ The study, sponsored by UNICEF, the U.N. Development Fund for Women (UNIFEM), and the U.N. Population Fund (UNFPA), found that 38 percent had begun working before fifteen, 41 percent had first worked as domestics, and 29 percent were domestics at the start of their pregnancies. Royaume du Maroc, Haut Commissariat au Plan, Direction Regionale du Grand Casablanca, *Etude sur les Meres Celibataires et les enfants nes hors mariage dans la wilaya de Casablanca*, 2004, p. 89, 90, 99.

⁶⁴ Article 4 of Morocco's 2003 amendments to the Labor Code states that separate legislation will regulate all forms of domestic labor characterized by a work relationship between the employee and the head of the

employment for child domestic workers that fall far short of the minimum requirements specified in law for other categories of workers, including other child workers.

Underage employment

The ILO Minimum Age Convention, ratified by Morocco in January 2000, provides that the minimum age for admission to employment “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.”⁶⁵ In 2003 Morocco amended its Labor Code to raise the minimum age of employment from twelve to fifteen, the minimum age for school-leaving.⁶⁶ However, the higher minimum age did not become effective until June 8, 2004. The amended Labor Code also specifies financial and criminal penalties for employers who violate the law.⁶⁷ However, this ban on children under fifteen working is not adequately enforced.

As noted in Chapter III, studies suggest that the majority of Moroccan child domestics are under age fifteen, and the vast majority of them began work well before turning fifteen.⁶⁸ Out of the fifteen current and former child domestic workers interviewed by Human Rights Watch (with ages ranging from eleven through twenty-four), all but one began working before turning fifteen, and nine began work before age twelve, the previous minimum age of employment. The youngest age of first employment was five

household. According to the Ministry of Employment and Professional Development, the new legislation will include all domestic workers over age fifteen. It is not clear when this legislation will be issued as several key issues, including how to monitor working conditions, remain unresolved. Human Rights Watch interview with al Sa’adiya Fahim, Head of the International Labor Organizations Unit, Labor Directorate, Ministry of Employment and Professional Development, Rabat, May 25, 2005; Moroccan Labor Code, arts. 4,143. See Chapter XI for a more detailed discussion of the Labor Code.

⁶⁵ Minimum Age Convention, art. 2(3). An exception to the minimum age of fifteen is made only for a state “whose economy and educational facilities are insufficiently developed,” which may “initially specify a minimum age of 14 years.” *Ibid.*, art. 2(4). Morocco set the minimum age of employment at fifteen. Under certain circumstances states also may permit employment of persons who are at least fifteen but who have not completed their compulsory schooling. *Ibid.*, arts. 7(1-2), 7(3), and ILO Recommendation concerning Minimum Age for Admission to Employment, ILO No. 146, June 26, 1973, para. 13(1).

⁶⁶ Government of Morocco, *Third Periodic Report to the Committee on Economic, Social, and Cultural Rights*, para. 214; Moroccan Labor Code, art. 143.

⁶⁷ The Labor Code punishes minimum age violations with a fine of from 25,000 to 30,000 dh (about \$2,760 to \$3,314). The fine is doubled for repeat offenses, or offenders may be imprisoned for a period of six days to three months, or both punishments may be imposed. Moroccan Labor Code, art. 151.

⁶⁸ For example, the 2001 Casablanca survey, of 22,940 child domestics, found that 59 percent of the sample were under fifteen, and 95 percent began working before fifteen, including 30 percent who began working before age ten. A 1995 survey of 450 child domestics under fifteen in eight cities found 26 percent to be under age ten at the time of the survey. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 39, 50; Mohamad Tahar Alaoui, “Resultats de l’enquete sur les Petites Filles ‘Bonnes’ Travaillant dans les Familles,” (“Results of the Study on Small Girls ‘Bonnes’ Working in Families”) in Ligue Marocaine Pour la Protection de L’Enfance, *Journee d’Etude et de Reflexion sur les Petites Filles ‘Bonnes’ Travaillant dans les Familles*, Rabat, January 19, 1996, p. 33.

years. A social worker for an NGO working with unwed mothers, including child domestics, told Human Rights Watch that such young ages were not unusual. “We have had cases where the girls started working at three or five years of age.”⁶⁹

Workload and hours of work

I woke up at 6:30 or 7 a.m. and slept at 11 p.m. I had no real rest breaks. When [the employer] would see me sitting after finishing some chore she would give me something else to do. I would wake up, fix breakfast, wash dishes, clean the house. Every week I had to scrub the toilet. I would fix the beds, clean the windows. The hardest chore was scrubbing the sinks and floors and clothes. They had a washing machine but they made me wash by hand. They want to extract from you every bit of money they pay you!

—Zahra H., seventeen, describing her most recent job, interviewed in Casablanca, May 17, 2005

Moroccan law limits industrial and commercial work—but not domestic work—to a maximum of 44 regular hours of work per week, with a maximum of ten hours’ work in any single day, and additional pay increments for overtime hours, and paid public and annual holidays.⁷⁰ It also prohibits children in those sectors from engaging in hazardous work or working more than ten hours a day, including a minimum one hour break, and restricts their working at night.⁷¹ Domestics whom Human Rights Watch interviewed typically worked fourteen to eighteen hours a day without breaks, seven days a week—98 to 126 hours per week. Workdays could run even longer if girls were responsible for taking care of small children during the night, or had to stay up after the rest of the household to clean up after parties. Even very young child domestics often work more than twice the maximum weekly hours permitted adults in other sectors, often working well into the night without days off or overtime pay.⁷²

⁶⁹ Human Rights Watch interview with Rajae al Meskouri, social assistant, Association Solidarité Féminine, May 25, 2005.

⁷⁰ Labor Code, arts. 184, 189, 196, 217, 231.

⁷¹ Labor Code, arts. 172-176, 180, 181, 183.

⁷² For example, the 1996 LMPE study found that 72 percent of girls under fifteen reported rising before 7 a.m., and 65 percent reported going to sleep after 11 p.m., while 81 percent said they did not have a weekly or monthly day off. LMPE, *A Day of Study and Reflection*, p. 44.

Typical household tasks performed by child domestics we interviewed included food preparation and cleanup, purchasing bread or running other small errands, dusting furniture and making beds, cleaning floors and windows, beating dust from carpets or washing them by hand, washing clothes by hand, and scrubbing toilets and floors. In many instances these tasks were inappropriate to their age and physical strength because they involved heavy lifting, exposure to toxic cleaning chemicals, or risk of burns and cuts during food preparation. In addition, ILO-IPEC has found that children working extremely long hours risk health problems and are more prone to accidents even when engaged in work that would not normally be dangerous.⁷³

When asked to describe their duties, most domestics Human Rights Watch interviewed complained about cleaning floors, carpets, toilets, and clothes, all tasks that involved heavy lifting, bending, and scrubbing with harsh detergents, and that were very tiring.⁷⁴ Heavy lifting can damage or stunt growing muscles and bones, while prolonged exposure to hot water, harsh cleaning agents, and dust can trigger asthma, allergies, eczema, and other diseases of the skin. A nationwide study of working children under fifteen conducted in 1999 found that 82 percent of child domestics lifted items weighing five to ten kilograms (11 to 22 pounds) on a daily basis, and 16 percent were exposed to “dangerous substances used in cleaning and repairs that could give rise to the skin disease eczema.”⁷⁵ In contrast, the same study found that rates of heavy lifting by working children overall were markedly lower, with 23 percent of all working children lifting weights between five and ten kilograms, and 36 percent lifting weights of more than ten kilograms.⁷⁶

Human Rights Watch found surprisingly little variation between the tasks performed by very young girls and older girls, or in the hours they worked. Abeer T., who began working at five years old, told us “When I first started I would wash only plastic dishes and clean the floors on my hands and knees [rather than bending from the waist while standing] because I was too small to control the cloth so I had to do it that way. I worked like that until I got my period and then I was [considered old enough to be] sent to do errands outside, to buy things.... I would go to sleep at about 10 or 11 p.m [and] I would wake up at 6 a.m., even when I was very small.”⁷⁷ Loubna G. described her first job, at ten, this way: “I woke up at 6 a.m. to fix breakfast, clean the house, wash the

⁷³ See ILO-IPEC, *Helping Hands*, pp. 50-51.

⁷⁴ Some domestics we interviewed also complained about having to scrub toilets, because the task was both particularly unpleasant and underlined their subservient role in the household

⁷⁵ al Manasif et. al, *Children's Work in Morocco: Diagnosis and Suggested National and Sectoral Plans*, p. 72.

⁷⁶ *Ibid.*, p. 21.

⁷⁷ Human Rights Watch interview with Abeer T., Casablanca, May 27, 2005.

dishes, fix the beds, wash clothes—some by hand, some by machine—and take the smaller kids to school. I went to sleep at midnight.”⁷⁸

In households with young children, child domestics often also help with child care, including waking children and preparing them for school, accompanying children to and from school, and feeding and changing infants. A few of the older domestics we interviewed described developing emotional attachments to the children they cared for, but for younger girls the responsibility—and the punishments for failure—could be terrifying. Najat Z., eleven, described her child care responsibilities at the job she had left three months earlier: “The family had two little girls and a husband and wife. I had to take care of the girls when the employer went out. It was very hard. They cried a lot and the employer said that I must have hit them when they cried so I was always afraid whenever they cried.”⁷⁹ As suggested by the experience of Samira M., profiled at the beginning of this report, child care responsibilities could also mean that girls got even less sleep than their working hours suggest. Fourteen-year-old Shaima J. told Human Rights Watch she enjoyed caring for her employers’ two children, both under ten years of age, although it meant she was literally on call around the clock: “There are eleven people in the house. I am the only servant. I wake up at 7:30 a.m., feed the seven-year-old so he can go to school, then fix breakfast for the rest of the family. At night I sleep with the small kids and I watch them.”⁸⁰

Even without childcare responsibilities, domestics we spoke with reported exhausting days working extremely long hours without time to rest, play, or, in some cases, without even time to bathe and wash their clothing. Only one domestic we spoke with reported having a weekly day off. Loubna G., a fifteen-year-old who both cleaned her employer’s home and worked in her shop, told us, “Sunday was the day off. I would wash, change my clothes, and sleep.”⁸¹ Four girls we interviewed reported receiving time off during the week, but in two of those cases the girls were actually working during their “rest breaks.” Saida. B., fifteen, worked with her sister twice for the same employer, starting when they were both twelve. She told us, “I would get up at 8 a.m. to get bread, make breakfast, then call the employer and her husband to come to breakfast. Then I would clear and wash the dishes, wash the clothes in a washing machine, get vegetables from the market, then prepare food with the employer, then get bread and serve lunch, then clean up from lunch and clean the house, then watch TV with my sister and the employer. While we were watching TV we had to massage her feet so she could fall

⁷⁸ Human Rights Watch interview with Loubna G., Casablanca, May 18, 2005.

⁷⁹ Human Rights Watch interview with Najat Z., Marrakech, May 20, 2005.

⁸⁰ Human Rights Watch interview with Shaima J., Casablanca, May 18, 2005.

⁸¹ Human Rights Watch interview with Loubna G., Casablanca, May 18, 2005.

asleep. Then I would go get bread, then prepare and then clean up after dinner, then massage her feet again so she could fall asleep.”⁸²

The majority of domestics we interviewed received no paid time off at all, even on national holidays. Those who reported receiving an “annual vacation” generally described it as one to two weeks of unpaid leave per year, coinciding with the `Eid holiday. In effect, they were essentially laid off each year during their employers’ holidays. One girl reported that her unpaid “vacation” coincided with the employer’s summer holiday: “The first time I worked for this employer ended when the employer took me to my mom’s and said, ‘stay there.’ After that I worked for someone else for a while and then I returned to work for the same employer. It was during the summer and the employer didn’t want us during the summer because it is expensive—they go on trips places and she didn’t want to pay to bring us with her.”⁸³

In several cases the impact of exhausting physical labor and few if any breaks was compounded by a lack of a comfortable, private place to sleep and keep possessions.⁸⁴ Kitchens, storage rooms, and living rooms were the most common sleeping places cited by girls who did not sleep with the families’ younger children. Zahra H., seventeen, told us, “I slept in a small room, a storage room. There was no lock on the door, and the window was onto a ventilation shaft.”⁸⁵ Rasha A., who began working at age ten, told us, “I slept in the kitchen on a sheet.”⁸⁶

Wage exploitation

[My employer] was a [government] employee with a husband and a four-year-old and a one-and-a-half-year-old child. They knew I had no place to go and they said, “consider us to be like your parents.” They asked me what I wanted for a salary and I didn’t know what to say so she said 200 dh per month [about \$22]. I had to take the girl to the nursery and watch the smaller child and do all the housework—cooking, hand washing clothes, cleaning the whole house.

⁸² Human Rights Watch interview with Samira M., Casablanca, May 17, 2005.

⁸³ Human Rights Watch interview with Saida B., Casablanca, May 17, 2005.

⁸⁴ Lack of privacy, including a sleeping place with a locking door, can increase girls’ vulnerability to sexual violence. While accounts of sexual violence did not arise during our interviews, several Moroccan child experts told us that they believed sexual violence of child domestics was severely underreported. See Chapter V, above, for further discussion.

⁸⁵ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

⁸⁶ Human Rights Watch interview with Rasha A., Marrakech, May 20, 2005.

—Shadia A., describing her second job, at fifteen, in an interview in Casablanca on May 27, 2005

Child domestic workers are almost always grossly underpaid for the number of hours they work, and younger child domestics are typically paid even less than older children while working the same long hours. While not all the domestics Human Rights Watch interviewed knew their salaries, those who did reported earning from 100 dh to 1,000 dh per month (about \$11 to \$110 at current rates) while under eighteen, with most salaries clustered between 200 and 400 dh per month. Salaries for work while under fifteen were even lower, clustering at 200 dh to 300 dh (about \$22 to \$33) per month, and reaching a maximum of 400 dh (about \$44) per month.⁸⁷ For children working 98 to 126 hours per week—the majority of those we interviewed—that means average salaries of .40 dh to 1 dh (\$0.04 to \$0.11) per hour.

Morocco's Labor Code excludes domestic workers from minimum wage protections, but it is worth noting that these salaries are far below even the lowest minimum wage specified in law, that for agricultural work, and even farther below that for non-agricultural work.⁸⁸ Both minimum wages have been criticized for failing to provide “a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation.”⁸⁹

Several girls Human Rights Watch interviewed were the only wage earner in their family. While salaries tended to rise somewhat as children grew older, this was not always the case. The majority of domestics interviewed did not control the disposal of their salaries while they were children, these being instead collected by a family member or by a broker who turned them over to a family member.⁹⁰ Several who did not receive their

⁸⁷ A 2001 survey of child domestics found 41.3 percent of girls under fifteen received between 100 and 300 dh per month, 49.1 percent received 300 to 500 dh per month, and 9.6 percent received more than 500 dh per month. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 54.

⁸⁸ As of July 1, 2004, the minimum wage for agricultural work was 50 dh per day, or approximately 6.25 dh per hour, while the minimum wage for industrial, commercial, and professional workers was 9.66 dh per hour. The minimum wage for the latter category rises when work exceeds the standard weekly hours or is performed on days off or holidays. Government of Morocco, *Third Periodic Report to the Committee on Economic, Social, and Cultural Rights*, E/1994/104/Add.29, para. 141. Moroccan Labor Code art. 196.

⁸⁹ U.S. Department of State, Country Report on Human Rights Practices: Morocco, Bureau of Democracy, Human Rights, and Labor, February 28, 2005, available online at <http://www.state.gov/g/drl/rls/hrrpt/2004/41728.htm> (retrieved July 17, 2005).

⁹⁰ The 2001 Casablanca survey of child domestics found that only 6.4 percent of girls under fifteen, and 41.2 percent of girls fifteen through seventeen, received their wages directly; 89.8 percent of girls under fifteen had their wages paid directly to a family member, and 3.8 percent had their salaries paid to a broker or other intermediary. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 55.

salaries reported that their employers nevertheless gave them small sums of spending money, generally in the range of 5 to 10 dh (\$0.55 to \$1.10) per week. Such small amounts are insufficient to cover basic expenses for personal hygiene, clothing, or supplemental food. As a result, some girls told Human Rights Watch that a “good” employer also paid for girls to make a monthly visit to the public baths, while a “bad” employer did not. Only a few girls reported receiving clothing from their employers, and only one, Saida B., reported that as a result she had “dressed well.”⁹¹ More typical was Shaima J.’s experience. She told us, “I get 10 dh (\$1.10) per week. I don’t know how much my father gets, but I don’t get anything else except sometimes old clothes from the family’s children. Usually my father’s wife sends me clothes.”⁹² Zahra H. told us,

I ran away from [one] house while they were sleeping. I was fed up—not just from the son [who was harassing me] but from other things. She [the employer] was giving me old clothes, so old that I didn’t want to wear them. When I wanted money for the public baths [about 20 dh, or \$2.20] she wouldn’t give it to me. She would say “take it from your salary.” She wouldn’t let me use the bath in the house because she said “it is for me and my kids.”⁹³

Unpaid wages

My employer’s salary was 3500 dh (about \$387), and her husband was in the security service, and they didn’t pay for rent or water, and still they paid me next to nothing. The husband was not nice—he used violent language. They didn’t give me my salary and they said that they would hold it for me. I didn’t get paid for eight years. They would give me the cheapest clothes possible. In the beginning they would give me 5 dh a week, then 10 dh a week, then at the end 30 dh a week (\$0.55, \$1.10, and \$3.31, respectively)... One day I decided to leave and they didn’t give me any of my salary.

—Shadia A., describing her second job, at fifteen, in an interview in Casablanca on May 27, 2005

⁹¹ Human Rights Watch interview with Saida B., Casablanca, May 17, 2005.

⁹² Human Rights Watch interview with Shaima J., Casablanca, May 18, 2005.

⁹³ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

Several girls Human Rights Watch interviewed reported periods of nonpayment of wages. The case of Shadia A., above, was particularly extreme because her employers knew she had run away from a violent father and feared returning home. In other cases employers were consistently one or two months behind in paying girls' salaries, and then used those wages as leverage to discourage girls from quitting. The practice was common enough that girls who had worked in several houses reported that they would wait to be paid before quitting to minimize their losses. Employers were particularly likely to withhold wages before a religious feast or annual leave, apparently as leverage to ensure that girls would return to work.⁹⁴ Samira M. told us, "I have worked in four or five houses. They wouldn't give us the money when it came time for `Eid. I would go home for `Eid and not come back because of the bad treatment. When I would go home they wouldn't give me all the salary owed me, for example they wouldn't give me the last month or two months or one-and-a-half months."⁹⁵

Activists told Human Rights Watch that employers sometimes threatened to turn girls over to the police in order to avoid paying monies owed. An expert working with street children and child domestic workers in Marrakech told Human Rights Watch, "In some cases girls are not paid for three or four months. When they leave the employers accuse them of theft" to avoid paying them what they are owed.⁹⁶ One domestic we interviewed said that when she wanted to quit an abusive situation her employer threatened her with arrest if she did not pay the employer's portion of the broker's fee, despite the fact that she had no money and the employer owed her 300 dh (about \$33), the equivalent of half a month's wages. Salwa L. told us:

When I was seventeen I was a servant for a singer. I worked from 6 a.m. to about midnight. I fixed breakfast, cleaned the house. There were four people in the house. The employer's son hit me on the head with a stick so I told them I won't continue to work there. They told me that if I wanted to leave I had to pay the broker 400dh (about \$44) – it was the full employer's fee to the broker! The employer's daughter's husband paid it for me because I didn't have the money. The employer said they would bring the police to make me pay.⁹⁷

⁹⁴ The practice of withholding salaries before the `Eid holiday was particularly notable because it goes against widespread Moroccan cultural and religious expectations of charitable giving to employees, the poor, and children during this season.

⁹⁵ Human Rights Watch interview with Samira M., Casablanca, May 17, 2005.

⁹⁶ Human Rights Watch interview with an expert working with street children and child domestic workers in Marrakech, May 24, 2005. Name withheld by request.

⁹⁷ Human Rights Watch interview with Salwa L., Casablanca, May 27, 2005.

VII. Health Impacts

Cumulative psychological harm

The combined impact of physical violence, degrading and threatening language, isolation, and the abusive conditions of employment, can have significant psychological consequences for child domestics. Two of the domestics Human Rights Watch interviewed, Zahra H. and Rasha A., told us they had considered suicide to escape abusive work situations, and several broke into tears recalling abusive treatment by employers.⁹⁸ In addition, an educator working with child domestics described one of the children we interviewed as having “severe psychological problems” as a result of the abuse she had suffered both at home and while working.⁹⁹

For some children the impact of physical violence paled in comparison to long hours of work, the denial of food, and verbal abuse and other treatment like lack of access to “good” clothing that targeted their dignity. For example, fifteen-year-old Saida B., who was frequently beaten by her first employer, told Human Rights Watch that it was not the worst place she had worked: “The second house where I worked was the worst. [The employer’s] twenty-one-year-old son used bad curses, and they didn’t feed me well, or give me good clothes.”¹⁰⁰

Isolation from family and peers further exacerbates the psychological impact of physical and verbal abuse and abusive work conditions. Isolation from parents negatively affects a child’s self-esteem and sense of identity, and inhibits normal childhood development.¹⁰¹ For instance, Anti-Slavery International notes that an employer rarely assumes a parental role other than in a disciplinary way, and fails to encourage the child, or guide the child to develop personally.¹⁰² A 2001 study of child domestics in Morocco found that they appear to experience punishment from employers differently than punishment by mothers, and noted that “[t]his may be due to the fact that a *petite bonne* usually cannot seek comfort after she has been punished.”¹⁰³ According to Bharati Pflug,

⁹⁸ Human Rights Watch interviews with Zahra H., Casablanca, May 17, 2005, and Rasha A., Marrakech, May 20, 2005.

⁹⁹ Human Rights Watch interview with Najat Oulami, teacher, Association al Aman pour le développement de la femme, Marrakech, May 20, 2005.

¹⁰⁰ Human Rights Watch interview with Saida B., Casablanca, May 17, 2005.

¹⁰¹ Maggie Black, *Child Domestic Workers: A Handbook for Research and Advocacy* (London: Anti-Slavery International, 1997) (discussing the impact of employment on a child domestic’s physical, intellectual, and psycho-social development), p. 14.

¹⁰² *Ibid.*

¹⁰³ Sommerfelt, *Domestic Child Labor in Morocco*, pp. 39-40.

the author of the background report on child domestic workers at the 2002 ILO meeting on Action to Combat Child Domestic Labour, the isolation of child domestics from their peers and family, “when compounded by verbal, physical abuse and harassment can at times result in personality disorders.”¹⁰⁴ Younger children may feel the impact of isolation more strongly, even in the absence of physical abuse. Hiba Kh., twelve, had been working only two months when we interviewed her, and described her work conditions as relatively good. “They don’t hit me,” she said. “[But] I wish there were children in the house, and music. I want to sing and play but there is only the employer and her husband. I want to be a singer when I grow up, like [Lebanese pop star] Nancy Agram.”¹⁰⁵

Health impacts compounded by inadequate nutrition and health care

The working conditions described above often result in poor health. This is exacerbated when child domestics are given food that often is insufficient in quantity and quality to meet the nutritional demands of their growing bodies. A 2001 study of child domestics in Casablanca found that 75 percent of the girls under fifteen surveyed reported physical ailments related to their work, and more than 22 percent reported psychosomatic ailments.¹⁰⁶ Zahra H., seventeen, told us that when she began working at eight “I would eat in the kitchen, the same food that they ate but less than them. It didn’t satisfy me but I didn’t say anything because I was afraid they would hit me.”¹⁰⁷ Najat Z., eleven, told us, “I ate lentils or *loubia* [bean stew], and the family ate meat.”¹⁰⁸ In the most extreme case we encountered, Shadia A. told us that her first employer,

didn’t let me break [the Ramadan] fast with them but would make me work during the *iftar* (fast-breaking meal) and I would have to snatch bits of food from the kitchen while she wasn’t looking. She would tell her children to watch me so that I wouldn’t eat, but the eleven-year-old would try to sneak me food and help me.... [The employer] would curse me and I was afraid of her but I didn’t know where else to go.... The

¹⁰⁴ Bharati Pflug, *An Overview of Child Domestic Workers in Asia*, ILO-Japan-Korea Asia Meeting on Action to Combat Child Domestic Labour, October 2-4, 2002, Chiang Mai, Thailand (Bangkok: ILO-IPEC, 2003), p. 26.

¹⁰⁵ Human Rights Watch interview with Hiba Kh., Marrakech, May 20, 2005.

¹⁰⁶ Forty-one percent reported general fatigue, 15.1 percent headaches, 10.3 percent backaches, 2.1 percent eczema of the hands, 3.4 percent allergies, 2.7 percent stomach aches, 11 percent depression (“repli sur soi”), 2.7 percent “bedwetting,” and 8.9 percent difficulty sleeping. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 58.

¹⁰⁷ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

¹⁰⁸ Human Rights Watch interview with Najat Z., May 20, 2005.

employer didn't pay me and didn't even let me eat when I had my [menstrual] period [and wasn't fasting].¹⁰⁹

Child domestics' separation from their families and their lack of access to their already grossly inadequate wages leave them dependant on their employers for medical care, yet only one child Human Rights Watch interviewed reported receiving medical attention when sick. Shaima J., fourteen, told us, "Once I was sick and they took me to a doctor and took the money from my wages because the medicine was expensive. I know because my father complained about it. Another time I had an eye problem and they took money for that."¹¹⁰ More typical were girls who said that their employers gave them non-prescription medicine when they were ill but did not take them to the doctor, and girls who received no medical attention at all. Zahra H. told Human Rights Watch that when she became sick during her most recent job: "I kept working. They would say I was a liar. I would get very sick and tired during Ramadan because of fasting and because there was lots of cooking and dishes to wash."¹¹¹ Najat Z., eleven, told us, "When I got sick they said, 'you are lying, you aren't sick!' and they didn't give me any medicine and I had to work anyway."¹¹²

VIII. Lack of Access to Complaint Mechanisms

The Moroccan Labor Code denies child domestics access to the primary mechanism protecting workers: as domestic workers they are excluded from the Labor Code's provisions on conditions of employment, and labor inspectors are not authorized to enter private homes so they cannot effectively enforce the Labor Code's minimum age of employment.¹¹³ Child domestic workers' ability to make complaints about ill-treatment and to seek assistance leaving an abusive workplace is further constrained by their isolation from family, peers, and outsiders who could potentially intervene on their behalf.

¹⁰⁹ Human Rights Watch interview with Shadia A., Casablanca, May 27, 2005.

¹¹⁰ Human Rights Watch interview with Maha R., Casablanca, May 18, 2005. Human Rights Watch interview with Shaima J., Casablanca, May 18, 2005.

¹¹¹ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

¹¹² Human Rights Watch interview with Najat Z., Marrakech, May 20, 2005.

¹¹³ See Chapter XI for a more detailed discussion of child domestics' exclusion from the protection of the law and the government's failure to enforce other relevant criminal legislation.

Seventeen-year-old Zahra H. told us,

[The employer] used bad language all the time, but if I broke something she would hit me or pull my hair. When I was fed up I couldn't go out. I wouldn't tell her [that I wanted to go out] because I knew she would say no and anyway there wasn't anyplace to go—I don't have family here. When I did go out I came to [an NGO working with child domestics]. I found it by accident. I was walking in the street and I told someone [about my situation] and that person told me to go to a police officer and say what happened, but I was afraid. I sat in the train station for a long time and a police officer saw me and asked me if I wanted to go home but I was afraid [to tell him my story.] After a while I told him and he took me to the [NGO] office at the train station and they brought me here.¹¹⁴

Younger children's opportunities to leave an abusive workplace without assistance are particularly limited. Because of their age, they are less likely to be allowed out of the house alone, and thus have fewer opportunities to run away or complain to someone outside the household. Very young children, and particularly children from the countryside, may have no idea how to navigate a large city, how to find transport home, or even exactly where home is. According to UNICEF, "[v]ery young girls who flee abusive jobs often don't know where to go so they end up on the street or in the [Abdelsalem] Bennani Center [a juvenile detention facility that also houses abandoned children]."¹¹⁵

Several children told Human Rights Watch that they relied on annual visits home to convince their parents to remove them from an abusive work situation.¹¹⁶ This was especially true for girls who do not receive family visits at their place of employment.¹¹⁷ Amina L. told us she was able to end her first job, which began when she was eight, in this way. "I would eat alone, sleep alone, and I didn't go to school. The work was very

¹¹⁴ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

¹¹⁵ Human Rights Watch interview with Rajae Berrada, UNICEF/Morocco child protection officer, Rabat, May 18, 2005.

¹¹⁶ The 2001 Casablanca study of child domestics found that only 56.9 percent of girls under fifteen visited their families while working, and of those, 61.2 percent only visited their families on religious holidays, and 33.1 percent only visited during the annual vacation. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 43.

¹¹⁷ The 2001 Casablanca study of child domestics found that 29.7 percent of girls under fifteen and 43.2 percent of girls fifteen through seventeen did not receive family visits at their place of employment. Of the girls under fifteen who did receive family visits, 74.5 percent described the visits as being solely to collect the girl's salary. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 43.

hard so I didn't stay there long. When I went home I cried and refused to go back."¹¹⁸ Loubna G., who started work at ten, told us she worked for two years before she was able to quit her first job in this way: "When I went home I didn't go back."¹¹⁹

Infrequent contact between parents and children may make parents less able to recognize signs of abuse, particularly if, as one study has suggested, parents' desire to protect their children conflicts with their desire for the child to continue to bring in needed income. Conversely, children who feel intense pressure to provide for their families may be slower to complain to parents about abusive employers if they feel that it will do no good or that their families depend on them. In some instances children told us when they did complain to parents about abuse their parents appeared to be slow to take action to remove children from abusive households. For example, Saida B., the fifteen-year-old who ran away after her employer tried to thrust her head in a washing machine, told us she had previously complained to her mother about abuses, without relief: "I would see [my mother] once a month when she came to the house to get the money. When I told my mother about the problems she would curse me and I was afraid to tell her that I didn't want to work in houses because she is easily angered (*asabiya*)."¹²⁰ Zahra H., seventeen, described the reaction when she told her mother her employer's son was sexually harassing her:

The first time was when I was sixteen. I told my mother and she said don't worry about it. She was afraid because they were giving her money—I was earning 500 dh (about \$55) per month then—and she was afraid if I came home I wouldn't find another job. I ran away from that house while they were sleeping.¹²¹

IX. Education

Child domestics in Morocco face significant barriers to education before, during, and after working. Denial of the right to education all too often leaves children without the skills and knowledge they need to find better jobs, participate fully in society, and to exercise their other rights.¹²² For child domestics, who frequently work in isolation, lack

¹¹⁸ Human Rights Watch interview with Amina L., Casablanca, May 18, 2005.

¹¹⁹ Human Rights Watch interview with Loubna G., Casablanca, May 18, 2005.

¹²⁰ Human Rights Watch interview with Saida B., Casablanca, May 17, 2005.

¹²¹ Human Rights Watch interview with Zahra H., Casablanca, May 17, 2005.

¹²² For an in depth discussion of the importance of right to education see "Failing Our Children: Barriers to the Right to Education", *A Human Rights Watch Report*, September, 2005.

of education also means they miss its crucial role in socializing children and exposing them to potential sources of protection from workplace abuses.

Moroccan law provides for free and compulsory primary education for children age six to fifteen.¹²³ Morocco has made advances in expanding primary school enrollment, especially in rural areas and among girls, two categories which previously had extremely low rates of school attendance.¹²⁴ Nevertheless, only 8 percent of Moroccan working girls also attend school—the lowest rate of school attendance of any country outside of sub-Saharan Africa except India.¹²⁵ Nationwide data is lacking, but based on existing studies primary school attendance rates for child domestics appear to be far lower than for any other category of working children. While nonformal educational programs for working children do exist, their quality varies widely and for the most part they have not been successful in reintegrating children into formal education or in reaching the most vulnerable children.

Barriers to formal education

Thirteen of the fifteen domestics Human Rights Watch interviewed had either never entered school or had dropped out by the end of fifth grade. With the exception of one domestic who completed ninth grade while working during her school vacations, none of the women and girls Human Rights Watch interviewed had been able to combine formal primary education with working. In only a few of the cases did parents remove children from school with the intention of sending them to work. More typically, parents failed to enroll girls in school or withdrew them for other reasons, or girls themselves chose to leave school. Once out of school a girl's risk of being sent to work appears to increase considerably as she becomes, in her family's eyes, available for work.

Domestics we interviewed told us that some employers repeatedly promised to send them to school, but with the exception of a few children enrolled in nonformal education classes, discussed below, this never happened. Indeed, it is hard to imagine a child being able to succeed in school while working the exhausting jobs documented in this report.

¹²³ Government of Morocco, *Third Periodic Report to the Committee on Economic, Social, and Cultural Rights*, paras. 321-323; Law 04-00, promulgated by dahir no. 1-00-200 of May 19, 2000 (15 safar 1421) amending dahir no. 1-63-071 of November 13, 1963 (25 jomada II 1383) on Compulsory Basic Education, Official Bulletin No. 4800 of June 1, 2000, p. 483.

¹²⁴ See Chapter III, above.

¹²⁵ Among countries where comparable data exists. School attendance rates for working boys are similarly low, at 14 percent. ILO-UNICEF-World Bank, *Understanding Children's Work*, p. 3.

Activists Human Rights Watch spoke with cited school fees and related costs as one of the most significant factors in explaining child domestics' nonattendance.¹²⁶ Knowledgeable sources estimated that poor Moroccan families typically spend 300 dh to 600 dh (about \$33 to \$66) per child per year on school fees, uniforms, books and supplies, and other related costs, depending on the grade.¹²⁷ These estimates do not include activities costs or fees paid for private lessons, although according to one educator we spoke with, "uneducated parents can't help their children study and need to pay for special classes" for their children to succeed.¹²⁸ For families with several school-age children, and particularly for families with little or no wage income, these costs may lead to decisions to "save" money by keeping girls out of school, and/or to send girls to work in order to subsidize school costs for boys in the family, or for siblings of either sex deemed to be doing better at school.¹²⁹

Six of the domestics we interviewed gave school costs as the reason they did not enroll or dropped out of school prior to working. Saida B., fifteen, told Human Rights Watch, "I completed fifth grade but then there was no money left. School costs 300 dh (about \$33)."¹³⁰ Najat Z., eleven, said, "I left school in second grade because my father and mother are beggars, and my brothers and sisters also beg, so there wasn't enough money for me to go to school. I liked going to school. There are still two of us in school, a brother and a sister. My sister in school also works as a maid in a house—that was her condition for agreeing to work as a maid."¹³¹

Almost as important as school costs in explaining child domestics' nonattendance was some schools' refusal to admit children who lacked birth registration documents,

¹²⁶ The Committee on the Rights of the Child expressed concern over "the cost of primary education supplies, textbooks, etc.)" in its 2003 review of Morocco. Committee on the Rights of the Child, *Concluding Observations: Morocco*, para. 52.

¹²⁷ Human Rights Watch interview with an expert working with street children and child domestic workers, Marrakech, May 24, 2005, and Human Rights Watch interview with an educator with more than twenty years' experience, Marrakech, May 23, 2005. Names withheld at their request.

¹²⁸ Human Rights Watch interview with an educator with more than twenty years' experience, Marrakech, May 23, 2005. Name withheld by request.

¹²⁹ The 2001 Casablanca study of child domestic workers found 40.8 percent of child domestic workers under fifteen gave "poverty" as the reason for leaving school, 14.3 percent cited disaffection, 18.4 percent a parent's decision, and 20.4 percent a personal choice. Regional Office for Greater Casablanca, *Study of Girl Domestics*, p. 40.

¹³⁰ Human Rights Watch interview with Saida B., May 17, 2005.

¹³¹ Human Rights Watch interview with Najat Z., May 20, 2005.

attempted to enroll late, or who wished to return to school after an absence.¹³² As many as 20 percent of children born in Morocco are not registered at birth, despite legislation requiring registration within thirty days of birth.¹³³ Registration is possible after thirty days, but the process is time consuming.¹³⁴ Activists we spoke with told us that lack of birth registration is particularly a problem for children of unwed mothers, many of whom are themselves former child domestics.¹³⁵

Three of the domestics Human Rights Watch interviewed cited a lack of birth registration as the reason they had not attended school. Rasha A., fourteen, said, “I completed fifth grade but then I left school because I wasn’t registered in the civil registry and I didn’t have enough money for books and school fees.”¹³⁶ Nasra J., twenty, told us, “I never went to school. We weren’t registered in the civil register. My father had six children from his first wife and two from my mother. They sent my brother to school but he didn’t have papers either so there were problems.”¹³⁷

ILO-IPEC told Human Rights Watch it has recently made reintegrating twelve- to fifteen-year-old children into formal education a priority “because the schools don’t want to take these children back into formal education.”¹³⁸ Salwa L., nineteen, told us that she went to school for one year before financial problems caused her family to send her to work. When family finances improved her father stopped sending her to work, but she was unable to return to school and ended up returning to domestic work at age twelve. “I hadn’t gone back to school,” she explained, “so there was nothing to do. I

¹³² The 2001 FAFO study also cited several cases of child domestics who had not been allowed to attend school because they lacked birth certificates to document their age or because they attempted to enroll a few months after the start of the school year, were refused, and then were told the next year that they were too old to start school. Sommerfelt, *Domestic Child Labor in Morocco*, p. 57.

¹³³ In testimony to the Committee on the Rights of the Child the Moroccan delegation gave the then current level of birth registration as 80 percent, following the introduction of new legislation on compulsory birth registration in 2000. In the Committee’s Concluding Observations, it stated it was “concerned at the rather low level (85.5 per cent) of birth registration.” Committee on the Rights of the Child, Summary Record of the 882nd Meeting, CRC/C/SR.882, July 16, 2003, para 11; Committee on the Rights of the Child, *Concluding Observations: Morocco*, CRC/C/15/Add.211 July 10, 2003, para 32.

¹³⁴ For a more detailed discussion of Moroccan legislation on birth registration and civil status, see Michèle Zirari, *Rapport relatif à l’élaboration d’un Code de l’enfance*, UNICEF and Secrétariat d’Etat chargé de la famille, de la solidarité et de l’action sociale, January 2004, pp. 8-15.

¹³⁵ Human Rights Watch interview with an expert working with street children and child domestic workers in Marrakech, May 24, 2005, name withheld by request; Human Rights Watch interview with Nabila Tbeur, director, Institution Nationale de Solidarité avec les Femmes en détresse (INSAF), Casablanca, May 26, 2005.

¹³⁶ Human Rights Watch interview with Rasha A., Marrakech, May 20, 2005.

¹³⁷ Human Rights Watch interview with Nasra J., Casablanca, May 27, 2005.

¹³⁸ Human Rights Watch Interview with Malak Ben Chekroun, ILO-IPEC officer, Rabat, May 30, 2005.

couldn't go back to school because the school refused to take me back because I had been out of school for a while."¹³⁹

Poor quality education, shortages of schools and poor school infrastructure in rural areas, physical violence in schools, and cultural biases against girls attending school also contribute to child domestics not enrolling or dropping out early. Hiba Kh., twelve, told Human Rights Watch, "I finished third grade. Then I left school because I wasn't learning anything."¹⁴⁰ Maha R., eleven, told us, "I went to school for two years but I left because the teacher hit me with a stick because he didn't like me because I didn't study."¹⁴¹ Shaima J., fourteen, said simply, "No one in my family has gone to school. Baba told me I had to work to bring him money."¹⁴² Abeer T., twenty-one, told us, "I didn't go to school. My mother didn't let the girls go to school, only the two boys. The school was far away anyway."¹⁴³

Yamna Taltit, family program coordinator for Association Bayti, an NGO working with children in need of protection, including street children and child domestics, told Human Rights Watch,

Our educational system suffers from traditional methodologies, large classes, too many subjects taught without real learning, no pre-school programs in smaller towns and rural areas, and problems of sexual and physical violence. Teachers lack training, and sometimes girls also drop out because their families and teachers fail to follow up with children having difficulties or missing school. Some families have educated members who are [nevertheless] unemployed, and so this undermines belief in the value of education.¹⁴⁴

Taltit's critique was echoed by other children's rights activists and teachers with whom Human Rights Watch spoke. Dr. Lahcen Haddad told us, "The government needs to hold teachers accountable.... The Ministry of [National] Education doesn't know how to deal with the dropout problem—they think that improving access will end the dropouts, but it is the school that rejects the children. Teacher absenteeism is a huge problem, and

¹³⁹ Human Rights Watch interview with Salwa L., Casablanca, May 27, 2005.

¹⁴⁰ Human Rights Watch interview with Hiba Kh., Marrakech, May 20, 2005.

¹⁴¹ Human Rights Watch interview with Maha R., Casablanca, May 18, 2005.

¹⁴² Human Rights Watch interview with Shaima J., Casablanca, May 18, 2005.

¹⁴³ Human Rights Watch interview with Abeer T., Casablanca, May 27, 2005.

¹⁴⁴ Human Rights Watch interview with Yamna Taltit, family program coordinator, Association Bayti, Casablanca, May 17, 2005.

teaching methods are not learner oriented. Children are alienated so they do poorly and then drop out.”¹⁴⁵ An educator with twenty years’ experience told us, “There is a lack of appropriate in-service training. We are trained in a given methodology and then suddenly they change the methodology because someone went to Canada and saw a new method. As for dropout rates—we live the phenomenon. There is no methodology for addressing dropouts nor a strategy for how to deal with it. The Ministry [of National Education] doesn’t want feedback from teachers, and there is a great lack of horizontal and vertical linkages. So the problem is that policies come from the center from those who don’t know what is going on in the field. We need a brainstorming approach.”¹⁴⁶ The same educator also noted that “[c]hildren who don’t do homework are punished, either physically or psychologically. Physical punishment is not common, but children are threatened and are afraid. Now there are instructions from the Ministry of [National Education] banning violence but it still happens sometimes.” In its 2003 review of Morocco the U.N. Committee on the Rights of the Child expressed its concern over “high drop-out and repetition rates, gender and regional disparities in the education system,” and “the apparently ongoing, and rather common use of corporal punishment in schools.”¹⁴⁷

Barriers to nonformal education

While Morocco has nonformal education programs that could in theory help child domestics transition back to formal education, thus far they appear to have had limited success.¹⁴⁸ Some of the difficulties stem from the nature of the programs themselves. Girls attend at the will of their employers, and so these programs are unlikely to reach children working for the most abusive employers. Classes are generally short, lasting a couple of hours one or two times a week, and thus are limited in what they can accomplish. A 2004 evaluation of a UNICEF-funded informal education pilot program for child domestics in Casablanca found that “relatively few children have returned to school, while the length of informal education sessions and irregular children’s

¹⁴⁵ Human Rights Watch interview with Dr. Lahcen Haddad, child rights activist, Rabat, May 18, 2005.

¹⁴⁶ Human Rights Watch interview, May 23, 2005. Name withheld by request.

¹⁴⁷ Committee on the Rights of the Child, *Concluding Observations: Morocco*, CRC/C/15/Add.211, July 10, 2003, paras. 42, 52.

¹⁴⁸ In its October 2004 submission to the Committee on Economic, Social, and Cultural Rights, the government stated that its “non-formal education programme was introduced in 1997/98 with a view to integrating children aged 9-15 years who had never attended school or had left prematurely.” However, the government’s description of the program’s achievements suggest that many of those served are adults and children over age fifteen, and that only a very few of the child participants have returned to formal education: “[s]ince the launching of the non-formal education programme in May 1997, some 141,525 children and young people, 65.3 per cent of them girls, have benefited from it.... The programme has also made it possible to place 56,427 young people by the end of 2001 as follows: 49,777 in jobs, 6,274 in the formal education system and 376 in vocational training.” Government of Morocco, *Third Periodic Report to the Committee on Economic, Social, and Cultural Rights*, E/1994/104/Add.29, paras. 342, 358.

attendance at informal education sessions do not ensure that they get a sufficient learning background to return to school or access vocational training.”¹⁴⁹ A teacher at one class Human Rights Watch visited said that some employers also used the classes as leverage over their child domestics, refusing to allow them to attend classes as a form of punishment.¹⁵⁰

Other experts we spoke with pointed to funding shortfalls and poorly designed programs. UNICEF told Human Rights Watch that these programs were under-funded and lacked a strategy for reintegrating children into formal education.¹⁵¹ An activist at an NGO working with street children and former child domestics said, “This year is the first year that the secretariat on nonformal education has really begun developing a methodology. The problem is that teachers are only paid about 2,000 dh (about \$221) per month and then are told to take more kids of different backgrounds. They are judged by the number of children they teach, not the quality of teaching. I was in the countryside yesterday and visited a program with one teacher for a huge area and she was responsible for children from three different levels. Also, teachers often go for long periods without receiving their salaries. Some teachers are married to other teachers so I don’t know how they survive.”¹⁵²

X. Child Labor in International Law

Under international law, child labor in itself is not prohibited, in recognition of the potential benefits of some forms of work and of the realities that require many children to enter the workforce to support their own or their families’ basic needs. Instead, international treaties address the circumstances under which children may work and require states to set minimum ages for employment. In addition, children who work do not give up the basic human rights that all children are guaranteed; in particular, they continue to enjoy the right to education.

Minimum age for employment

As already noted, the ILO Minimum Age Convention, ratified by Morocco, sets the minimum age for admission to employment at fifteen. The convention further states

¹⁴⁹ Morocco-UNICEF Country Programme Evaluation, undated, [online] <http://www.mofa.go.jp/policy/oda/evaluation/2004/morocco.pdf> (retrieved October 10, 2005).

¹⁵⁰ Human Rights Watch interview with Sumiya Tarmila, a teacher at Markaz Sa’d bin Abi Waqas afternoon literacy program for child domestic workers, May 18, 2005.

¹⁵¹ Human Rights Watch interview with Rajae Barrada, child protection officer, UNICEF, Rabat, May 18, 2005.

¹⁵² Human Rights Watch interview with Amina L’Naum, program officer, Association Bayti, Casablanca, May 17, 2005.

that national laws “may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling” provided the work “is not likely to be harmful to their health or development,” and does not prejudice their attendance at school or participation in vocational training programs.¹⁵³ Moreover, for such children, the convention requires states to “determine activities in which employment is permitted and [to] prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.”¹⁵⁴

The prohibition on economic exploitation and harmful or hazardous labor

The CRC obligates Morocco to protect children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”¹⁵⁵ It guarantees all children under eighteen the right “to be protected from economic exploitation and from performing any work that is likely to be . . . harmful to the child’s health or physical, mental, spiritual, moral or social development.”¹⁵⁶ Moreover, states parties to the convention are obligated to regulate the hours and conditions of employment and to ensure that children have adequate time for rest, leisure, and play.¹⁵⁷ While the treaty does not define economic exploitation, Human Rights Watch believes that this threshold is crossed when, as described in this report, child domestics are required to work extremely long hours without adequate rest, leisure, and play, for wages far below the lowest minimum wage set in law for other categories of workers.¹⁵⁸

¹⁵³ Minimum Age Convention, art. 7(1-2).

¹⁵⁴ *Ibid.*, art. 7(3). ILO Recommendation 146 concerning the Minimum Age for Employment instructs that, for children above the minimum age of employment and who have not completed compulsory education, governments should ensure that these children: receive “fair remuneration bearing in mind equal pay for equal work”; have strict limits on hours of daily and weekly work, including a prohibition on overtime to enable adequate time for education and training (including time for homework), rest during the day, and for leisure activities; a minimum consecutive period of twelve hours a night for rest and weekly rest days; annual holiday with pay for at least four weeks, not shorter than that granted to adults; coverage by social security schemes, including workplace injury, medical care, and sickness benefit schemes, whatever the conditions of employment or work may be; and the maintenance of satisfactory safety and health standards. ILO Recommendation concerning Minimum Age for Admission to Employment, ILO No. 146, June 26, 1973, para. 13(1).

¹⁵⁵ Convention on the Rights of the Child, art. 19(1).

¹⁵⁶ Convention on the Rights of the Child, art. 32(1).

¹⁵⁷ Convention on the Rights of the Child, arts. 31-32.

¹⁵⁸ For a fuller discussion of economic exploitation of children, see the Committee on the Rights of the Child, Report on the Fourth Session of the Committee on the Rights of the Child, CRC/C/20, October 25, 1993, paras. 186-196 and Annexes V-VI.

The Worst Forms of Child Labour Convention, ratified by Morocco on January 26, 2001, develops the prohibition on harmful or hazardous work. Under that Convention, some forms of child labor are flatly prohibited, including “slavery or practices similar to slavery, such as the sale and trafficking of children...and forced or compulsory labor.”¹⁵⁹ Other types of work are prohibited if they constitute “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”¹⁶⁰ States parties determine what constitutes prohibited hazardous work in consultation with workers’ and employers’ organizations, considering “relevant international standards, in particular... the Worst Forms of Child Labour Recommendation.”¹⁶¹ Among other factors, the recommendation calls for consideration of the extent to which the work “exposes children to physical, psychological or sexual abuse” or involves “particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”¹⁶²

The Worst Forms of Child Labour Convention further obligates states parties to implement programs of action to eliminate as a priority the worst forms of child labor, including taking effective and time-bound measures to provide direct assistance for the removal of children from the worst forms of child labor and for their rehabilitation and social integration, to identify and reach out to children at special risk, and to take into account the special situation of girls.¹⁶³ The Worst Forms of Child Labour Recommendation in particular urges states to give “special attention” to “the problem of hidden work situations, in which girls are at special risk.”¹⁶⁴

The Worst Forms of Child Labour Recommendation also sets out detailed steps states should take in implementing the Convention. Among these steps are the collection of detailed, disaggregated information and statistical data on the nature and scope of child labor, the creation of mechanisms to monitor implementation, and the coordination and cooperation of the responsible national authorities.¹⁶⁵

¹⁵⁹ Worst Forms of Child Labour Convention, art. 3(a).

¹⁶⁰ Worst Forms of Child Labour Convention, art. 3(d).

¹⁶¹ Worst Forms of Child Labour Convention, art. 4(1).

¹⁶² Worst Forms of Child Labour Recommendation, art. 3.

¹⁶³ Worst Forms of Child Labour Convention, arts. 6-7.

¹⁶⁴ Worst Forms of Child Labour Recommendation, art. 2(c).

¹⁶⁵ Worst Forms of Child Labour Recommendation, Arts. 5(1) 5(2), 8, 9.

Forced labor

Forced labor is among the worst forms of child labor and is prohibited for all children under eighteen. The ILO Forced Labour Convention, ratified by Morocco in May 1957, defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹⁶⁶

In determining whether particular working conditions constitute forced labor, the ILO Committee of Experts has said that the “menace of any penalty... need not be in the form of penal sanctions, but might take the form also of a loss of rights or privileges.”¹⁶⁷ In its 2005 Global Report on forced labor, the ILO discusses “the often subtle forms of coercion” that characterize forced labor, and sets out “the main elements or characteristics that can be used to identify forced labour situations in practice.” Examples of menace of penalty include: physical violence against worker or family or close associates, sexual violence, threat of supernatural retaliation, imprisonment or physical confinement, financial penalties, denunciation to police or immigration authorities and deportation, dismissal from current employment, exclusion from future employment, exclusion from community and social life, removal of rights or privileges, deprivation of food, shelter or other necessities, shift to even worse working conditions, and loss of social status. Example of lack of consent include: physical confinement in the workplace, psychological compulsion, physical abduction, deception or false promises about types of work and terms of work, withholding or nonpayment of wages, retention of identity documents, birth/descent into slave or bonded status, sale of person into the ownership of another, and induced indebtedness.¹⁶⁸

Trafficking of children for forced labor

The most widely accepted definition of child trafficking is that of the Trafficking Protocol of the Convention against Transnational Organized Crime, which defines child trafficking as the recruitment, transportation, transfer, harboring, or receipt of a child for the purposes of sexual or labor exploitation, forced labor, or slavery.¹⁶⁹ Unlike the CRC’s

¹⁶⁶ ILO Convention No. 29 concerning Forced or Compulsory Labour, 39 U.N.T.S. 55 (entered into force May 1, 1930, ratified by Morocco on May 20, 1957), art. 2.

¹⁶⁷ International Labour Conference, 1979 General Survey of the Reports relating to the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1975 (No. 105), Report of the Committee of Experts on the Application of Conventions and Recommendations, 65th Session, Geneva, 1979, Report III, para. 21.

¹⁶⁸ ILO, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work* (Geneva: ILO, 2005), pp. 5-6, Box 1.1.

¹⁶⁹ Exploitation includes “at a minimum, the exploitation of or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Optional Protocol on the Sale of Children, the Trafficking Protocol applies even if a parent or guardian did not receive payment or other consideration to move a child to a situation of exploitation.¹⁷⁰ Although Morocco has not signed or ratified the Trafficking Protocol, it has ratified the Convention on the Worst Forms of Child Labour, which includes forced labor and child trafficking for forced labor among the worst forms of child labor. Governments have an affirmative obligation to prevent the worst forms of child labor.¹⁷¹

The ILO considers a child to be trafficked into domestic service when she is “obliged to leave her...home village to go to the city to find work and who is recruited into domestic service where the conditions are exploitative (for example, the child is ‘paid’ in food and lodging rather than receiving a wage).”¹⁷² The ILO explains that even if the relocation element of trafficking is voluntarily, if the domestic service is exploitative and satisfies any of the criteria for the worst forms of child labor, then the child is considered to be trafficked, and the employers are traffickers under international law.¹⁷³

Human Rights Watch believes that the testimonies of three of the fifteen domestics profiled in this report may be consistent with the international definition of trafficking of children into forced labor. They are the testimonies of Zahra H., whose employer beat her when she didn’t do what she was told to do but who, at age eight, was too young to leave by herself and who didn’t receive visits from her family at her place of employment; Rasha A., whose employer locked her inside the house when the employer went out, beat her when she did work poorly, and threatened her with more beatings if she complained to her family during visits the employer supervised; and Salwa L., whose employer refused to pay money owed her when she said she wanted to quit and threatened to bring the police to beat her to extract additional money.

In addition to these three cases, one other case we investigated has elements that suggest forced labor: Samira M., whose employer required her to work eighteen-hour days, beat

Where children, as opposed to adults, are concerned, trafficking can exist in the absence of coercion, abduction, fraud, or deception. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol), G.A. Res. 25, annex II, U.N. GAOR, 55th Sess. Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001) (entered into force December 25, 2003), art. 3.

¹⁷⁰ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (“Optional Protocol on the Sale of Children”), G.A. Res. A/RES/54/263, May 25, 2000 (entered into force January 18, 2002, ratified by Morocco on October 2, 2001).

¹⁷¹ Convention on the Rights of the Child, art. 32, 35-36; Worst Forms of Child Labour Convention, art. 3.

¹⁷² ILO-IPEC, *Helping Hands*, pp.10-11.

¹⁷³ *Ibid.*, p. 12.

her if she was slow bringing things, threatened to bring police to beat her, and didn't let her go out "except to take out the garbage."¹⁷⁴

The right to education

Under international law, the right to education is guaranteed in the CRC and the International Covenant on Economic, Social and Cultural Rights. These instruments dictate that primary education must be "compulsory and available free to all."¹⁷⁵ Secondary education, including vocational education, must be "available and accessible to every child," and states parties must "take appropriate measures, such as the introduction of free education and offering financial assistance in case of need."¹⁷⁶ In addition, the CRC obligates states parties "to take measures to encourage regular attendance at school and the reduction of drop-out rates."¹⁷⁷ States parties to the Convention for the Elimination of All Forms of Discrimination against Women are obligated to end discrimination against girls in education, including access to schooling, reduction of female student dropout rates, and programs for girls who have left school prematurely.¹⁷⁸ Both primary and secondary education must include elements of "availability, accessibility, acceptability and adaptability."¹⁷⁹ The Committee on Economic, Social and Cultural Rights defines availability to mean "functioning educational institutions and programmes...to be available in sufficient quantity within the jurisdiction."¹⁸⁰ Educational institutions must be accessible to all without discrimination, to be "within safe physical reach," and to be "affordable to all."¹⁸¹ The Committee elaborated that although primary education should be "free to all," state parties are "required to progressively introduce free secondary and higher education."¹⁸²

¹⁷⁴ Human Rights Watch interview with Samira M., Casablanca, May 17, 2005.

¹⁷⁵ Convention on the Rights of the Child, art. 28(1)(a); Universal Declaration of Human Rights, art. 26(1); International Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966, 993 U.N.T.S. 3 (entered into force January 2, 1976), art. 13(2)(a). Morocco ratified the treaty on May 3, 1979.

¹⁷⁶ Convention on the Rights of the Child, art. 28(1)(b). Article 13 of the International Covenant on Economic, Social and Cultural Rights provides that secondary education, including vocational education, "shall be generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education."

¹⁷⁷ Convention on the Rights of the Child, art. 28(1)(e).

¹⁷⁸ Convention for the Elimination of All Forms of Discrimination against Women, adopted December 18, 1979, 1249 U.N.T.S. 13 (entered into force September 3, 1981, ratified by Morocco on June 21, 1993), art. 10.

¹⁷⁹ Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, U.N. Doc. E/C.12/1999/10, December 8, 1999, para. 6.

¹⁸⁰ *Ibid.*, para. 6(a).

¹⁸¹ *Ibid.*, para. 6(b).

¹⁸² *Ibid.*

The CRC explicitly guarantees children the right to be protected from “performing any work that is likely... to interfere with the child’s education.”¹⁸³ The Worst Form of Child Labour Convention highlights “the importance of education in eliminating child labour” and calls on states to “ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour.”¹⁸⁴

XI. The Government Response

Since 2000 Morocco has significantly expanded its arsenal of legislation that could be used to combat exploitive child labor.¹⁸⁵ It has also devoted significant expenditures to addressing some of the underlying factors driving child labor, through poverty alleviation programs and ambitious educational reform plans.¹⁸⁶ These efforts are laudable, but they do not constitute the integrated strategy for combating the worst forms of child labor that Morocco needs, and in many cases they fail to meet the test of “immediate and effective measures” required by international law.¹⁸⁷ Child domestic workers are excluded from key legislation providing protection to other forms of child labor, and police, prosecutors, and judges rarely enforce protections in other legislation in cases involving child domestics. Government efforts to address child protection have largely neglected child domestic labor, and those that do address child domestic labor frequently suffer from a lack of coordination across ministries and sectors, between government and nongovernmental and international actors, and among NGOs, and a lack of a clear budget for implementation. Little detailed data exists on child labor nationally, and especially on “hidden” forms of labor like domestic work. Few programs exist to provide direct assistance for the removal of children from the worst forms of child labor, including domestic labor, and those that do exist have been largely pilot programs with limited scope and success.

¹⁸³ Convention on the Rights of the Child, art. 32.

¹⁸⁴ Worst Forms of Child Labour Convention, art. 7(2).

¹⁸⁵ For example, ratification of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (ratified January 6, 2000), ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ratified January 26, 2001); amendments to the Labor Code raising the minimum legal age for work to fifteen; amendments to the Penal Code punishing the sale of children (art. 467-1, amended by Law 24-03); and amendments expanding the period of free and compulsory education (Law 04-00, promulgated by dahir 1-00-200 of May 19 2000 (15 safar 1421) modifying dahir 1-63-071 of November 13, 1963 (25 jourmada II 1383) on the Obligation of Basic Education, Official Bulletin 4800 June 1, 2000, p. 483.

¹⁸⁶ These programs are summarized in ILO-UNICEF-World Bank, *Understanding Children’s Work in Morocco*, pp. 32-35.

¹⁸⁷ The Worst Forms of Child Labour Convention requires member states to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.” Worst Forms of Child Labour Convention, art. 1.

Exclusion from protection of the law and failures of enforcement

As noted above, all domestic workers—adults and children— are excluded from Morocco’s Labor Code and do not enjoy the minimum protections afforded to other workers in the industrial, commercial, and agricultural sectors. This exclusion leaves abusive employers free to set whatever working conditions they choose, to change those conditions at will, and to engage in abuse and exploitation of domestic workers without fear of prosecution. The impact of this exclusion falls disproportionately on women and girls, who comprise the largest percentage of household workers. While Moroccan criminal law contains provisions that could be used to punish child abuse, forced labor, sexual exploitation, and trafficking of children, these provisions are rarely invoked against those who abuse child domestics.

The 2003 amendments to the Labor Code provide for separate legislation governing conditions of employment for domestic workers, but as of this writing no draft of this legislation has been made public.¹⁸⁸ A Ministry of Employment and Professional Development official told Human Rights Watch in May 2005 that she did not expect legislation to be issued soon, as during interministerial discussions of the initial draft “many ministries didn’t like the draft domestic labor law. It caused great debate among the ministries. It will take time before they are in agreement on the final draft.”¹⁸⁹ Activists with whom Human Rights Watch spoke also doubted the ability of the government to formulate a law regulating child domestic labor that would be consistent with its obligations under the CRC. Khaled Belkoh, director of l’Espace Associatif’s Children’s Rights Project, told Human Rights Watch, “The Ministry of Employment says that the domestics law will be ready by December [2005] but of course that is not likely. Part of the problem is that they lack a clear definition of ill-treatment of a child, and it will be hard to define working hours.”¹⁹⁰

According to the Ministry of Employment and Professional Development, even in the absence of specialized legislation on domestic work, the Labor Code’s prohibition on the employment of children under fifteen applies to all children, including child domestics.¹⁹¹

¹⁸⁸ Other sectors where working children are excluded from the Labor Code include traditional crafts and informal non-wage labor where children are working for their families or work on their own at least nominally on their own behalf, e.g. selling small items, shining shoes, etc. Labor Code, art. 4.

¹⁸⁹ Human Rights Watch interview with Al Sa’adiya Fahim, head of the International Labor Organizations Unit, Labor Directorate, Ministry of Employment and Professional Development, Rabat, May 25, 2005; e-mail communication from Rejae Berrada, UNICEF child protection officer, to Human Rights Watch, November 2, 2005.

¹⁹⁰ Human Rights Watch interview with Khaled Belkoh, director, Children’s Rights Project, l’Espace Associatif, Rabat, May 30, 2005.

¹⁹¹ Human Rights Watch interview with Al Sa’adiya Fahim, Head of the International Labor Organizations Unit, Labor Directorate, Ministry of Employment and Professional Development, Rabat, May 25, 2005.

However, the Ministry of Employment and Professional Development has done little to enforce the current or previous minimum age legislation in cases involving child domestic workers. According to a July 2004 report by the U.S. Department of Labor,

The Ministry of Employment, Social Affairs, and Solidarity is responsible for implementing and enforcing child labor laws and regulations. However, with only a small number of labor inspectors, limited investigative powers, limited awareness of the child labor issue, and a lack of resources, the Ministry [of Employment]'s enforcement activities [on child labor] have been severely constrained. Furthermore, although the new Labor Code does empower inspectors to bring charges for employing children under age 15, inspectors have limited ability to monitor the work of children in the informal sector, including the work of child maids. Courts can take action once two witnesses file a complaint, but few employers of child maids have been prosecuted. In the few cases where legal sanctions for child labor violations are applied, they are generally insufficient to act as effective deterrents.¹⁹²

The greatest barrier to enforcement, government officials and activists both agree, is the Labor Code's lack of effective mechanisms for enforcement of the law in private homes. According to a Ministry of Employment and Professional Development official responsible for child labor issues, the ministry is unable to enforce the ban on children under fifteen working as child domestics because it lacks the legal authority to investigate violations in private homes, and even if it had the authority its resources are limited. "The only monitoring [of the Labor Code] is via the labor inspectors.... The unions, social assistants, and other bodies must study the issue and come up with a way for monitoring to work in houses because the inspector doesn't have the power to do this now. The [Ministry cannot take action because the] system and the law must be in agreement."¹⁹³

Morocco amended its Penal Code in 2003, strengthening provisions on child abuse and sexual exploitation, forced labor, and the sale of children.¹⁹⁴ However, some of these

¹⁹² The report, required by U.S. law, was prepared during the negotiations of a U.S.-Morocco Free Trade Agreement. U.S. Department of Labor, Bureau of International Labor Affairs, *Laws Governing Exploitive Child Labor Report: Morocco*, pp. 6-7, [online] <http://www.dol.gov/ilab/media/reports/usfta/childlaborreport.pdf> (retrieved October 10, 2005).

¹⁹³ Human Rights Watch interview with Al Sa'adiya Fahim, Head of the International Labor Organizations Unit, Labor Directorate, Ministry of Employment and Professional Training, Rabat, May 25, 2005.

¹⁹⁴ See, for example, Penal Code arts. 408-411; Morocco's report to the Committee on the Rights of the Child on its implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of

articles are limited in scope, and activists told Human Rights Watch that police rarely intervene to protect child domestics because they lack authority to enter private houses unless they have received a complaint of severe abuse, and when they do investigate they are more likely to believe employers than children.¹⁹⁵ In addition, a number of factors limit the number of complaints police receive. Child domestics themselves are unlikely to complain to police while working because they have few opportunities to do so, and may fear the police because of employers' threats to turn them over to the police for punishment. Girls who have run away from abusive employers may refuse to identify their former workplaces out of fear of being returned to their abusers, or may be unable to do so because of illiteracy and unfamiliarity with the city. Children's families also may be unable or unwilling to bring a complaint, whether because they themselves lack access to their daughters, out of fear of stigma in the case of sexual violence, or because they assume that it will lead to a time-consuming, expensive process that will provide them no benefit. Social worker Rajae al Meskouri told Human Rights Watch that even in the case of the girl severely burned by her employer, mentioned above, "The family refused to bring a legal complaint. They said it would require an investigation (*sin wa jim*) and bribes and wouldn't result in anything. They said, 'now we have our daughter back alive and that is enough.'"¹⁹⁶ ILO-IPEC told Human Rights Watch, "We did a workshop for prosecutors. Prosecutors aren't willing to push families who aren't willing to push for trial. There is also the question of whether going to trial will do more damage to the child—it may help combat the phenomenon but it could hurt the individual child by creating a fuss around the child who will have to go back to a village where everyone knows what has happened."¹⁹⁷

NGOs Human Rights Watch spoke with said that they rarely made legal complaints on behalf of child domestics because they lacked the human and financial resources to pursue them and because judges and prosecutors were rarely interested in pursuing cases of child domestics. Amina Kamri, the vice president of an NGO working with child domestics in Marrakech, told us, "During the first year we were able to get some cases to court, but they were postponed or the abuser was a tourist. The problem is that there are no specialized judges for child victims. When the victim is a child the judges don't know

Children, Child Prostitution and Child Pornography, July 15, 2005, CRC/C/OPSA/MAR/1, paras. 36-46, and Morocco's Third Periodic Report to the Committee on Economic, Social and Cultural Rights on its Implementation of the Convention on Economic, Social and Cultural Rights, E/1994/104/Add.29, January 17, 2005, para. 104.

¹⁹⁵ For example, article 408 of the Penal Code punishes intentional physical abuse, ill-treatment, and denial of food and care that affects the child's health. However, this provision only applies to children under fifteen, and prior to 2003 only applied to children under twelve. Penal Code article 408, as amended by Dahir 1.03.207 of November 11, 2003.

¹⁹⁶ Human Rights Watch interview with Rajae al Meskouri, social assistant, Association Solidarité Féminine, Casablanca, May 25, 2005.

¹⁹⁷ Human Rights Watch interview with Malak Ben Chekroun, ILO-IPEC Officer, Rabat, May 30, 2005.

what to do—the juvenile courts are for children who commit crimes [not for child victims].”¹⁹⁸ Rajae al Meskouri told us, “The problem is always in enforcement of the law. It depends on the judge, or the employer may move, and the process is slow... we don’t have the resources to pursue legal cases.”¹⁹⁹ Dr. Wafiya al `Anteri of the Moroccan League for the Protection of Children told us that few prosecutions of employers who abused child domestics were successful because judges were sympathetic with employers: “The judge now takes into account the circumstances of the case. The government doesn’t want to focus on just punishments but on raising awareness.”²⁰⁰ The director of one of the few NGOs to have successfully brought legal complaints against employers who abused child domestics told us, “The procedures for implementing the laws on children are still not clear, unlike those for women. The biggest problem is implementation: there isn’t implementation of the laws affecting children.”²⁰¹

Several NGOs Human Rights Watch spoke with told us they refer cases of abuse to Morocco’s National Observatory on Children’s Rights (*Observatoire National sur les Droits de l’Enfant*, ONDE). The ONDE, created in 1995 by King Hassan II and headed by his daughter, Princess Lalla Meryem, strives to promote implementation of the CRC through research, campaigns, and pilot programs.²⁰² Since 1999 it has operated a telephone hotline for abused children, and its activities in this area have made it a *de facto* ombudsman for issues of child abuse. While the ONDE’s close association with the royal family gives it a social weight that undoubtedly contributes to its ability to mobilize support, it lacks a clear legal mandate to play a coordinating or ombudsman role. Lack of clear legal status and authority to intervene is also a problem for social workers, NGOs, and private parties who may learn of child domestics being abused. Khaled Belkoh told Human Rights Watch,

The problem with the status of social assistants is part of a larger problem: there is a law on public sector employees and a law on private sector employees and if you aren’t in one of those sectors you don’t

¹⁹⁸ Human Rights Watch interview with Amina Qamri, vice president, Association Atfalouna, Marrakech, May 23, 2005.

¹⁹⁹ Human Rights Watch interview with Rajae al Meskouri, social assistant Association Solidarité Féminine, Casablanca, May 25, 2005.

²⁰⁰ Human Rights Watch interview with Dr. Wafiya al `Anteri, Ligue Marocaine Pour la Protection de L’Enfance, (LMPE), May 30, 2005.

²⁰¹ Human Rights Watch interview with Nabila Tbeur, director, Institution Nationale de Solidarité avec les Femmes en détresse (INSAF), Casablanca, May 26, 2005.

²⁰² See the statute of the ONDE, available online at <http://www.onde.org.ma/statut.htm> (retrieved October 10, 2005).

have legal status, for example, NGO employees don't have legal status. There are four kinds of institutions that have social assistants: the Ministry of Health, the Ministry of Employment, the Army, and the Ministry of Youth and Sport. Each has its own system and training. Also, they don't work in the same sector: some are for profit, some are not. Also, the government doesn't believe that social work is important.²⁰³

The LMPE told Human Rights Watch in May 2005 that they were currently at the workshop stage of a project to draft legislation on social assistants, and expected it to be quite some time before they completed a draft.²⁰⁴

Neglect of child domestics in national child protection policies

Morocco's strategy to address child labor is outlined in its 1999 National and Sectoral Plan of Action against Child Labor.²⁰⁵ Progress in implementing the plan has been slow, with the greatest progress thus far occurring in legislation addressing child labor and education. However, key provisions of the new laws exclude domestic workers or are rarely enforced, as we discuss below.

Among the major barriers to implementation of the 1999 plan of action is its generality and its emphasis on consciousness raising rather than legal enforcement. The plan provides little guidance on what specific activities should be undertaken, which agencies are responsible for them, how they would be funded, and what mechanisms would be used for coordination. In addition to general recommendations for combating child labor the plan includes child domestic labor, grouped with transport, maintenance, and marginal activities, among the six areas it prioritizes for intervention. It then lists twelve proposed activities to combat child domestic labor, and four proposed activities to improve working conditions for child domestics.²⁰⁶ Not one of the proposals calls for criminal prosecution of those who abuse child domestics or enforcement of minimum age legislation. Instead, the majority of proposals call for "sensitization" of employers,

²⁰³ Human Rights Watch interview with Khaled Belkoh, director, Children's Rights Project, L'Espace Associatif, Rabat, May 30, 2005.

²⁰⁴ Human Rights Watch interview with Dr. Wafiya al `Anteri, Ligue Marocaine Pour la Protection de L'Enfance, (LMPE), Rabat, May 30, 2005.

²⁰⁵ Mohamad al Manasif et al., *Children's Work in Morocco: Diagnosis and Suggested National and Sectoral Plans*.

²⁰⁶ Mohamad al Manasif et al., *Children's Work in Morocco: Diagnosis and Suggested National and Sectoral Plans*, pp. 113-114.

parents, children, and the general public, and for broad poverty alleviation programs in rural areas.

Child domestic labor is also likely to be excluded from the time-bound program that Morocco is currently developing for the elimination of the worst forms of child labor. Time-bound programs are “a set of integrated and coordinated policies and interventions with clear goals, specific targets and a defined time frame, aimed at preventing and eliminating a country’s [worst forms of child labor]” undertaken by countries with assistance from ILO-IPEC.²⁰⁷ According to ILO-IPEC, inclusion of child domestics is unlikely because while IPEC considers all child domestic labor to be among the worst forms of child labor, “[t]he Moroccan government doesn’t consider child domestic labor by children over fifteen to be hazardous labor.”²⁰⁸

Morocco’s Secretariat of State for Family, Solidarity, and Social Action is in the process of preparing a ten-year National Plan of Action on Childhood, which reportedly will include child labor as part of its program on child protection from abuse, exploitation, and violence, and discuss the role of brokers in trafficking of child domestics.²⁰⁹ While the details of this plan were still vague in May 2005 (and remain so as of this writing), activists we spoke with expressed concern that, like the 1999 plan of action, it lacked the specificity and mechanisms to be effective. An activist who had seen a draft told Human Rights Watch, “The [draft] National Plan is not a unified plan, and doesn’t have detail or a strategic plan or a timeline or a budget.”²¹⁰ UNICEF’s child protection officer told Human Rights Watch in November 2005 that subsequent versions of the draft had been amended to include a focus on eliminating the worst forms of child labor, including child domestic labor, but that the plan still lacked a budget to implement its recommendations.²¹¹

²⁰⁷ ILO-IPEC, Time-bound Programmes for the Eradication of the Worst Forms of Child Labour, [online] <http://www.ilo.org/public/english/standards/ipec/themes/timebound/tbp.htm> (retrieved October 10, 2005).

²⁰⁸ Human Rights Watch interview with Malak Ben Chekroun, ILO-IPEC Officer, Rabat, May 30, 2005.

²⁰⁹ Human Rights Watch interview with Froh Leila Belfakir, head of the Division on Women and Childhood, Secretariat of State for Family, Solidarity, and Social Action, Rabat, May 30, 2005.

²¹⁰ Human Rights Watch interview with Khaled Belkoh, director, Children’s Rights Project, L’Espace Associatif, Rabat, May 30, 2005.

²¹¹ E-mail communication from Rajae Berrada, UNICEF child protection officer, to Human Rights Watch, November 2, 2005.

Lack of coordination across agencies and between government and NGOs

Lack of coordination among government agencies and between the government and NGOs working on child labor is a major barrier to developing and implementing an integrated response to child labor. Since its creation in 2002, the Secretariat of State for Family, Solidarity, and Social Action, also known as the Secretariat for Family, Childhood, and Handicapped Persons, has been responsible for coordination of government programs “on all areas related to children.”²¹² However, the Secretariat lacks legal authority to force other agencies to take action, and its small budget and staff make it reliant on other agencies and on NGOs to implement its programs. The head of the Secretariat’s Division on Women and Childhood told Human Rights Watch, “We don’t have a ministry that has oversight over other ministries. We wrote into the [National Action Plan on Childhood] a committee to have oversight but not power and we are considering a recommendation for something like an ombudsman. We have 120 people on staff total, and the children’s section is the smallest section. We would need to have more staff to have an oversight role.”²¹³

These deficiencies also limit the Secretariat’s ability to maximize the resources currently available for child labor work in Morocco. Activists we spoke with stressed that there was virtually no evaluation of existing child labor initiatives, only limited training opportunities for NGOs working in this field, and no means of preventing duplication of services. Dr. Najat Mjid, director of Association Bayti, an NGO with ten years of experience working with street children, child domestics, and other children in difficult circumstances, told Human Rights Watch, “We need networking and coordination of local authorities and NGO services, and a clear division of labor. We need a global approach for children, including children in difficult circumstances, that focuses on prevention, and we need coordination between government agencies. The Ministry of [National] Education is in the midst of an educational reform plan but has not coordinated with literacy programs. There is confusion over the role of the Ministry of Social Development and the Secretariat of State [for Family, Solidarity, and Social Action]. Donors come with their own plans without paying attention to the needs of the country. They have programs according to what is in fashion. There isn’t evaluation of

²¹² Human Rights Watch interview with Froh Leila Belfakir, head of the Division on Women and Childhood, Secretariat of State for Family, Solidarity, and Social Action, Rabat, May 30, 2005. Responsibility for child protection issues has changed several times over the past decade. See “Domaines d’intervention: Enfance” on the website of the Secretariat of State for the Family, Solidarity, and Social Action, available online at http://www.sefsas.gov.ma/domaines_interventions_enfance.htm (retrieved November 15, 2005).

²¹³ Human Rights Watch interview with Froh Leila Belfakir, head of the Division on Women and Childhood, Secretariat of State for Family, Solidarity, and Social Action, Rabat, May 30, 2005.

civil society activities.”²¹⁴ Dr. Lahcen Haddad told us, “We need a secretariat with a special mission to look into coordination, and a system to monitor individual children to avoid duplication of services and to follow up on what happens to them over time....The government sees NGOs as the solution. We are throwing money at associations but they need capacity building, and the government needs to take the lead.”²¹⁵

The Committee on the Rights of the Child echoed many of these concerns in its 2003 review of Morocco, saying that,

The Committee notes the establishment of the Office of the Secretary of State for Family Affairs and Social Welfare to coordinate all actions regarding children. However, the Committee, noting the information by the delegation that the change of title from Minister of State to Secretary of State does not change its level in the government hierarchy or its mandate, remains concerned that this body does not have the financial and human resources to coordinate the implementation of the Convention throughout the State party effectively.

The Committee recommends that the State party empower and provide the necessary financial and human resources to the Office of the Secretary of State for Family Affairs and Social Welfare so that it can effectively and efficiently coordinate the implementation of all areas of the Convention, both between ministries and between national, regional and local authorities.²¹⁶

Lack of a strategy for rehabilitation

Morocco lacks a clear, integrated strategy for the rehabilitation of child domestic workers, and particularly for those children under the minimum age for work. NGOs have taken up an increasingly large share of the task of rehabilitation and reintegration of child domestics, but their work is largely uncoordinated and they lack the financing, human resources, and legal status to make a significant impact.²¹⁷ More importantly,

²¹⁴ Human Rights Watch interview with Dr. Najat Mjid, director, Association Bayti, Casablanca, May 29, 2005.

²¹⁵ Human Rights Watch interview with Dr. Lahcen Haddad, children’s rights activist, Rabat, May 18, 2005.

²¹⁶ Committee on the Rights of the Child, *Concluding Observations: Morocco*, CRC/C/15/Add.211 July 10, 2003, paras. 13-14.

²¹⁷ For a discussion of the role of children’s rights NGOs and their relationship with the state, see Nouredine El Aoufi et Mohammed Bensaïd, *Analyse des pratiques en matière de protection des enfants: Enquête*, Secrétariat d’Etat chargé de la Famille, de la Solidarité et de l’Action sociale UNICEF-Rabat, January 2004.

NGOs should not be expected to resolve larger structural problems that push children to work.

Current practice is for girls who run away from abusive employers to be sent to the government's `Abdelsalem Bennani Center, a closed juvenile detention facility that also accepts abandoned children, pending return to their families or their reaching majority.²¹⁸ Detention in a closed facility is clearly an inappropriate solution for children in need of care, and in practice larger numbers of girls are now finding their way to NGOs that offer residential services for street children, child domestics, and other children in need of protection. However, information about how to access these services is not systematically provided to those likely to have contact with child domestics, and is largely dependant on NGOs' own efforts to foster relationships with police and judicial authorities. Dr. Najat Mjid told Human Rights Watch that the child protection system was fraught with gaps: "There is a lack of alternatives. When a doctor sees a victim he doesn't have the number of the judge and the judge doesn't have places to send the child."²¹⁹ She and other activists we spoke with also said that their capacity to accept children in need of residential care was limited, and that although they effectively acted as guardians to the girls in their care they lacked the legal status to do so, placing them at risk should harm befall a child.

The lack of appropriate residential care for former child domestics is especially acute for girls who become pregnant as a result of rape or sexual exploitation. Nabila Tbeur, director of the National Institute for Solidarity with Women in Distress, told Human Rights Watch,

The problem is with the girls under eighteen who cannot be returned to their families. We have only capacity to keep girls for six months and these girls need care for a longer period. We refer them to the Women's Union (*al Ittihad al Nisawi*). It is the NGO with a three-year program, but it also has great difficulty in succeeding with these girls because they are too young to work and to take care of their children. Usually the problem is that the families refuse to take them back out of shame.

²¹⁸ See INSAF's annual report for a discussion of its now-ended family reintegration program for girls detained in child safeguard centers. During 2001-02 INSAF returned twelve former child domestics held at the Bennani Center to their families. All had been held on vagrancy charges. Annual Report, Institution Nationale de Solidarité avec les Femmes en détresse (INSAF), January 2005, pp. 53-55.

²¹⁹ Human Rights Watch interview with Dr. Najat Mjid, director, Association Bayti, Casablanca, May 29, 2005.

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