



Plenary sitting

B9-0102/2020

11.2.2020

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Child labour in mines in Madagascar
(2020/2552(RSP))

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European Parliament resolution on Child labour in mines in Madagascar (2020/2552(RSP))

The European Parliament,

- having regard to its previous resolutions on Madagascar;
- having regard to the Universal Declaration of Human Rights,
- having regard to the African Charter on Human and Peoples' Rights
- having regard to the UN Convention on the Rights of the Child (CRC) of 20 November 1989,
- having regard to ILO Convention No. 182, on the Worst Forms of Child Labour (1999) and ILO Convention No. 138, on the Minimum Age of Admission to Employment (1973)
- having regard to the UNICEF report entitled 'The State of the World's Children 2019',
- having regard to the UNGA Resolution of 25 July 2019 declaring 2021 as the International Year for the Eradication of Child Labour,
- having regard to the Council conclusions of 20 June 2016 on Child Labour;
- having regard to EU Guidelines on the rights of the child, which were revised in 2017.
- having regard to the European Parliament resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child (2019/2876(RSP)),
- having regard to the New European Consensus on Development 'Our World, Our Dignity, Our Future'. 2017,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR);
- having regard to the EU Action Plan and Democracy 2015 - 2019
- having regard to the United Nations Global Compact ,
- having regard to the OECD Guidelines for Multinational Enterprises,
- having regard to the International Labour Organisation's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

- having regard to the ISO 26 26000 Guidance Standard on Social Responsibility;
 - having regard to the UN Guiding Principles on Business and Human Rights (UNGPs, 2011)
 - having regard to the UN Human Rights Council resolution 26/9 of 26 June 2014, whereby it decided ‘to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises’;
 - having regard to the UN CESCR General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities (E/C.12/GC/24),
 - having regard to the Children’s Rights and Business Principles developed by UNICEF,
 - having regard to its resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility;
 - having regard to the Council conclusions of 12 May 2016 on the EU and responsible global value chains;
 - having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries;
 - having regard to European Parliament legislative resolution of 16 March 2017 on the proposal for a regulation of the European Parliament and of the Council setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas, the so called “conflict minerals” regulation;
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas Article 3 of the United Nations Convention on the Rights of the Child provides that ‘States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development’;
- B. whereas Madagascar is one of the least developed countries among all developing countries; whereas of the total population, 74 per cent are living below the national poverty line and 80 per cent live in rural areas, and three quarters of the population live on less than US\$ 1.90 a day; whereas on the UN’s Human Development Index (HDI), the country is at the bottom with a 161st place among 189 countries in total (2017);
- C. whereas Madagascar has ratified all key international treaties on child labour, including

the Convention on the Rights of the Child (and its two Optional Protocols), ILO Convention 138 on Minimum Age, and ILO Convention 182 on the Worst Forms of Child Labour, whereas the Government has elaborated a National Action Plan to Combat Child Labour in Madagascar, in collaboration i.a. with international employers' and workers' organisations; but whereas these commitments and measures fail to deliver effective results on the ground;

- D. whereas child labour is the major cause of child abuse and exploitation in many parts of the world; whereas poverty and child labour create a vicious cycle; whereas studies show that people who enter the workforce at an early age typically end up with less education and lower earnings, and will be more likely to send their own children to work; whereas accordingly, child labour perpetuates poverty; whereas governments have responsibilities to enact laws that protect children from child labour;
- E. whereas at least 11,00 children between the ages of five and 17 are employed in mica mining in Madagascar, according to the November 2019 report published by Terre des Hommes International Federation (TDHIF);
- F. whereas mica mining takes place mostly during the dry season when agriculture is not providing income or food security; whereas work in mica mining and sorting is often a family occupation that involves the entire household, including children who are exposed to the same harsh, unhealthy and unsafe working conditions and risks as adults every day;
- G. whereas Madagascar holds extensive deposits of minerals such as cobalt, ilmenite, nickel and zirconium, which are all mined industrially; whereas by contrast, gold, sapphire and mica are the three key artisanal and small-scale mining sectors in Madagascar;
- H. whereas the mica sector in Madagascar is taxed through a series of complex arrangements, with tax levels on exports being relatively low and not always providing direct benefit to mining communities; whereas approximately only 40 export permits have been issued suggesting the vast majority of mica mining is carried out illegally and in unregulated, precarious artisanal sites;
- I. whereas most child labour occurs in the informal sector, as in the case of artisanal and small-scale mining, where family tends to work as a unit,
- J. whereas Madagascar is the third-largest mica exporter in the world. It has overtaken India as the largest exporter of sheet mica, the form mainly used in the electronics and automotive industries; whereas the majority of mica processing companies globally can be found in India and China. In 2015, China accounted for more than 45 per cent of the global mica market;
- K. whereas the country has the world's fifth highest number of out-of-school children, half of the children under the age of five suffer from stunting;
- L. whereas education is free up to the age of 16; whereas parents are nevertheless increasingly required to pay for registration and fees to cover teacher salaries and other costs; whereas consequently, many people cannot afford to send their children to

school; whereas in addition, there is a lack of school infrastructure and qualified teachers, and there are few options for transportation in rural areas with long distances between schools;

- M. whereas Article 12 of the United Nations Convention on the Rights of the Child and Article 24 of the Charter of Fundamental Rights of the European Union respect the right of the child to be heard and to have their views on matters which concern them taken into consideration according to their age and maturity;
- N. whereas exploitation of children in mining result from different factors, notably poverty, inaccessibility of basic services (such as lack of health and education services in mining areas),insufficient and inadequate nutrition and environmental degradation;
- O. whereas artisanal mining, including sapphire, is one of the major drivers of deforestation in Madagascar and is exacerbating destruction of critical wildlife habitat;
- P. whereas governance of the mining sector in Madagascar is a major source of concern; whereas there is for instance no comprehensive overview available of mica deposits or concessions that are actually mined in Madagascar; whereas the ministry has limited capacity, resources and personnel to enforce applicable laws and regulations;
- Q. whereas inspections of mines are infrequent and plans to support artisanal and small-scale mining (ASM) through training and organisation cannot be properly implemented; whereas corruption is another acute problem that needs to be addressed;
- R. whereas according to the UN guiding principles on business and human rights, businesses are made responsible for human rights violations in their entire supply chain and should, for example, prevent the use of child labour by all their suppliers; whereas the UNGPs are not binding and proved to be ineffective to address effectively human rights abuses committed by corporations and to enable effective remedy for victims, both judicial and non-judicial;
- S. whereas the private sector downstream, which are mica clients, are at high risk of being linked to human rights violations, including the worst forms of child labour, through their supply chains;
- T. whereas the UN's Sustainable Development Goals (SDGs) include target 8.7 calling to completely “end child labor in all its forms” by 2025, placing it alongside modern slavery.
- U. whereas the EU has committed to realise the 2030 Agenda for Sustainable Development (2030 Agenda) and its Sustainable Development Goals (SDGs) and to protect the rights of the child in its internal and external policies; whereas Article 32 of the EU Charter of Fundamental Rights explicitly prohibits child labour and promotes the protection of young people at work;
- V. whereas President of the European Commission, Ursula von der Leyen, committed to a zero-tolerance policy on child labour in EU trade agreements and called on the Vice-President-designate for Democracy and Demography, Dubravka Suica, to develop a comprehensive strategy on the rights of the child ;

- W. whereas in the recent years, the EU has started to adopt legislation to enhance corporate accountability and embed elements of Human Rights Due Diligence (HRDD) into legislation, including the EU Conflict Minerals Regulation and the EU Non-Financial Reporting Directive (NFR); whereas member states have started to adopt national legislation with the same aim, such as the UK Modern Slavery Act, the France duty of vigilance law, the Dutch Child Labour Due Diligence Law, or the German and Italian National Action Plans to implement the UNGPs;
- X. Whereas in February 2019, the German Federal Ministry for Economic Cooperation and Development (BMZ) drafted a law on mandatory human rights due diligence relating to German companies, their subsidiaries and contractors abroad; whereas in addition, a growing number of companies is also taking voluntary steps to ensure Human Rights Due Diligence (HRDD) in their supply chains; whereas the European Commission announced its intention to explore ways of improving transparency throughout the supply chain, including aspects of mandatory due diligence;
- Y. whereas the Parliament urged the Commission to consider banning EU imports of products made with child labour in a 2010 resolution and repeated its demands in a 2016 resolution calling 'for a balanced and realistic proposal for legislation', including measures such as labelling child-labour-free products and prohibiting imports of goods made with child labour;
- Z. whereas in June 2018, the EITI Board announced that Madagascar had made meaningful progress in implementing the 2016 Extractive Industries Transparency Initiative Standard (EITI);
- AA. whereas in March 2019, the OCHA reported that 1.3 million people were severely affected by food insecurity in Madagascar. Roughly half of the communities in the south – the poorest part of the country, where most of the mica mining takes place – are in a state of urgent food insecurity;
- BB. whereas UN Office for the Coordination of Humanitarian Affairs reported, on 26 January 2020, that heavy rainfall and flooding caused by a tropical disturbance have affected nearly 107,000 people, including more than 16,000 displaced, and caused at least 31 deaths in Madagascar; whereas the Government declared a State of Emergency on 24 January and is leading the humanitarian response;
1. Expresses grave concern about the precarious working conditions of the majority of people working in the mica mining sector in Madagascar, notably children, whose working conditions respond to the worst and most dangerous forms of child labor, compromising their health and safety;
 2. Reasserts that the worst forms of child labour and labour exploitation must be abolished; calls on the UN to launch an independent investigation into the complete process of the mining, export and distribution of mica mined by children; more generally, calls on the international companies sourcing mica and mica-based products, as well as the government of Madagascar, to take responsibility for addressing the problematic conditions of mica mining and for contributing to improving the fulfilment of children's rights, in line with international standards and commitments;

3. Acknowledges that child labour is a complex phenomenon that has a multiplicity of causes which requires a comprehensive approach to fight it, including awareness-raising among families and local communities, due diligence by companies involved in global supply chains, and action by governments, international organisations and civil society;
4. Calls on the government of Madagascar to fully implement its commitments under ILO Conventions No 182 on the worst forms of child labour and No 138 on the minimum age for admission to employment, notably by enhancing financial capacity to monitor and inspect working and living conditions in mining, and more broadly, by providing adequate access to basic education, health care, sanitation and drinking water;
5. Recalls that according to the UN "Protect, Respect and Remedy" Framework and Guiding Principles on Business and Human Rights, the State has the duty to protect against human rights abuses by third parties, including business;
6. Recalls that the mining sector should meet the international human rights requirements like prior assessment and consultation with the people most affected, effective remedies in case of violations of their rights and authorisation for mining activities should be granted only if they avoid, minimize and, to the extent possible, restore the site and offset environmental harm;
7. Deplores that the local mica industry has done little to combat child labor; recalls that due diligence is a key component of the UN Guiding Principles' second pillar on the corporate responsibility to respect human rights;
8. Underlines that the EU must remain at the forefront of eradicating the worst forms of child labour at a global level; recalls that over recent years, some EU Member States have introduced new legislation requiring companies to ensure human rights due diligence in their supply chains, after years of voluntary action has failed to spur widespread change; reiterates, in this context, its call for the harmonisation and strengthening of import and supply chain controls, through binding due diligence in accordance with OECD standards, so as to ensure that only forced labour-free, child labour-free and modern slavery-free products enter the EU market;
9. Is aware of the risks of merely preventing children to work without alternatives, notably without addressing the root causes of child labour, - notably poverty, lack of access to education, inadequate educational and health facilities, environmental degradation and climate change -, as it is likely to exacerbate conditions in the mining communities; believes that a combination of private and public interventions are needed to improve the export price of mica (notably through higher taxes levied on export) and wages, as a way to raise the standard of living and children attendance to school; to this end, recalls the importance of awareness raising policy and the need to make school more attractive by providing meals;
10. Believes that EU Development aid should help to assist recipient country to address the root causes of child labour; to this end, calls on the EU and its Member States to develop programmes, notably in the areas of education, health, employment and social protection, with the view to mitigate the negative impact of mining activities, reduce dependence on child labour in mines and provide sustainable alternative income-generating possibilities for the families concerned in the mica mining area; calls equally

on the EU and its Member States to upgrade their financial and technical support to enforce protective child labour laws;

11. Recalls EU's commitment to the principle of Policy Coherence for Development as enshrined in Article 208 of the Lisbon Treaty and its obligation to mainstream human rights in all its external policies; to this end, stresses the importance of including the fight against forced labour and child labour in all EU Economic Partnership Agreements, through binding and enforceable sustainable development chapters, which shall reflect the highest environmental and social standards, notably on child labour, in line with President of the Commission's commitment, Ursula Von der Leyen, on a "zero-tolerance policy on child labour";
12. Recalls that one of the main challenges for developing countries is to climb up the global value chain through economic diversification, which necessitates fair and pro-development global trade rules; against this background, urges the EU to refrain from a trade policy that prohibits developing countries to levy export taxes on raw materials as a general rule in the remit of Economic Partnership Agreement, while it is WTO-compatible; likewise, calls on the Commission to actively work within the WTO in order to promote multilateral rules for sustainable management of GVCs, including mandatory supply chain due diligence;
13. Believes that all children should be included and empowered to participate in decisions affecting their lives, including girls and boys of different ages, children with disabilities, children from minority ethnic, religious or language groups, migrant and stateless children; calls on the authorities of Madagascar to increase efforts to ensure realisation of children's civil rights to information, as well as to use all legal procedures to challenge child labour or other bad employment practices;
14. Calls on the Commission to prioritise the protection and promotion of children's rights and the eradication of child labour in the next EU Action Plan on Human Rights and Democracy; takes the view that the next Action Plan should ensure the meaningful and effective participation of CSOs, including child rights organisations, and working children whenever possible;
15. Reaffirms the urgent need to effectively address human rights abuses by transnational corporations, reiterates its support to the ongoing negotiations on a binding UN Treaty for Transnational Corporations and Human Rights; calls on the Commission and the Member States to engage constructively in these negotiations and to play an active role and contribute to the development of concrete proposals, including access to remedies;
16. Takes note that the so called EU 'conflict minerals' regulation will come into effect in January 2021, with the Commission due to report on its implementation to the European Parliament by January 2023. Calls for the review to take into account the impact of the regulation on the ground and include an assessment of broadening its scope to include such minerals as mica in the promotion and cost of responsible sourcing;
17. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and Parliament of Madagascar, the African Union, the Secretary-General of the United Nations, the Co-

Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan African Parliament.