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## DRAFT REPORT

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

Committee on Development

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## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT RESOLUTION .....	3
EXPLANATORY STATEMENT .....	9

## DRAFT 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 Title III, Articles 316, 317 and 318 of the Treaty establishing a Constitution for Europe,
- having regard to the United Nations Convention on the Rights of the Child<sup>1</sup> and, in particular, Article 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 ILO Conventions 138 concerning the minimum age for admission to employment (1973) and 182 concerning 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 Ottawa (Mine-Ban) Treaty<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 in September 2005 in New York,
- having regard to its previous resolutions and the resolutions of the ACP-EU Joint Parliamentary Assembly<sup>7</sup>,

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

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

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

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

<sup>5</sup> Adopted in December 1965; entered into force in January 1969.

<sup>6</sup> Adopted in Ottawa in 1997.

<sup>7</sup> Particularly the EP resolutions of 3 July 2003 on the trafficking of children and child soldiers (OJ C 74, 24.3.2004, p. 669.),

- having regard to the International Programme for the Elimination of Child Labour (IPEC), which was presented by the ILO in 1992 and is operational in 51 countries,
- having regard to the reports and the other activities of the ILO and UNICEF on education<sup>1</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 United Nations General Assembly Special Session on the Child held in New York in 2001, and its conclusions ‘A world fit for children’,
- having regard to the EU guidelines on children in armed conflicts<sup>2</sup>,
- having regard to the Libreville Declaration on trafficking in children adopted in 2002 by 21 African countries<sup>3</sup>,
- having regard to the Commission communication on the participation of non-state actors<sup>4</sup>,
- having regard to Council resolution on corporate social responsibility<sup>5</sup>,
- having regard to the Commission communication on corporate social responsibility: a business contribution to sustainable development<sup>6</sup>,
- having regard to the OECD guidelines for multinational enterprises<sup>7</sup>,
- having regard to the report of the UN High Commissioner for Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights<sup>8</sup>,

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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, 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 (2001/2030(INI)), the resolution on the position of the EU at the United Nations General Assembly Special Session on children (OJ C 127, 29.5.2003, p. 691.), of 13 June 2002 on child labour in the production of sports equipment (OJ C 261, 30.10.2003, p. 395.), 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>1</sup> Particularly ILO reports ‘A future without child labour’ (2002) ‘Combating Child Labour through Education’ (2003), ‘Investing in every child’ (2004) and the UNICEF report ‘Financing Education-Investments and Returns’ (2002).

<sup>2</sup> 10 December 2003, doc 15634/03.

<sup>3</sup> Adopted by the First Summit of ACP Heads of State and Government in Libreville, Gabon, on 7 November 1997.

<sup>4</sup> OJ C 76, 25.3.2004, p. 247.

<sup>5</sup> (doc 5049/03).

<sup>6</sup> OJ C 67, 17.3.2004, p. 28.

<sup>7</sup> Annual Report on the Guidelines for Multinational Enterprises: 2000 Edition.

<sup>8</sup> UN doc ECN 4/2005/91, March 2005.

- 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 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 (A6-0000/20005),
- A. whereas 'child labour' means any form of work carried out by children between the ages of 5 and 18 which is harmful to their physical or mental health or prevents their social, moral and psychological development by keeping them away from school,
  - B. whereas 246 million children 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,
  - E. whereas the 1995 Convention on the Rights of the Child has not yet been ratified by all those states which have signed it, namely the United States and Somalia,
  - F. whereas child labour is simultaneously a cause and effect of poverty,
  - G. whereas the importance of registering children's births at the registry office and its direct link with the implementation of ILO Convention 138 must be stressed,
  - H. whereas, on 10 November 2000, the Commission and Council issued a joint communication on universal primary education and the recognition of education as a priority for development; moreover the European Parliament has recognised the relationship between education and the elimination of child labour in numerous resolutions,
  - I. whereas 121 million children (65 million of whom are girls) have never been to school,
  - J. 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 standard working hours, with the result that their education is either inadequate or non-existent,
  - K. having regard to the vital importance of education and vocational training, in particular for girls and women, in combating poverty; stressing the Commission's political commitment to increase resources for education and training in the context of development cooperation,

- L. whereas the Council has clearly expressed its commitment as regards the Millennium Development Goals,
- M. whereas sports goods manufacturers committed themselves in 1978 to comply with FIFA's Code of Working Practice which bans the use of child labour on products for which it grants licences,
- N. whereas enterprises, including the multinationals, have a responsibility to help eliminate child labour,
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. Calls on all EU Member States which have not ratified ILO Conventions 138 and 182, to ratify and enforce them;
  3. 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 (EIDHR);
  4. Urges the Commission to fully integrate the subject of 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;
  5. Calls on the Commission to ensure that the EU's trade policies are consistent with its commitment to protect and promote children's rights;
  6. Urges the Commission to ensure that the problem of child labour becomes a key issue within the committees or subgroups on human rights which were set up under the trade and cooperation agreements;
  7. Calls on the Council and the Commission to incorporate the practice of official birth registration in development cooperation policy as a fundamental means of protecting children's rights;
  8. 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;
  9. Welcomes the establishment, within the Commission, of a group of Commissioners for fundamental rights and calls on that group to make the protection of children and the elimination of child labour one of its top priorities;
  10. Welcomes the appointment of a personal representative on Human Rights, and calls on him to make the elimination of child labour one of his priorities;

11. 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 and the elimination of child labour;
12. Welcomes the establishment in July 2004 of the strategic partnership between the ILO and the Commission in the field of development and its special focus on child labour; 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;
13. Calls on the Council and its presidency, as the voice of the EU, to promote children's rights and elimination of child labour at the UN High Level Millennium Event in September 2005 in New York;
14. 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;

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

15. Reiterates its view that there is a mutually reinforcing relationship between lack of education and child labour;
16. Calls on the Commission to use the position of the EU, as the principal donor of humanitarian aid among the international institutions<sup>1</sup>, to exert pressure for the framing of policies to eliminate child labour, including efforts to achieve the objective of education without discrimination, thereby reflecting its vital importance for the future of children;
17. Regrets the fact that, following the Dakar Summit, no significant progress was 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;
18. Believes that no child should be excluded from education and notes that the abolition of tuition fees and charges for basic education, the creation of new schools and the awareness that education can hold out a better future for children, would give children and their families an incentive to return to the classroom;
19. Calls on the Commission to set clear objectives for the promotion of universal basic education in the national action programmes, with particular focus on the access of girls and children from marginalised social groups to education programmes;
20. Considers that child labour is a product of unbalanced socio-economic development; recommends that the efforts to eliminate child labour should take account of social conditions and poverty in developing countries and should propose measures designed to

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<sup>1</sup> Such as UNESCO, UNICEF, the World Bank and the International Monetary Fund.

increase the incomes of households by, for example, guaranteeing a minimum wage for adult workers;

21. Welcomes the activities of the International Programme for the Elimination of Child Labour (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;

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

22. 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;
23. Calls on the Commission to support programmes concerning uncommon forms of child labour such as domestic work and the selling of children to pay off family debts (debt bondage);
24. Welcomes the forthcoming Commission communication on trafficking in human beings (2005);
25. Reiterates its proposal to appoint an EU special representative for children who are victims of armed conflict to ensure that due attention is given to such situations;

#### **Corporate responsibility**

26. Welcomes the forthcoming Commission communication on corporate social responsibility due in April 2005;
27. Calls on the Commission and the Council to promote the fair trade initiatives, in particular in recently joined EU member states, monitoring producers to ensure that their methods are consistent with fair trading standards;
28. Calls on the Member States to increase consumer awareness of corporate social responsibility and to support initiatives to promote products, principally agricultural and those produced by the sports goods industry, the manufacturing of which has not involved the use of child labour;
29. Calls on the Council to support the OECD's guidelines for multinational enterprises and the UN's Global Compact;
30. 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;
31. 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.

## EXPLANATORY STATEMENT

### The exploitation of children in developing countries, with a special focus on child labour

#### Introduction

**‘One picture, a thousand words’,  
Chinese proverb.**

A photograph of an armed child at the battlefield. Hundreds of young children crammed into shacks working relentlessly in the fight for life; their own and those of their ailing parents. Thousands of young children aged 5-17, instead of being educated in schools, are scattered across fields gathering in crops and other products. Millions of young children throughout the world are calling for our attention, asking for our care, affection and support. We have an obligation to protect them. We have the power. The European Union cannot and must not remain indifferent in the face of the exploitation of children in developing countries. The international organisations are doing their part. European citizens support this effort - because 246 million children in our world are looking to us with hope in their hearts.

#### Background

The term ‘child labour’ means any form of work performed by children between the ages of 5 and 17 which is harmful to their physical and mental health and impedes their social, moral and psychological development. Furthermore, this term also covers any form of activity which keeps children away from the place where they should be, i.e. in the classroom. Moreover, the minimum permissible age for working is 14 years.

The following are also considered to be forms of child labour: *trafficking in children, prostitution, exploitation of children sold to pay off family debts (debt bondage), those who work confined as domestic help and those working in dangerous jobs such as in mines, the chemical industry and farm work which involves contact with pesticides and insecticides etc.*

At present, 246 million children in the world work, a number equivalent to approximately half the population of the European Union. According to recent data provided by the International Labour Organisation (ILO), 171 million children work in places which are hazardous for their physical and mental health, 5.7 million have become slaves to pay family debts, 1.8 million are exploited by prostitution and pornography rackets, 1.2 million have fallen victim to trafficking or have been press-ganged into sexual exploitation, forced labour or work, 600 000 are involved in other illegal activities, while at least 300 000 children have been forcibly recruited into armed forces around the world.

Of those children, 121 million (65 million of whom are girls) have never been to school, 73 million are under the age of 10 and some 179 million are victims of what the ILO describes as worst forms of labour.

Furthermore, 70% of working children are ‘employed’ in the agricultural sector, while in the developing countries, one third of farmers are aged between 5 and 17. The children who work

in the fields, under appalling conditions, often fall victim to both economic and physical exploitation. In commercial farming, principally in the production of cocoa, tea, coffee, cotton and rubber, where child labour is common, effective action to eliminate it is extremely important.

Child labour is not a phenomenon encountered only in the underdeveloped and developing countries. In eastern Europe and the Mediterranean region, 5 million children are subject to exploitation at places of work.

Despite this situation, labour for children under the age of 17 is not prohibited. The United Nations Children's Fund (UNICEF) and many organisations dealing with children recognise that children's work can be of substantial assistance to the families who have problems surviving. Moreover, work which brings the children money for their own use, which is performed in tandem with their studies at school is, in many cases, beneficial for their intellectual development and, therefore, acceptable. Unfortunately, however, according to ILO figures, 120 million of the total number of children working perform normal, and not reduced, working hours, with the result that their education ranges between inadequate and non-existent.

### Causes

Child labour is a complex problem. There are socio-economic reasons which have to be identified in order to find an effective solution. It is principally a product of poverty, a lack of equal opportunities, a lack of access to education and the gap between urban and rural areas.

According to UNICEF, the basic cause is *poverty*. Poverty and child labour are bound up in a paradoxical relationship. However, it had also been reported at the Oslo Conference on child labour that 'the exploitation of children is both a cause and effect of poverty'. On the one hand, poverty drives many families to put their children to work as the only means of survival. On the other hand, economic exploitation of children perpetuates the problems of illiteracy, social exclusion and inequality, and delays development.

Moreover, an important cause of economic exploitation of children is *lack of education*. In many cases, the absence of alternative activities drives children into work. The lack of school facilities or the need to pay school fees for basic education, which may not be high but are considered to be a luxury for many families, keep the children away from the place where they should 'work'. The fact that in many developing countries education is not an alternative solution to work is often the result of the irresponsibility of governments, which consider investment in other areas more pressing.

Child labour may also be a consequence of *marginalisation of certain social groups*, owing to the lack of legislation to ensure equality in education or owing to historical or religious traditions. Discrimination relating to gender, nationality, social class, religion or even health pushes children from these social groups into the 'worst forms of labour'.

A significant impediment to combating child labour is the *failure to register children's births*<sup>1</sup>. The registration of children at the registry office and, by extension, the issuing of a

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<sup>1</sup> 'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to

birth certificate, ensures that in future they have the right to enjoy the protection of the State, including the right to vaccination, access to medical care and to education.

Some of the reasons for the failure to register new-born babies are the relatively high cost, ignorance of the procedure, distance from towns in which registry offices are located or even lack of information as to the importance of acquiring a birth certificate. Official registration of children's births is a fundamental instrument of supervision and prevention of uncontrolled child labour and of all forms of exploitation. It has been calculated that registration at a registry office costs less than 1 dollar per person<sup>1</sup>. Nevertheless, each year, one third of new-born babies (some 40 million) are deprived of this right and therefore run the risk in future of falling victim to exploitation.

### **Elimination of child labour and promotion of education**

It is a fact that poverty, lack of education and child labour form a vicious circle. Where the levels of poverty are high, children are required to work from an early age, and thus stay away from school, while their lack of education makes them more susceptible to exploitation and deprives them of a better future. The elimination of the economic exploitation of children is therefore a basic factor in achieving Goal 1 of the Millennium Development Goals (eradication of poverty) and Goal 2 (compulsory and free basic education for all).

In 1990, the conclusions of the World Summit on Children included the goal that by the year 2000 all children in the world should have access to education and at least 80% of them should have the possibility of completing primary education. In 2000, the Dakar Summit adopted the document 'Education for All' whereby 181 states committed themselves to providing basic, quality education for all children, in particular girls. Despite that, 113 million children of school age at the present time have never been to school.

The abolition of tuition fees and charges for basic education, the creation of new schools and increasing awareness among children and parents that only education can give them a better future, would give children and their families an incentive to return to the classroom.

The European Union's support for this initiative is also demonstrated by the importance which the Council has attached to the Millennium Development Goals<sup>2</sup>. Furthermore, this initiative was recognised by the European Parliament in two resolutions. The first concerns the need to support compulsory and free basic education accessible to all, and the second concerns child labour in the production of sports equipment<sup>3</sup>. However, these initiatives do not find practical expression in terms of EU cooperation with third countries, which continues to make a distinction between the exploitation of children and lack of education.

### **Legal framework: Instruments and international commitments**

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acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents', Article 7 of the *Convention on the Rights of the Child*.

<sup>1</sup> According to UNICEF data, in Bangladesh where there was a legal basis, it cost 0.20 \$ for each child of a total of 5 million children.

<sup>2</sup> Achieving the Millennium Development Goals as a key objective for the European Union's 2559th Council meeting, Brussels 26 January 2004, 5519/04 press 26.

<sup>3</sup> 2001/2030(INI) and OJ No 261 E of 30.10.2003 p. 0587-0589.

In 1989, the protection of children's rights was set out in the first world-wide legally binding code concerning the rights every child should enjoy, which was adopted by almost the entire international community. This document was the **United Nations Convention on the Rights of the Child** which detailed the minimum standards and basic principles for the protection of children from various forms of exploitation<sup>1</sup>. In particular, Article 32 provides for the protection of children from any form of 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*. Moreover, the Convention contains measures against the use of children in the trafficking of drugs and other illegal substances, sexual exploitation, slave trading and against their participation in armed conflicts. The Convention, which has been ratified by all the states in the world except the USA and Somalia, is supplemented by two optional protocols from the year 2000 concerning the involvement of children in armed conflicts and trafficking in children, child prostitution and pornography.

The problems created by child labour are also covered by international labour rules. Two International Labour Organisation (ILO) conventions are equally important. **Convention 138** concerning the minimum age for admission to employment (1973)<sup>2</sup>, which is 15 years of age (14 for the developing countries), while for hazardous work the minimum age is 18. Convention 138 has not been ratified by the USA and three Member States of the European Union. **Convention 182** (1999)<sup>3</sup> defines the worst forms of child labour as (i) all forms of slavery or practices similar to slavery, such as debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children under the age of 18 for use in armed conflict, (ii) child prostitution or pornography, (iii) the use of children for illicit activities, such as the trafficking of drugs and (iv) any form of work which is likely to harm the physical or mental health of children. Only one Member State of the European Union has not ratified this Convention.

At the regional level, significant progress was represented by the signing of the **African Charter on the Rights and Welfare of the Child** by the African Union in 1990<sup>4</sup>. Inter alia, Article 22.2 of the Charter states that no child under the age of 18 shall take a direct part in hostilities.

The signing of various international conventions and special protocols represents only the beginning of the formation of a significant legal framework for the protection of children at international level. Unfortunately, however, their ratification and implementation at national level remains inadequate.

In 1992, the ILO presented the International Programme on the Elimination of Child Labour<sup>5</sup> which includes action in various areas such as exerting pressure on governments to adopt laws on compulsory basic education. The IPEC operates successfully in 51 countries and has the potential to develop, if its funding is bolstered.

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<sup>1</sup> *Convention on the Rights of the Child*, <http://www.unicef.gr/reports/symb.php>.

<sup>2</sup> *Convention concerning Minimum Age for Admission to Employment*, <http://www.ilo.org/ilolex/english/convdisp1.htm>.

<sup>3</sup> *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, <http://www.ilo.org/ilolex/english/convdisp1.htm>.

<sup>4</sup> *African Charter on the Rights and Welfare of the Child*, [http://www.africa-union.org/Official\\_documents/Treaties\\_Conventions\\_en](http://www.africa-union.org/Official_documents/Treaties_Conventions_en)

<sup>5</sup> IPEC - International Programme on the Elimination of Child Labour

In the United Nations, there are various departments and mechanisms responsible for promoting human rights and dealing with the phenomenon of child labour. One of these is the UN High Commissioner for Human Rights. This office comprises two categories which promote the protection of human rights: the bodies set up by the Charter of Human Rights and those prescribed by the Treaties. The Committee on the Rights of the Child<sup>1</sup>, of the latter category, is a body composed of specialised, independent personnel who supervise the implementation of the Treaty and the two optional protocols in the States which have ratified them; the States themselves are also required to submit regular reports to the Committee.

The UN works together with other organisations and services to promote human rights. Of these organisations, UNICEF contributes towards that end via cooperation programmes with national governments.

Children's rights were also the subject of the UN General Assembly Special Session of May 2002, the aim of which was to draw up a framework to promote children's rights over the following ten years. Child labour is covered in the final text 'A world fit for children'<sup>2</sup>, and in particular the paragraph entitled 'Protecting against abuse, exploitation and violence'. However, the General Assembly encourages effective action by the international community to eliminate and prohibit the worst forms of child labour while, on other forms of labour, the text is less precise.

### **The role of the EU in the fight to eliminate child labour**

The promotion of children's rights and, in particular, the endeavour to eliminate child labour are not the subject of a uniform European strategy. Even within European development policy, this aspect of policy does not occupy a central position. Moreover, neither does the *Council regulation laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms*<sup>3</sup> make any specific reference to children's rights.

The *Communication from the Commission concerning the European Union's role in promoting human rights and democratisation in third countries*<sup>4</sup> stresses that 'to be effective, respect for human rights and democracy should be an integral or 'mainstream', consideration in all EU external policies'. Such an approach encourages the search for solutions to the problem but may be considered haphazard unless appropriate bodies are also present to turn the spotlight on these specific problems amid the other priorities<sup>5</sup>.

The European Parliament underscores that risk in its *resolution on trafficking in children and child soldiers* and in the *resolution of the ACP-EU Joint Assembly on the rights of children and, in particular, child soldiers*. There are two approaches to the subject. On the one hand a

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<sup>1</sup> Committee on the Rights of the Child (CRC)

<sup>2</sup> Final document of the Special Session of the General Assembly on Children on 10 May 2002, *A world fit for children*, part III / B / 3, art. 441-44, <http://www.unicef.org/specialsession/wffc/index.html>

<sup>3</sup> Regulation (EC) No 975/1999, OJ L 120 of 08/05/1999, p. 0001-0007

<sup>4</sup> COM(2001)252, final

<sup>5</sup> Mirjam Van Reizen, *Invisible children, Towards integration of children's rights in EU Member States' development cooperation policies*, 2002

horizontal approach which embraces the general incorporation of the protection of children's rights into all the European Union's policies and, on the other hand, specific measures aimed at promoting children's rights, including a special budget for that purpose.

### **Corporate responsibility**

Globalisation has changed the role of multinational companies. Consumers have become more aware not only about quality and the price of products but also about the conditions under which they are manufactured. The social responsibility of the multinationals is therefore the focus of much attention.

In 1997, the first attempt was made to approach the subject from this angle, with the *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, adopted by the International Labour Organisation (ILO), which contains references, inter alia, to respect for the minimum age for access to employment<sup>1</sup> and the elimination of the worst forms of labour<sup>2</sup>.

In 2000 the *OECD Guidelines for Multinational Enterprises* laid down a number of non-mandatory rules in various areas of human rights which stressed the need for companies to make a contribution to the abolition of child labour<sup>3</sup>.

Moreover, since 2000, the same aim has been pursued by the United Nations in the form of the fifth principle of the *Global Compact*<sup>4</sup>.

The report by the UN High Commissioner on the responsibilities of transnational corporations with regard to human rights, which was adopted by the Subcommission on the Protection and Promotion of Human Rights in 2003, confirms and reinforces the principles championed in relation to child labour<sup>5</sup> prior to that date.

#### **A. Corporate rules of conduct**

As initiatives to protect children's rights have evolved, more 'codes of conduct' for companies have emerged to attune them to the argument that economic success can go hand in hand with respect for children's rights.

A positive example in this respect is the cocoa industry. In 2000, the Global Industry Group (GIG) was formed by producers, trade unions and other players in the cocoa industry at international level. At the end of that year, they signed a Protocol concerning cases of exploitative child labour in cocoa-growing in the countries of West Africa. The aim of this Protocol is to develop effective and authoritative standards in the farming of this particular product by July 2005. The WACAP programme<sup>6</sup>, in the broader framework of the ILO IPEC

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<sup>1</sup> Paragraph 36, *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, <http://www.ilo.org/public/english/employment/multi/download/english.pdf>.

<sup>2</sup> Introduction 190, *ibid*.

<sup>3</sup> Chapter IV, paragraph 1b), *The OECD Guidelines for Multinational Enterprises*, 2000, <http://www.oecd.org/dataoecd/56/36/1922428.pdf>

<sup>4</sup> <http://www.un.org/Depts/ptd/global.htm>.

<sup>5</sup> Chapter II, paragraph 42 *Report of the United Nations High Commissioner on Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights*, E/CN. 4/2005/91, 15/02/2005.

<sup>6</sup> West Africa commercial agriculture programme to combat hazardous and exploitive child labour. This

programme, aims to eliminate the worst forms of child labour in the cocoa industry and commercial agriculture and to remove all children working under hazardous conditions in the cocoa industry. The first results of the programme (30 June 2004) report that 250 children were removed from plantations in the West African countries and returned to schools in September.

Another positive development occurred in Pakistan (where 75% of global production of soccer balls takes place). The findings of a joint study by the ILO, the Sialkot Chambers of Commerce and Industry and the American Council for the Soccer Ball Industry were of particular concern in relation to the children in this area. The Sialkot Chambers of Commerce and Industry and the ILO implemented a plan to restrict the use of children in the production (stitching) of soccer balls and to educate former, younger workers so that they have more varied opportunities for employment in the future. According to estimates for the first two years, the results of implementing this plan were encouraging and the number of producers taking part had increased<sup>1</sup>.

## B. Recognition of corporate social responsibility (CSR)

In this programme, significant progress was made with the *Communication from the Commission concerning Corporate Social Responsibility*<sup>2</sup>. CSR has been defined as voluntary integration of social and environmental concerns in the business operations of companies. It is considered that if companies succeed in managing change in a socially responsible manner this will make a positive impact at macro-economic level. In its *resolution on the Communication from the Commission on participation of non-state actors in EC development policy*<sup>3</sup>, Parliament recognised CSR as an element of EU development policy, which was particularly important as it indirectly represents an instrument for the protection of children from economic exploitation.

Another aspect of the problem is of an economic nature. Guaranteeing that materials and products have been produced responsibly and ethically is a means of sensitising consumers to the ethical considerations attached to their goods. The prices of the products produced by the hands of cheap child labour are more competitive. Children should not be sacrificed on the altar of development and competitiveness. Consequently, countries which do not invest in the quality of their human resources are condemned to perpetuate their underdevelopment.

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programme covers five countries in West Africa: Ghana, Cameroon, the Cote d'Ivoire, Guinea and Nigeria  
<http://www.ilo.org/public/french/region/afpro/yaounde/mdtyaounde/download/wacapsye.pdf>.

<sup>1</sup> Combating child labour in the soccer ball industry in Pakistan, *From stitching to school*

[http://www.ilo.org/public/english/standards/ipecc/publ/download/2004\\_soccerball\\_en.pdf](http://www.ilo.org/public/english/standards/ipecc/publ/download/2004_soccerball_en.pdf).

<sup>2</sup> Communication from the Commission concerning Corporate Social Responsibility: a business contribution to Sustainable Development, COM(2002) 347 final.

<sup>3</sup> EP resolution on the communication from the Commission to the Council and the European Parliament and the Economic and Social Committee on participation of non-state actors in EC development policy, A5-0249/2003.