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| **Contribution of the Kingdom of Morocco to the Report on " Modern Forms of Slavery in the Informal Economy "** |

The Special Rapporteur on modern forms of slavery, including their causes and consequences, would like to focus and focus his next theme on modern forms of slavery in the informal economy.

The report aims to analyse the extent to which there are manifestations of contemporary forms of slavery in different sectors and geographical areas. In addition, the thematic study would like to clarify the profile of victims/survivors and the measures needed to prevent and combat contemporary forms of slavery in the informal economy.

**Key questions:**

**1. What does the term "informal economy" mean to you?[[1]](#footnote-1)**

The informal economy is an ecosystem that brings together a great diversity of actors and very heterogeneous economic activities, but having in common the fact of operating, totally or partially, outside the regulations in force. Although the informal economy is a global reality, it tends to have a more pronounced presence in developing countries, where it often evolves under the gaze of the authorities and in constant interaction with the formal sphere.

**2. What are the examples of informal employment in Morocco?[[2]](#footnote-2)**

* **Production units engaged in illicit** activities: these are units that carry out activities without authorization or that offer illicit goods and services. This category includes units and networks operating as wholesale traders specializing in smuggling, counterfeit units, illicit finance activities, etc.
* **Competitive informal production units (excluding illicit** activities): this category includes small units considered informal according to the ILO definition, employing undeclared employees, some of whom are permanent, producing goods and services that can compete with the formal sector, but deliberately evade their tax and regulatory obligations.
* **Informal production units with limited productive capacities and subsistence activities:** this category includes self-employed persons working on their own account without employees and micro-units employing a very limited number of paid casual workers or family workers, achieving small-scale production and a very modest turnover that would not allow them to fully comply with the obligations of formalization.
* **Formal units engaged in underground activities (grey** area): this category includes "formal" enterprises that use underground practices such as non-declaration of some workers, non-compliance with the labour code, tax fraud and subcontracting, subcontracting to the informal, subcontracting to imports, use of non-compliant premises, etc.

**3. In which sectors (e.g. domestic work, agriculture, industry, street sales, waste collection, among others) is there labour exploitation? Please provide details on the nature and measures of such exploitation, including forced labour, domestic enslavement, child labour (including its worst forms)?[[3]](#footnote-3)**

The phenomenon of child labour in Morocco affected 113,000 households in 2020, or 1.3% of all Moroccan households, according to the 2020 national employment survey conducted by the HCP. The number of economically active children stood at 147,000 during 2020 among the 7,469,000 children aged 7 to 17, down 26.5% compared to 2019.

The share of all children aged 7 to 17 in the labour force is thus 2%, or 3.8% in rural areas (119,000 children) against 1% in urban areas (28,000 children). These children are 81% rural, 79% male and 86% aged 15-17. In addition, 15.1% of these children are in school, 80.9% have left school and 4% have never attended school.

The phenomenon of child labour remains concentrated in certain economic sectors and differs according to the place of residence. Thus, in rural areas, 83% of them work in "agriculture, forestry and fishing". In urban areas, "services" (59%) and "industry including handicrafts" (24%) are the main child-employing sectors.

The survey also found that 8 out of 10 active children employed in rural areas worked as caregivers, noting that in urban areas, 42.3% worked as employees, 35.3% as apprentices and 16.9% as caregivers.

**4. What is the percentage of the workforce in the informal sector/economy in Morocco?[[4]](#footnote-4)**

***Weight of informal employment in Morocco according to different sources***

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| **Approach** | **Year concerned** | **Perimeter** | **Weight** |
| BIT (rapport 2018) | 2016 | Total informal employment | 80% of total employment |
| HCP and World Bank (2017 report) | 2015 | Total informal employment | 80% of total employment |
| Applying the HCP and World Bank approach to 2019 data | 2019 | Total informal employment | 76% of total employment |
| African Development Bank (AfDB) and ILO (2021) | 2014 | Total informal employment, by eliminating employed persons not covered by social protection | 60% of total private employment |
| HCP (survey published in 2016) | 2013/2014 | Informal employment in non-agricultural informal production units (UPIs) and does not take into account informal employment outside the UPI sector | 36% of non-agricultural employment |
| CGEM (study published in 2018) | 2014 | Informal employment outside the primary sector but takes into account employment in units with underground practices and certain illicit activities | 41% of employment outside the primary sector |

**5. Who is employed in the informal sector in Morocco? Please provide details on gender, sexual orientation, race, ethnicity, age, nationality, economic and/or social status. Are certain categories of workers more affected than others by contemporary forms of slavery? If so, please explain.**

The informal sector perpetuates precariousness, inequalities and various forms of violation of workers' fundamental rights. In Morocco, only 24.1% of employed workers benefit from employment-related medical coverage (HCP 2019), in addition to major risks in terms of attack on the dignity and physical safety of workers, exploitation and risks of trafficking in human beings (minors and illegal migrants, particularly from sub-Saharan African countries).

In addition, gender inequalities are very apparent at the level of the informal sector. Women in informal employment are more polarized around survival activities (homework, family help, etc.), while they remain very weakly present as head of informal production units (UPIs).

**6. What are the main factors in the informal economy that push workers towards these practices (e.g. lack or absence of employment contracts, access to protection and social benefits, complaint mechanisms, broader regulation/protection by States)? [[5]](#footnote-5)**

The problem of the informal economy refers, by its complexity and the multiplicity of actors it covers and the stakeholders with whom it interacts, to the need for a thorough knowledge of the causes that can explain its persistence. The development and persistence of the informal sector in Morocco can thus be explained by the combination of three main categories of factors, namely:

* Structural inadequacies;
* Deficits in relation to the requirements of a "welfare state";
* Barriers to entry into the formal economy and factors affecting the opportunity cost of formalization:
  + Factors that facilitate access to the informal sector or maintain its attractiveness;
  + Factors that hinder access to formal status or reduce its attractiveness.

**7. Are contemporary forms of slavery in the informal economy more prevalent in rural or urban areas? Please provide details.**

See answer to question 3.

**8. What legislative and other measures are in place to combat the informal nature of employment in Morocco?**

* **Law No.** **65.** **99 on the Labour Code[[6]](#footnote-6)** provides in its preamble (paragraph 3) that "labour does not constitute a commodity and the worker is not a tool of production. It is therefore not permitted, under any circumstances, to carry out work in conditions which violate the dignity of the worker".

The preamble to the Act also states that: "personne may not prohibit others from working or coercing them to work against their will".

For its part, Article 10 of the Labour Code stipulates that it is forbidden to requisition employees to perform forced labour or against their will. In terms of penalties, Article 12 states that he is punishable by a fine of 25,000.00 Dhs to 30,000,000 Dhs, the employer who contravenes the provisions of Article 10 and in the recidivism, he is liable to a fine doubled and imprisonment from 6 days to 3 months or one of these two penalties only.

* **Law No.** **19.** **12 on the conditions of work and employment of domestic workers[[7]](#footnote-7)**, article 7 prohibits the requisition of domestic workers to perform forced or against their will.
* Article 1 (Paragraph 1) of Act **No.** **[[8]](#footnote-8)27.14 on combating trafficking in human beings** defines forms of exploitation as part of trafficking in human beings. This law criminalizes and severely punishes the following forms of exploitation:
  + Sexual exploitation, prostitution, pornography and forced labour.
  + Begging, servitude and slavery or similar practices.
  + The removal or trafficking of human organs and tissues, experimentation and medical research carried out on living beings.
  + The exploitation of people for criminal purposes or in armed conflicts...

**9. What types of complaint/grievance mechanisms are available to informal workers to denounce violations of their human rights, including contemporary forms of slavery?**

Informal workers who are victims of human rights violations, including contemporary forms of slavery , can use several mechanisms, including:

* Labour inspection under the Ministry of Economic Inclusion, Small Business, Employment, and Skills.
* Specific appeal bodies for children and women with an expanded mandate that covers all acts of violence and exploitation, such as support units for women and children victims of violence at court level and integrated units at hospital level as well as child protection units.
* The National Council for Human Rights (CNDH), whose law No. [[9]](#footnote-9)76.15 on its reorganization strengthens its mandate by recognizing its competence to exercise the powers related to the national mechanisms for the protection of human rights, including the establishment of three mechanisms against torture, violations of the rights of children and persons in situations. of disability. Victims of slavery are also covered by the CNDH's mandate.

**10. Is the labour inspectorate in Morocco mandated to inspect the informal sector and take action in case of abuse/exploitation detected?**

The role of labour inspection in Morocco is defined by Convention No. 81 concerning IT, Convention No. 129 on IT in the agricultural sector and the Labour Code, in particular Book V (Article 530 to 548).

**Labour inspectors are responsible for:**

* To ensure the control of the application of the laws and regulations relating to labour;
* To provide information and technical advice to employers and employees on the most effective means in accordance with the legal provisions;
* To inform the governmental authority in charge of labour of the shortcomings or exceedances of certain legislative and regulatory provisions in force;
* To make attempts at conciliation in matters of individual and collective labour disputes.

**11. What kind of financial, legal or other assistance is available for victims/survivors of contemporary forms of slavery in the informal economy?**

See the answer to question 9.

**12. What role, if any, do civil society organisations and trade unions play in preventing informal workers from being subjected to contemporary forms of slavery in Morocco? Please provide examples.**

The most representative trade unionists in Morocco sit in the Chamber of Councillors and have the role of defending the economic, social, moral, professional and cultural interests of workers in all sectors of the economy.

1. - *Source :* Opinion of the Economic, Social and Environmental Council (EESC), An integrated approach to absorb the informal economy in Morocco (Self-referral, 2021). [↑](#footnote-ref-1)
2. - *Source :* Opinion of the Economic, Social and Environmental Council (EESC), An integrated approach to absorb the informal economy in Morocco (Self-referral, 2021).

   [↑](#footnote-ref-2)
3. - *Source: High Commission for Planning (HCP), Enquête Nationale on theE2020 mploi.*  [↑](#footnote-ref-3)
4. *- Source : Opinion of the Economic, Social and Environmental Council (EESC), An integrated approach to absorb the informal economy in Morocco (Self-referral, 2021).*  [↑](#footnote-ref-4)
5. *- Source : Opinion of the Economic, Social and Environmental Council (EESC), An integrated approach to absorb the informal economy in Morocco (Self-referral, 2021).*  [↑](#footnote-ref-5)
6. - Law No. 65.99 published in Official Gazette No. 5210 of 6 May 2004. [↑](#footnote-ref-6)
7. - LHi No19.12 published in Official Gazette No. 6610 from 05 October 2017. [↑](#footnote-ref-7)
8. - LHi No 27.14 published in Official Gazette No. 6526 of 15 December 2016. [↑](#footnote-ref-8)
9. - Law No. 76.15 publiEa in official gazette n°6652 on 1he March 2018. [↑](#footnote-ref-9)