



Morocco's Compliance with the Convention on the Rights of the Child Suggested List of Issues Relating to Child Domestic Workers (*Petites Bonnes*)

Submitted by **The Advocates for Human Rights**,
a non-governmental organization in special consultative status with ECOSOC

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I. Reporting Organizations

1. **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women and children around the world and has published human rights reports on children’s rights in Haiti, Mexico, Uganda and the United States. The law firm of Faegre Baker Daniels LLP provided pro bono support for this submission. Contributions to this submission were also made by **Association INSAF** (*Aidons les femmes et les enfants en détresse à se reconstruire un avenir*), a non-profit association established in Casablanca in 1999 to combat discrimination and exclusion of women and children in Morocco.

II. Issue Summary

2. Although progress has been made in reducing the number of *petite bonnes* (“little maids” or child domestic workers), the issue of child domestic labor in Morocco remains a critical concern that will require meaningful enforcement of the laws in order to end the economic exploitation of thousands of children (mostly girls) in Morocco. In 2013, INSAF estimated that as many as 80,000 girls under the age of 15 are exploited as *petite bonnes* in private homes in Morocco and that 60% of the families employing them are aware of the illegality of child domestic labor.¹

3. Typically, *petite bonnes* come from poor, rural areas and are relegated to strenuous labor without rest breaks or days off.² Many of these children are subject to working hours that begin before dawn and that continue late into the evening. Although the Moroccan Labor Code sets a limit as to the number of working hours per week in the industrial sector, there is no guideline set by law for the hours of domestic workers, which effectively leaves young *petite bonnes* girls

¹ Interview by Kizito Ndour with Omar El Kindi, President of the Insaf Association, *Omar El Kindi, Président de l'Association Insaf “Le travail des petites bonnes résulte des programmes socio-économiques qui ont failli”* (June 13, 2013), http://www.aufaitmaroc.com/maroc/societe/2013/6/13/le-travail-des-petites-bonnes-resulte-des-programmes-socio-economiques-qui-ont-failli_213585.html#.Up92_uLA35M.

² Human Rights Watch, *Lonely Servitude: Child Domestic Labor in Morocco*, 2012, page 15 http://www.hrw.org/sites/default/files/reports/morocco1012ForUpload_2_0.pdf.

subject to the rule, and whims, of their employers.³ These poorly-paid domestic workers report being subject to physical and verbal abuse, while being denied an education, and oftentimes, adequate food or medical care.⁴

4. Many *petites bonnes* are extremely isolated and vulnerable.⁵ The isolation, along with the privacy of the homes, increases the chance of sexual abuse by male members of their employers' household. In fact, several studies have found that many unwed young mothers in shelters in Morocco were *petites bonnes* when they became pregnant.⁶

III. Concluding Observations

5. During the last review of Morocco in 2003, the Committee on the Rights of the Child expressed deep concern about the situation of domestic servants (*petite bonnes*)⁷ and made several recommendations to the Moroccan government. In addition to making recommendations related to the wide domestic legal application⁸ of and adequate budgetary resources⁹ for implementation of the provisions and principles of the Convention, the Committee specifically recommended that Morocco:

- Continue to strengthen its integrated strategy to fight all forms of economic exploitation of children;
- Bring existing laws into full compliance with ILO Conventions Nos. 138 and 182, notably by enacting the new Labour Code (strengthening its labour inspectorates in terms of quantity and quality to ensure that labour laws are enforced and to protect children from economic exploitation, particularly in the informal sectors);
- Provide social rehabilitation for economically exploited children, notably by reintegrating them in the educational system;
- Take all necessary measures to prevent and end the practice of children working as *petite bonnes* through a comprehensive strategy, notably by conducting debates and awareness campaigns, providing guidance and support to the most vulnerable families and addressing the root causes of the phenomenon; and
- Continue cooperation with ILO/IPEC.¹⁰

³ Human Rights Watch, *Lonely Servitude: Child Domestic Labor in Morocco*, 2012, page 21
http://www.hrw.org/sites/default/files/reports/morocco1012ForUpload_2_0.pdf.

⁴ Human Rights Watch, *Lonely Servitude: Child Domestic Labor in Morocco*, 2012, pages 1-2
http://www.hrw.org/sites/default/files/reports/morocco1012ForUpload_2_0.pdf.

⁵ Human Rights Watch, *Lonely Servitude: Child Domestic Labor in Morocco*, 2012, page 5
http://www.hrw.org/sites/default/files/reports/morocco1012ForUpload_2_0.pdf.

⁶ Joanna Miller, *The Abuse of Child Domestic Workers: Petites Bonnes in Morocco*, Topical Review Digest,
<http://www.du.edu/korbel/hrhw/researchdigest/mena/ChildWorkers.pdf>.

⁷ U.N. Committee on the Rights of the Child, *UN Committee on the Rights of the Child: Concluding Observations*, para. 60, CRC/C/15/Add.211 (10 July 2003).

⁸ *Id.* para. 10.

⁹ *Id.* para. 12.

¹⁰ *Id.* para. 60.



IV. Moroccan Government Report

6. The Moroccan Government should be commended for its efforts to reduce child labor. In particular, the 2003 Labour Code which raised the minimum age of employment and increased enforcement,¹¹ the decree prohibiting 33 kinds of hazardous work for children under 18,¹² and the creation of the national office for the prevention of child labor and other measures taken by the Ministry of Employment and Vocational Training.¹³ Additional measures have also been taken by the Moroccan Government in collaboration with NGOs and international partners UNICEF and ILO/IPEC to prevent child labor, increase school enrollment, and raise awareness about the issue of *petites bonnes*.¹⁴

7. In spite of these efforts, however, thousands of young girls continue to suffer as *petites bonnes*. According to INSAF and others working to help *petites bonnes* in Morocco, part of the problem relates to gaps in and difficulties with implementation of Moroccan laws.¹⁵ While Moroccan law prohibits employment of children under the age of 15, Morocco's Labor Code does not apply to domestic work. Therefore, the Labor Codes' protections for workers regarding hours worked (44 hours per week) and pay (2,333 dirhams or approximately \$261 per month) do not apply. Human Rights Watch has documented that *petites bonnes* work long hours, often seven days a week. They earn an average of 545 dirhams (approximately \$61) per month, but some earn as little as 100 dirhams (approximately \$11).¹⁶

8. Since 2006, the government has been working on a draft law on domestic work that would for the first time establish a legal framework to better protect *petites bonnes*, secure rights such as a weekly day of rest and annual leave, and impose sanctions on employers. The Moroccan government has said that the draft Law on Domestic Workers is one of its priorities, but the bill¹⁷ has not yet been considered and passed by Parliament.¹⁸

V. Legal Framework

9. The continued practice of child domestic labor (*petites bonnes*) in Morocco is a direct violation of Articles 32 of the Convention on the Rights of the Child, as well as Articles 19, 28, 31 and 34. Further, Morocco has ratified the ILO Conventions Nos. 138 and 182.

¹¹ U.N. Committee on the Rights of the Child, *Third and Fourth Periodic Report of Morocco*, para. 17, CRC/C/MAR/3-4 (05 Aug. 2013).

¹² *Id.* para. 18.

¹³ *Id.* para. 226.

¹⁴ *Id.* paras. 227-28.

¹⁵ Slate Afrique, *Liberer les "petites bonnes"*, 15 October 2011, www.slateafrique.com/53793/le-maroc-veut-protoger-les-petites-bonnes-domestiques-enfance.

¹⁶ Human Rights Watch, *Lonely Servitude: Child Domestic Labor in Morocco* 22, 2012, http://www.hrw.org/sites/default/files/reports/morocco1012ForUpload_2_0.pdf.

¹⁷ U.N. Committee on the Rights of the Child, *Third and Fourth Periodic Report of Morocco*, para. 17, CRC/C/MAR/3-4 (05 Aug. 2013).

¹⁸ Le Monde Afrique, *Au Maroc, l'exploitation de petites bonnes continue*, 16 Nov. 2012, http://www.lemonde.fr/afrique/article/2012/11/16/au-maroc-l-exploitation-des-petites-bonnes-continue_1791822_3212.html.

VI. General Comments

10. The Committee has commented at length regarding the importance of the rights of a child to freedom from all forms of violence, including as outlined in Article 19 of the Convention.¹⁹ This expressly includes freedom from sexual abuse. Further, the Committee expressly included child domestic workers in General Comment No. 17, stating that “States need to take all necessary measures to protect all child workers from conditions that violate their rights under article 31.”²⁰

VII. Other UN Body Recommendations

11. During the Human Rights Council’s Universal Periodic Review of Morocco in May 2012, the Moroccan government accepted the recommendation that it “Accelerate efforts to prevent minors from being subjected to forced or hazardous domestic labour.”²¹

VIII. Recommended Questions

12. The Committee should ask the Moroccan Government:

- What is the timeline for passage of the pending draft bill to regulate the employment relationship and provide Labour Code protections to domestic servants?
- What plans does the Government have to quantify the scale of the problem of *petites bonnes*, including measures that would allow labor inspectors access to investigate private residences?
- In addition to awareness-raising programmes, what measures will the Government take to ensure that *petites bonnes* have access to established complaint mechanisms.

IX. Suggested Recommendations

13. The Moroccan government should:

- Strictly enforce the minimum age of 15 for all employment (including domestic work) and ensure that all children (particularly girls) enjoy the right to free and compulsory basic education;
- Adopt a domestic worker law that ensures compliance with the 2011 ILO Convention 189 on decent work for domestic workers;
- Create an effective system for identifying, removing and rehabilitating child domestic workers from illegal or abusive employment; and
- Criminally prosecute individuals responsible for violence or other criminal offenses against child domestic workers.

¹⁹ U.N. Committee on the Rights of the Child, *General Comment No. 13*, CRC/C/GC/13 (18 Apr. 2011).

²⁰ U.N. Committee on the Rights of the Child, *General Comment No. 17*, para. 29, CRC/C/GC/13 (18 Apr. 2011).

²¹ U.N. Human Rights Council, *Report of the Working Group of the Universal Periodic Review, Morocco*, para. 129.66, A/HRC/21/3 (6 July 2012).