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*Plenary sitting*

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**B9-0112/2020**

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))

on behalf of the Renew Group

**B9-0112/2020**

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

*The European Parliament,*

- having regard to its previous resolutions on Madagascar, in particular those of 9 June 2011 and of 14 November 2017,
- having regard to the United Nations Convention on the Rights of the Child, having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Geneva Declaration on the Rights of the Child in 1924 and to the United Nations adoption of the Declaration of the Rights of the Child in 1959,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to Article 3 of Treaty on European Union explicitly recognizing the promotion of children’s rights in internal and external affairs as an objective of the EU,
- having regard to the International Labour Organisation (ILO) Convention 138 concerning the Minimum Age for Admission to Employment of 6 June 1973, and the ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1 June 1999,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Committee on the Rights of the Child,
- having regard to the United Nations 2030 Agenda for Sustainable Development and its Sustainable Development Goals,
- having regard to the United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework of 2011,
- 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 UNGA Resolution of 25 July 2019 declaring 2021 as the International Year for the Eradication of Child Labour,
- having regard to the Council Conclusions “Building a sustainable Europe by 2030” of 10 December 2019<sup>1</sup>,

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<sup>1</sup> <https://www.consilium.europa.eu/media/41693/se-st14835-en19.pdf>

- having regard to Article 26 of The Cotonou Agreement,
  - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas Child labour is a symptom of mutually reinforcing root causes – including poverty, inequity and lack of access to basic social services. As such, child labour cannot be looked at in isolation;
- B. Whereas Article 32 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’;
- C. whereas the United Nations Convention on the Rights of the Child is the most widely ratified international human rights treaty, which has been ratified by all European Union Member States and establishes clear legal obligations to promote, protect and uphold the rights of every child in their jurisdiction;
- D. whereas the European Union has committed to promote and protect the rights of the child in its internal and external actions, and to act in line with international law, including the provisions of the United Nations Convention on the Rights of the Child and its Optional Protocols;<sup>2</sup>
- E. whereas the European Union Charter of Fundamental Rights requires that the best interests of the child be a primary consideration in all EU action and prohibits child labour by setting the minimum age of admission to employment which may not be lower than the minimum school-leaving age and states that young people admitted to work must have working conditions appropriate to their age and are protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education;
- F. 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;

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<sup>2</sup> Treaty on the European Union, article 3.

- G. whereas the EU has committed to realize the United Nations 2030 Agenda for Sustainable Development and meet its Goals and targets , including the Sustainable Development Goal target 8.7 that requires to ‘take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms’;<sup>3</sup>
- H. whereas across the world, approximately 152 million girls and boys aged 5 to 17 are involved in child labour,<sup>4</sup> with the highest proportion of working children living the least developed ones; whereas Africa with 72.1 million and Asia and the Pacific with 62.1 million, are the regions in the world with the highest child labour victims; whereas agriculture, services and industry, including mining, are the three main sectors with child labour presence;
- I. whereas Article 3 (d) of the International Labour Organisation Convention No 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour defines hazardous child labour as ‘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’;
- J. whereas the International Labour Organisation in its child labour definition states that ‘not all work done by children should be classified as child labour that is to be targeted for elimination. Children’s or adolescents’ participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive’;
- K. whereas the largest category of the worst forms of child labour is hazardous child labour with approximately 73 million children, aged 5 to 17, working in dangerous conditions in a wide range of sectors, including mining;<sup>5</sup> whereas in 2018, 47 per cent of all Malagasy children aged 5 to 17 were engaged in child labour, including an estimated 86,000 child labourers in the mining sector;<sup>6</sup>
- L. whereas Madagascar has the world’s fifth highest number of out-of-school children,<sup>7</sup> half of the children under the age of five suffer from stunting, and, at only 13 per cent

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<sup>3</sup> United Nations. 2015. Transforming our world: the 2030 Agenda for Sustainable Development, UN Doc. A/RES/70/1. Available at: [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

<sup>4</sup> ILO. 2017. Global Estimates of Child Labour: Results and trends, 2012-2016. [https://www.ilo.org/global/publications/books/WCMS\\_575499/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_575499/lang--en/index.htm)

<sup>5</sup> <https://www.ilo.org/ipec/facts/WorstFormsofChildLabour/Hazardouschildlabour/lang--en/index.htm>

<sup>6</sup> INSTAT/UNICEF, Madagascar 2018, Travail des enfants, Multiple Indicator Cluster Surveys (MICS), PowerPoint presentation.

<sup>7</sup> World Bank website, School Enrolment Primary, <https://data.worldbank.org/indicator/SE.PRM.ENRR?locations=MG>

have access to electricity.<sup>8</sup> Of the total population, 74 per cent are living below the national poverty line and 80 per cent live in rural areas.<sup>9</sup> Three quarters of the population live on less than US\$ 1.90 a day;

- M. whereas Madagascar is the second biggest exporter of mica worldwide US\$ 6.5 million in 2017, and one of the countries with the greatest risk of violation of children's rights in mica mining, alongside India, China, Sri Lanka, Pakistan and Brazil;
- N. Whereas mica is the name for a group of different minerals used in electronic and automotive industries and found in a wide range of products from paints to soil conditioners and from make-up to smartphones;
- O. Whereas an estimated 11,000 children are involved in the mica sector in Madagascar; whereas the majority of these children labour is concentrated in the three southern provinces of Anosy, Androy and Ihorombe where children underperform in terms of health, nutrition and education development;
- P. Whereas the children involved in the mica sector in Madagascar are exposed to harsh and unsafe working conditions causing back pains, headaches due to the heat and the lack of water or oxygen in the mines, muscle pain due to the repetitive and hard work carrying heavy loads, and frequent coughs and respiratory problems due to the very fine mica dust particles in and around the mines and processing centres, as well as risking death due to imploding mines or landslides;
- Q. whereas the root causes of child labour include poverty, migration, war or environmental degradation and climate change, lack of access to quality education, lack of decent jobs for parents, lack of or social protection, social norms, and therefore tackling child labour requires a multi-dimensional approach and analysis of patterns of child labour in a specific context;
- R. whereas Madagascar is at the bottom of the United Nations Human Development Index, with a 161<sup>st</sup> place among 189 countries in total (2917), with 57% of Madagascar's population suffering severe multidimensional poverty, based on the Multidimensional Poverty Index (MPI), and 1.3 million people in Madagascar were severely affected by food insecurity in March 2019;<sup>10</sup>

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<sup>8</sup> World Bank website, Where We Work, Madagascar, 'Overview', <https://www.worldbank.org/en/country/madagascar/overview>

<sup>9</sup> Ministère de l'Economie et du Plan, Rapport National sur le Développement Humain, RNDH n°6, 2018, <https://bit.ly/2IWdx8o>

<sup>10</sup> OCHA, Madagascar, Aperçu de la situation humanitaire, March-Avril 2019, <https://tinyurl.com/y4z3zrbo>

- S. whereas the European Union Action Plan for Democracy and Human Rights 2015-2019 aimed at tackling child labour, including by supporting ‘partner countries to promote, protect and fulfil children's rights with a focus on economic, social and cultural rights such as the right to education, health and nutrition, social protection and the fight against the worst forms of child labour, always guided by the best interests of the child.’<sup>11</sup>
- T. whereas the Committee on the Rights of the Child in General Comment 16 ‘recognizes that duties and responsibilities to respect the rights of children extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises’ adding that ‘all businesses must meet their responsibilities regarding children’s rights and States must ensure they do so;
1. Welcomes that the eradication of child labour is one of the new European Commission priorities and asks the European Commission to provide details on how it aims to do tackle child labour through EU policy, legislation and funding, including new initiatives;
  2. Welcomes the commitment of the new European Commission to present a new comprehensive strategy on child rights and calls on the Commission to ensure that such a strategy will contribute to tackling the root causes of child labour and its worst forms;
  3. Welcomes that the European Union Member States ‘stressed the need to accelerate action both within and outside the European Union to fulfil the vision and goals of the United Nations 2030 Agenda’;<sup>12</sup>
  4. Welcomes the adoption by France of the Duty of Vigilance, a law that requires large companies based in France to carry out human rights due diligence in the supply chains,<sup>13</sup> the Dutch Senate adoption of the Child Labour Due Diligence law in May 2019, that requires companies selling or supplying goods and services to Dutch consumers to find out if child labour occurred as a result of their operations or activities; calls on the European Commission and the EU Member States to work close with the different sectors to ensure an efficient monitoring of the different supply chains in order to avoid child labour related products and services in the EU markets;
  5. Urges the European Union and its Member States to work with Madagascar to support with the adoption and implementation of legislation, policies, budgets and

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<sup>11</sup> Council of the European Union. 2015. EU Action Plan for Democracy and Human Rights 2015-2019. Action 15.b

[https://eeas.europa.eu/sites/eeas/files/eu\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_en\\_2.pdf](https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf)

<sup>12</sup> <https://www.consilium.europa.eu/media/41693/se-st14835-en19.pdf>

<sup>13</sup> Loi no. 2017-399 du 27 Mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d’ordre. Available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&categorieLien=id>

programmes of action that contribute to the full realisations of all children rights, including the rights of child labourers, as well as improving the working conditions of those involved in the mining sector;

6. Highlights that it is important that the Multiannual Financial Framework (MFF) 2021-2027 reflects the European Union commitment towards poverty eradication and elimination of the worst forms of child labour and by 2025 eradicate child labour as per the Sustainable Development Goals, including Madagascar<sup>14</sup>, within the timeframe of the United Nations 2030 agenda;<sup>15</sup>
7. Recommends the future application of the Neighbourhood, Development and International Cooperation Instrument (NDICI) regulation within the frame of child labour eradication, including through the NDICI for social inclusion and human development, which will ensure that the EU invests in education, health, nutrition, social protection, and overall strengthening of child protection systems;
8. Urges the European Commission and the different European Union Delegations to ensure meaningful consultations with local and international civil society organisations to ensure that evidence from programmes and the experiences of working children will be taken into account by the NDICI programming process, including for the programming process that concerns Madagascar;
9. Recommends the European Commission to continue to support the implementation of the United Nations Guiding Principles on Business and Human Rights, combat child labour and modern forms of forced labour, as well as protecting human rights defenders through the NDICI thematic programme on Human Rights and Democracy;
10. Calls on the European Union as main player for Human Rights in the world to take the lead regarding the eradication of child labour and in taking immediate and effective measures to end child labour by 2025 in all its forms;
11. Recommends the European External Action Service to prioritise the protection and promotion of children's rights and the eradication of child labour in the next EU Action Plan for Democracy and Human Rights;
12. Recommends the EEAS to develop the next EU Action Plan for Democracy and Human Rights with the meaningful and effective participation of CSOs, including child rights organisations and children themselves;

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<sup>14</sup> <https://www.un.org/development/desa/dpad/least-developed-country-category-madagascar.html>

<sup>15</sup> The New European Consensus on Development 'Our World, Our Dignity, Our Future'. 2017.

<https://www.consilium.europa.eu/media/24011/european-consensus-for-development-st09459en17.pdf>

13. Calls on the Commission to ensure that the upcoming EU Africa strategy is driven by the ambition to implement the Sustainable Development Goals and investment in a broad range of children's rights, while ensuring that the eradication of child labour is at the centre of such strategy; Recommends to the Commission that children's rights are at the centre of the Post-Cotonou Agreement;
14. Calls on the Commission to develop a comprehensive implementation strategy for the 2030 Agenda and to put as core objective the eradication of child labour. Fully implement the Policy Coherence for Development principle and integrate a do no harm approach to children's rights;
15. Calls on the government of Madagascar to protect children's rights and promote the eradication of child labour;
16. Calls on Madagascar to mainstream the inclusion of youth in their national development agendas, to adopt mechanisms for enhancing their representation at all levels of decision-making, to provide specific and adequate budgetary allocations in programmes allowing all young people to benefit from primary, secondary and tertiary education;
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 ACP-EU Council, the Secretary-General of the United Nations and the Madagascar government.