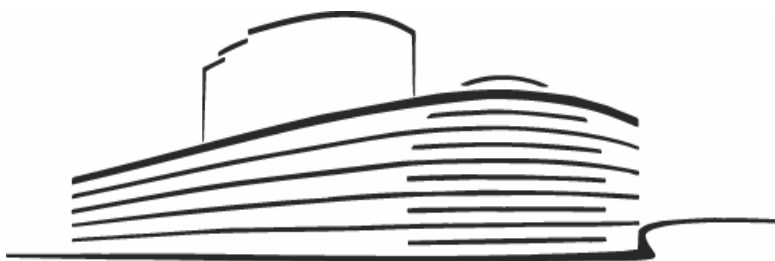




# EUROPEAN PARLIAMENT

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## **P6\_TA-PROV(2005)0272**

### **Exploitation and child labour in developing countries**

#### **European Parliament resolution on the exploitation of children in developing countries, with a special focus on child labour (2005/2004(INI))**

*The European Parliament,*

- having regard to Articles 177, 178, 180 and 181 of the EC Treaty,
- having regard to the United Nations Convention on the Rights of the Child<sup>1</sup> and, in particular, Articles 28 and 32 thereof,
- having regard to the Optional Protocols I and II of 2002 to that Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict,
- having regard to the International Labour Organization (ILO) Conventions 138 concerning the minimum age for admission to employment (1973) and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (1999),
- having regard to the ACP-EU Partnership Agreement signed in Cotonou, Benin, in June 2000,
- having regard to the other international instruments which aim to strengthen the protection of children's rights, such as the UN International Covenant on Civil and Political Rights<sup>2</sup>, the UN International Covenant on Economic, Social and Cultural Rights<sup>3</sup>, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>4</sup>, the UN Convention on the Elimination of all Forms of Discrimination against Women<sup>5</sup>, and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction<sup>6</sup>,
- having regard to the African Charter on the Rights and Welfare of the Child, adopted in July 1990 in Nairobi, Kenya,
- having regard to the Millennium Development Goals, in particular, goals 1 and 2, and the UN High Level Millennium Event to be held in September 2005 in New York,

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<sup>1</sup> Adopted in 1989 and entered into force in 1990.

<sup>2</sup> Adopted in December 1966 and entered into force in March 1976.

<sup>3</sup> Adopted in December 1966 and entered into force in January 1976.

<sup>4</sup> Adopted in December 1984 and entered into force in June 1987.

<sup>5</sup> Adopted in December 1979 and entered into force in September 1981.

<sup>6</sup> Adopted in September 1997 and entered into force in March 1999.

- having regard to its previous resolutions and the resolutions of the ACP-EU Joint Parliamentary Assembly<sup>1</sup>,
- having regard to the International Programme for the Elimination of Child Labour (IPEC), which was launched by the ILO in 1992 and is operational in 51 countries,
- having regard to the reports and the other activities of the ILO and UNESCO on education<sup>2</sup>,
- having regard to the World Education Forum in Dakar, Senegal, in 2000 (Dakar Summit), which adopted the document 'Education for All',
- having regard to Article 26 of the Universal Declaration of Human Rights, which defines education as a fundamental human right,
- having regard to the UN General Assembly Special Session on Children held in New York in May 2002, and its conclusions 'A world fit for children',
- having regard to the EU Guidelines on Children and Armed Conflicts<sup>3</sup>,
- having regard to the Libreville Declaration on trafficking in children adopted in 2002 by 21 African countries<sup>4</sup>,
- having regard to the Commission communication: "Participation of non-state actors in EC Development policy" (COM(2002)0598),
- having regard to Council resolution on corporate social responsibility<sup>5</sup>,
- having regard to the Commission communication concerning Corporate Social Responsibility: a business contribution to Sustainable Development (COM (2002) 0347),
- having regard to the OECD guidelines for multinational enterprises<sup>6</sup>,

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<sup>1</sup> Particularly its resolutions of 3 July 2003 on the trafficking of children and child soldiers (OJ C 74 E, 24.3.2004, p. 854), of 15 May 2003 on the Commission communication to the Council and the European Parliament on education and training in the context of poverty reduction in developing countries (OJ C 67 E, 17.3.2004, p. 285), of 6 September 2001 on basic education in developing countries in the context of the United Nations General Assembly Special Session on Children (OJ C 72 E, 21.3.2002, p. 360)), the resolution on the position of the EU at the United Nations General Assembly Special Session on Children (OJ C 127 E, 29.5.2003, p. 691), of 13 June 2002 on child labour in the production of sports equipment (OJ C 261 E, 30.10.2003, p. 587), and the resolution of the ACP-EU Joint Parliamentary Assembly on the rights of children and, in particular, child soldiers (OJ C 26, 29.1.2004, p. 17).

<sup>2</sup> Particularly ILO reports 'A future without child labour' (2002) 'Combating Child Labour through Education' (2003), 'Investing in every child' (2004) and the UNESCO/OECD report 'Financing Education-Investments and Returns' (2002).

<sup>3</sup> Adopted by the Council in 10 December 2003 (Doc. No.15634/03).

<sup>4</sup> Adopted by the First Summit of ACP Heads of State and Government in Libreville, Gabon, on 7 November 1997.

<sup>5</sup> Adopted by the Council on 10 January 2003, (Doc. No.5049/03).

<sup>6</sup> Annual Report on the Guidelines for Multinational Enterprises: 2000 Edition.

- having regard to the report of the UN High Commissioner on Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights<sup>1</sup>,
  - having regard to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the ILO in November 1977,
  - having regard to the fifth principle of the United Nations' Global Compact, namely "Businesses should uphold the effective abolition of child labour",
  - having regard to the ACP-EU Joint Parliamentary Assembly's report on the progress made in achieving universal primary education and gender equality in the ACP countries in the context of the Millennium Development Goals, which was adopted in Bamako (Mali) in April 2005,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and the opinion of the Committee on International Trade (A6-0185/2005),
- A. whereas according to UNICEF 'child labour' means any form of work carried out by children under the age of 18 that is hazardous or interferes with the child's education or is harmful to the child's health or physical, mental, spiritual, moral or social development,;
  - B. whereas 352 million children of both sexes in the world are working, 179 million of whom are victims of what the ILO defines as the worst forms of child labour,
  - C. whereas the majority of child workers are employed in the agricultural sector,
  - D. whereas 5 million children are being exploited at places of work in eastern Europe and the Mediterranean region and in particular (it would appear) in EU Member States, which is particularly unacceptable,
  - E. whereas the 1989 Convention on the Rights of the Child has been ratified by all signatory states, except two, namely the United States and Somalia,
  - F. whereas poverty does not have to be an insurmountable barrier preventing poor children from stopping working and enjoying full-time education when appropriate actions are taken: ending child labour does not depend on ending poverty first,
  - G. whereas child labour perpetuates poverty and hampers development by driving wages down, putting adults out of work and denying children an education,
  - H. whereas every child has the right to registration at birth and to the direct link that this creates with upholding relevant human rights standards that protect children from exploitation through work,
  - I. whereas the development of universal education is one of the most effective strategies

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<sup>1</sup> UN Doc. No. E/CN. 4/2005/91, 15 February 2005.

available for breaking the poverty cycle and is a key element in sustainable human development and in the efforts being made in pursuit of the human development objectives which (as agreed internationally) are to be achieved by 2015,

- J. whereas, on 10 November 2000, the Commission and Council issued a joint statement on universal primary education and the recognition of education as a priority for development; whereas, moreover, the Parliament has recognised the relationship between education and the elimination of child labour in numerous resolutions,
  - K. whereas 121 million children (65 million of whom are girls) have never been to school even though every child has an indisputable right to education,
  - L. whereas child labour prevents many children from going to school, which is considered to be a luxury when their income is an essential supplement to ensure the survival of all the family; whereas 120 million of the total number of working children work full-time, with the result that their education is either inadequate or non-existent; whereas in certain instances in countries such as India and China a child's education is interrupted because parents migrate to work as labourers abroad and cannot leave the child unattended to continue his/her education,
  - M. whereas a child's right to education is not negotiable and whereas education and vocational training are of vital importance, in particular for girls and women, in combating poverty; stressing the Commission's political commitment to increasing resources for education and training in the context of development cooperation,
  - N. whereas the Council has clearly expressed its commitment as regards the Millennium Development Goals, which provide for the eradication of poverty, the provision of universal primary education and the achievement of equality between the sexes,
  - O. whereas sports goods manufacturers committed themselves in 1978 to comply with FIFA's Code of Working Practice which bans the use of child labour in the manufacture of products for which it grants licences,
  - P. whereas enterprises, including the multinationals, have an ethical corporate social responsibility to help eliminate child labour from every aspect of manufacture and production,
  - Q. whereas single-sector responses to child labour are seldom effective,
  - R. whereas poor quality and/or irrelevant education may repel children and put them at risk of exploitation,
1. Calls on all countries to ratify and enforce the UN Convention on the Rights of the Child and its optional protocols as soon as possible;
  2. Urges the two EU Member States which have not ratified ILO Conventions 138 and 182, to ratify and enforce them, since any other stance would run counter to the Charter of Fundamental Rights;
  3. Recommends that the Commission make the implementation of core labour standards a permanent element in bilateral consultations at all levels, both with countries where

violations occur and with countries which are involved with them through trade and investment;

4. Considers ratification of and compliance with ILO Conventions 138 and 182 to be two of the requirements which the Commission and the Council should impose on countries applying to join the European Union;
5. Stresses that the fight to eliminate child exploitation and child labour must be a political priority for the EU and calls on the Commission to create a special budget line focusing on the protection of children's rights, in the context of the European Initiative for Democracy and Human Rights;
6. Urges the Commission to fully integrate children's rights, including the elimination of child labour, in all its actions in a coherent way, particularly in the country and regional strategy papers and in national/regional programmes, as well as in the revision process of the Development Policy Statement and to focus its attention on the essential role of education;
7. Calls on the Commission to ensure that the EU's trade policies are consistent with its commitment to protecting and promoting children's rights and to conducting a thorough investigation into the introduction of an EU scheme for the labelling of goods imported into the EU to attest that they have been produced without the use of child labour at any point in the production and supply chain, and implementing "child-labour free" labels for these products, whilst ensuring that such a scheme complies with World Trade Organization (WTO) international trade rules; requests that the findings of the investigation be presented to the Committee on International Trade; in the interim, asserts that products and produce from developing nations should be labelled "responsibly grown/manufactured without child labour";
8. Recommends that the Commission include, in all bilateral trade agreements and strategic partnerships, a clause on the implementation of core labour standards, including the banning of child labour, with a special reference to respect for the minimum age for admission to employment;
9. Urges the Commission to ensure that the problem of child labour and the protection of children from any form of abuse, exploitation or discrimination be made key issues within the committees and subgroups on human rights set up under the trade and cooperation agreements;
10. Calls on the Council and the Commission to incorporate official birth registration in development cooperation policy as a fundamental right and an instrumental means of protecting children's rights;
11. Urges the Commission to address the subject of official birth registration in all its future communications in the context of development policy and to propose guidelines to promote the dissemination of that practice;
12. Welcomes the establishment, within the Commission, of a group of Commissioners for fundamental rights and the appointment of a personal representative on human rights and calls on them to make the protection and promotion of children's rights and the elimination of child labour one of their top priorities;

13. Calls on the Commission to promote a technical support strategy for those States in which the problem of the lack of official birth registration is widespread;
14. Calls on the Commission to draw up an annual communication on children's rights and thus provide a cohesive framework for the protection of children's rights and the elimination of child labour;
15. Welcomes the finalisation of the Strategic Partnership for Development Cooperation with the ILO, in which the elimination of child labour, particularly among the youngest age-groups, is the topmost priority for joint activities, and asks the Commission to implement it as soon as possible and report back to Parliament on a regular basis; calls on the Commission to report at regular intervals to Parliament on progress in the fields covered by that cooperation; calls on the Commission to develop similar cooperation with other relevant organisations, such as UNICEF;
16. Calls on the Council and its presidency, as the voice of the EU, to promote children's rights and the elimination of child labour at the UN High Level Millennium Event to be held in September 2005 in New York;
17. Calls on the Commission and the ACP-EU Joint Parliamentary Assembly to take account of the outcome of the United Nations General Assembly Special Session on Children in the revision negotiations of the ACP-EU Partnership Agreement and calls on all the Member States of the Agreement and of the EU to honour the commitments which they made at that Session;
18. Recalls that the Cotonou Agreement includes a specific provision on trade and labour standards which confirms the parties' commitment to core labour standards and in particular the elimination of the worst forms of child labour; asks the Commission to ensure the implementation of Article 50 of the Cotonou Agreement;
19. Welcomes the provision within the new GSP+ scheme that offers additional preferences to developing countries that ratify and implement social/ILO standards and asks the Commission to monitor carefully its effective implementation and to report annually to Parliament;
20. Calls for a positive interaction to be promoted between the liberalisation of international trade and the application of core labour standards; recommends that the Commission carry out short and long term impact assessments for the different components relating to the introduction of trade liberalisation policies and the potential outcome of GATS as regards equality of access to social services and utilities;
21. Believes that the fight against child labour can be accelerated by balanced socio-economic development and the reduction of poverty; recommends that the EU link its efforts to eliminate child labour with equally strong efforts to meet other labour standards and ensure a living wage for adult workers;

***Link between education, poverty and elimination of child labour***

22. Reiterates its view that there is a mutually reinforcing relationship between a lack of education and child labour, making education the basic instrument for achieving Goal 2 of the Millennium Development Goals by 2015;

23. Calls for particular attention to be paid to the primary education of girls, who encounter more barriers and obstacles than do boys (cultural factors such as early marriage, discrimination, their social and family role and so, on playing a part) preventing them from enrolling and remaining in school and from completing their studies; furthermore asserts that girls who have been educated have smaller, healthier families and help to increase productivity and reduce poverty;
24. Calls on the Commission to use its position as the principal donor of official development assistance among international institutions such as UNESCO, UNICEF, the World Bank and the IMF, to urge these multilateral donors to exert pressure for the framing of policies to eliminate child labour and to design and implement education policies and programmes that integrate all working and other out-of-school children into formal full-time education, without discrimination on grounds of sex, disability, ethnic or racial origin, religion or culture, until the permissible age of employment according to ILO Convention 138;
25. Calls on the Commission to exert pressure in order to make sure that the age for the fulfilment of compulsory education and the minimum permissible age for labour are in line with ILO Convention 138 which stipulates that the permissible age of entry into employment 'shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years';
26. Supports the six measures called for by UNICEF to eliminate child labour, namely:
  - immediate elimination of the employment of children in dangerous work,
  - the organisation of free and compulsory education up to age 16,
  - greater legal protection for children,
  - registration of all children at birth, in order to be able to ascertain their age while ruling out the possibility of fraud,
  - the adequate collection and checking of data in order to establish with precision the extent of child labour,
  - the establishment of codes of conduct;
27. Regrets the fact that, following the Dakar Summit, no significant progress has been made in tackling the crisis in education and notes that at the present time 113 million children of school age, two-thirds of whom are girls, are deprived of even rudimentary education;
28. Believes that no child should be deprived of his or her fundamental right to education because of an inability to pay, and reiterates its call on all governments to establish a clear timetable for rapidly eliminating direct and indirect fees for primary education, while maintaining a high level of, or enhancing the quality of education, ensure by all appropriate means access for all children to secondary, technical as well as higher education; stresses that including children and communities themselves in decision-making about schools helps to make schooling more relevant to children's needs;
29. Considers information concerning existing education and training programmes to be a key factor in the successful implementation of those programmes and calls upon the Commission to devote particular attention to ensuring that women and children receive adequate information, since education may help them to ward off any form of exploitation;

30. Calls on the Commission to set clear objectives for the promotion of universal basic education of the highest quality in the national indicative programmes, with particular focus on access for girls, children in conflict-affected areas and children from marginalised and more vulnerable social groups to education programmes;
31. Recommends that the Commission support mobilisation programmes and transitional education programmes with a particular focus on the effectiveness of strategies to get working children into formal daytime education, such as bridge schools and classes, that help children who have never had formal school education to adjust to the school environment with the assistance of specially trained teachers;
32. Calls on the European Union to compel countries with statutes banning child labour already in place to completely eliminate child labour in their countries and get these children and backlogged adolescents into schools over a three year grace period;
33. Asks the EU to increase budgetary support to increase the number of schools and teachers in areas in need;
34. Considers that child labour is a product of unbalanced socio-economic development; recommends that efforts to eliminate child labour should take account of social conditions and poverty in developing countries and should lead to the proposing of measures designed to increase the incomes of households by, for example, guaranteeing a minimum wage for adult workers, since child labour destroys adult wages;
35. Considers that the elimination of poverty is the only way to create the conditions necessary for the eradication of child exploitation and stresses the importance that the micro-credit system can have in raising family income;
36. Calls on the Commission to monitor all EU funding for basic education as regards its contribution to the fight against those forms of child labour that keep children out of full-time schools, without this putting limits on the donation of humanitarian aid, consisting of food and other aid for the development of the infrastructure of the regions;
37. Points out that a requirement of universal full-time education is an education system which includes strategies for bringing all children who work (or who do not go to school for some other reason) into a full-time school system; calls upon the EU to ensure that all education programmes financed by the Community include broad strategies such as social motivation and remedial courses for older pupils;
38. Welcomes the activities of the IPEC and supports the incentives which it proposes to get children back to school, such as free meals for children and other assistance for their families;
39. Supports the work of the ILO and its cooperation with the WTO, including through a regular dialogue, and suggests the further strengthening of these exchanges;

### ***Worst forms of child exploitation***

40. Expresses its concern at the serious violations of children's rights, as defined in the UN Convention on the Rights of the Child, including the right to health, education and nourishment and to protection against violence, exploitation and maltreatment;
41. Calls on the Commission to support programmes combating less common forms of child labour such as domestic work and the selling of children to pay off family debts (debt bondage);
42. Welcomes the fact that the Commission has taken the initiative to draw up a communication on trafficking in human beings (2005);
43. Reiterates its proposal to appoint an EU special representative for children who are victims of armed conflict, wars, displacement, drought, hunger, natural disasters or AIDS, or children who are caught up in the trafficking of human beings, and to ensure that due attention is given to such situations;
44. Calls for the support of the WTO in the form of a ban on child labour in trade and suggests that child-labour free products be marked and labelled as such for consumer awareness of responsible practices;
45. Calls on the Commission to remind the European Union and developing countries of their obligations under the Hague Convention on Intercountry Adoption and in particular to ensure that all countries in receipt of EU aid have signed and ratified the Convention and to help those countries prevent damage to children being caused by inappropriate or unauthorised adoption procedures within or between countries;

#### *Corporate responsibility*

46. Welcomes the fact that the Commission has taken the initiative to draw up a communication on corporate social responsibility, which was due in April 2005;
47. Recommends that the Commission investigate the creation of appropriate EU-level legal safeguards and mechanisms which identify and prosecute EU-based importers who import products which allow the violation of the core ILO conventions, including the use of child labour, in any part of the supply chain; therefore requests the Commission to explore the possibility of creating incentives for EU importers who carry out regular and independent monitoring of the manufacture of their products in all third countries forming part of the production chain;
48. Calls on the Commission and the Council to promote the fair trade initiatives, in particular in new EU Member States, monitoring producers to ensure that their methods are consistent with fair trading standards;
49. Recommends that the Commission investigate and identify companies which continuously and persistently use child labour in any part of the production and supply chain and calls for such a list to be made available to EU importers;
50. Calls on the Member States to increase consumer awareness of corporate social responsibility and to support initiatives to promote products, principally agricultural products and those produced by the sports goods industry the manufacture of which has not involved the use of child labour;

51. Calls on local governments to cooperate with international organisations to monitor industry and agriculture to prevent child labour and to cooperate in the building and maintenance of adequate full-time educational facilities with qualified teaching staff and free transport and meals so that all children may attend school;
52. Urges the Commission and the Member States to contribute to the development of the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights in order to make it an effective global instrument against child labour and other possible human rights abuses by companies;
53. Urges the Commission to make compliance with core labour standards a precondition in its purchasing and contracting policy; calls on the Commission, to this end, to develop a policy which makes it possible for small producers in developing countries likewise to comply with these standards;
54. Calls on the Council to support the OECD's guidelines for multinational enterprises and the UN's Global Compact;
55. Recommends that the Commission propose to extend the scope of the OECD Guidelines for Multinational Enterprises from investment to trade, enhance the implementation instruments and reach agreements with governments of developing countries on the way in which enterprises can contribute to the effective abolition of child labour;
56. Encourages transnational enterprises to adopt socially responsible business practices in all their operations and supply chains, in cooperation with all relevant parties, and to report thereon;
57. Calls on the Commission, in the event that the governments of the developing countries fail to comply with the OECD Guidelines, not only to initiate infringement proceedings but also to name publicly the companies and multinational enterprises involved in the production of well-known products through the exploitation of child labour;
58. Encourages governments of the home countries of transnational enterprises to monitor implementation of the OECD Guidelines for Multinational Enterprises and to periodically publish reports on the contribution of these enterprises to the effective abolition of child labour and implementation of ILO core labour standards;
59. Welcomes the signing of the Protocol for the growing and processing of cocoa beans and their derivative products by cocoa industry producers at international level and the results of implementing the plan to restrict the use of children in the production (stitching) of soccer balls in Pakistan, and supports any other similar endeavour;
60. Supports the development of private sector initiatives to eliminate child labour, including codes of conduct, and encourages more cooperation, transparency and coherence between the initiatives, which should be based on ILO core labour standards and be independently monitored;

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61. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and UNICEF and other relevant UN agencies.