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OSNUTEK POROČILA

o izkoriščanju otrok v državah v razvoju s posebnim poudarkom na otroškem delu
(2005/2004(INI))

Odbor za razvoj

Poročevalec: Manolis Mavrommatis

PR_INI

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OSNUTEK RESOLUCIJE EVROPSKEGA PARLAMENTA

o izkoriščanju otrok v državah v razvoju s posebnim poudarkom na otroškem delu (2005/2004(INI))

Evropski parlament,

- ob upoštevanju členov 177, 178, 180 in 181 Pogodbe ES,
- ob upoštevanju naslova III, členov 316, 317 in 318 Pogodbe o sprejetju Ustave za Evropo,
- ob upoštevanju Konvencije Združenih narodov o otrokovih pravicah¹, in še zlasti člena 32 Konvencije,
- ob upoštevanju Izbirnih protokolov I in II iz leta 2002 h Konvenciji o prodaji otrok, otroški prostituciji in otroški pornografiji ter o udeležbi otrok v oboroženih spopadih,
- ob upoštevanju Konvencij MOD št. 138 o najmanjši starosti za sklenitev delovnega razmerja (1973) in št. 182 o prepovedi in takojšnjemu ukrepanju za odpravo najhujših oblik otroškega dela (1999),
- ob upoštevanju Sporazuma o partnerstvu AKP-EU, podisanega v Cotonouju, Beninu, junija 2000,
- ob upoštevanju drugih mednarodnih sredstev za okrepitev varstva otrokovih pravic, kot je Mednarodni pakt ZN o državljanskih in političnih pravicah², Mednarodni pakt ZN o ekonomskih, socialnih in kulturnih pravicah³, Konvencija ZN proti mučenju in drugim oblikam okrutnega, nečloveškega ali ponižajočega ravnjanja ali kaznovanja⁴, Konvencija o odpravi vseh oblik diskriminacije žensk⁵ in Ottawska konvencija (pogodba o prepovedi min)⁶,
- ob upoštevanju Listine o pravicah in dobrobiti afriških otrok, sprejeti julija 1990 v Nairobi, Keniji,
- ob upoštevanju razvojnih ciljev novega tisočletja, še zlasti ciljev 1 in 2, ter dogodka novega tisočletja na najvišji ravni s strani ZN septembra 2005 v New Yorku,
- ob upoštevanju prejšnjih resolucij in resolucij Skupne parlamentarne skupščine AKP-EU⁷,

¹ Sprejeta leta 1989 in začela veljati leta 1990.

² Sprejet decembra 1966; začel veljati marca 1976.

³ Sprejet decembra 1966; začel veljati januarja 1976.

⁴ Sprejet decembra 1984; začel veljati junija 1987.

⁵ Sprejet decembra 1965; začel veljati junija 1969.

⁶ Sprejet v Ottawi leta 1997.

⁷ Zlasti resolucij EP z dne 3. julija 2003 o trgovini z otroki in otroki vojaki (UL C 74, 24.3.2004, str. 669), z dne 15. maja o sporočilu Komisije Svetu in Evropskemu parlamentu o izobraževanju in usposabljanju v zvezi z zmanjševanjem revščine v deželah v razvoju (UL C 67, 17.3.2004, str. 285.), z dne 6. septembra 2001 o osnovnem izobraževanju v državah v razvoju v zvezi s posebnim zasedanjem Generalne skupščine Združenih narodov o otrocih (2001/2030(INI)), resolucije o položaju EU na posebnem zasedanju Generalne skupščine Združenih narodov o otrocih (UL C 127, 29.5.2003, str. 691.).

- ob upoštevanju Mednarodnega programa za odpravo dela otrok (IPEC), ki ga je predstavila MOD leta 1992 in se izvaja v 51 državah,
- ob upoštevanju poročil in drugih dejavnosti MOD in UNICEF o izobraževanju¹,
- ob upoštevanju svetovnega foruma o izobraževanju v Dakarju, Senegalu leta 2000 (vrh v Dakarju) na katerem so sprejeli dokument „Izobraževanje za vse“,
- ob upoštevanju člena 26 Splošne deklaracije o človekovih pravicah, ki izobraževanje opredeljuje kot temeljno pravico,
- ob upoštevanju posebnega zasedanja Generalne skupščine ZN o otrocih v New Yorku leta 2001 in njegovega zaključnega dokumenta z naslovom „Svet za otroke“,
- ob upoštevanju smernic EU o otrocih v oboroženih spopadih²,
- ob upoštevanju Deklaracije iz Librevilla o trgovini z otroki, ki jo je leta 2002 sprejelo 21 afriških držav³,
- ob upoštevanju Sporočila Komisije o sodelovanju nedržavnih udeležencev⁴,
- ob upoštevanju resolucije Sveta o socialni odgovornosti podjetij⁵,
- ob upoštevanju Sporočila Komisije o socialni odgovornosti podjetij: prispevek podjetij k trajnostnemu razvoju⁶,
- ob upoštevanju smernic OECD za večnacionalna podjetja⁷,
- ob upoštevanju poročila visokega komisarja za človekove pravice ZN o odgovornosti nadnacionalnih družb in povezanih podjetij v zvezi s človekovimi pravicami⁸,
- ob upoštevanju Tristranske izjave načel v zvezi z večnacionalnimi podjetji in socialno politiko, ki jo je sprejela MOD novembra 1977,
- ob upoštevanju petega načela Globalnega dogovora ZN, in sicer „Podjetja morajo podpirati učinkovito odpravo dela otrok“,

z dne 13. junija 2002 o delu otrok v proizvodnji športne opreme (UL C 261, 30.10.2003, str. 395.), in resolucije Skupne parlamentarne skupščine AKP-EU o pravicah otrok in še zlasti otrok vojakov (UL C 26, 29.1.2004, str. 17).

¹ Zlasti poročil MOD z naslovi „Prihodnost brez dela otrok“ (2002), „Z izobraževanjem proti delu otrok“ (2003), „Vlaganje v vsakega otroka“ (2004) in poročila UNICEF z naslovom „Financiranje izobraževanja – vlaganja in rezultati“ (2002).

² 10. december 2003, dok. 15634/03.

³ Sprejeta na vrhu voditeljev držav AKP in vlade v Librevillu, Gabonu, 7. novembra 1997.

⁴ UL C 76, 25.3.2004, str. 247.

⁵ (Dok. 5049/03).

⁶ UL C 67, 17.3.2004, str. 28.

⁷ Letno poročilo o smernicah za večnacionalna podjetja: Izdaja 2000.

⁸ Dok. ZN ECN 4/2005/91, marec 2005.

- ob upoštevanju člena 45 Poslovnika,
 - ob upoštevanju poročila Odbora za razvoj in mnenja Odbora za mednarodno trgovino (A6-0000/20005),
-
- A. ker „delo otrok“ pomeni kakršno koli obliko dela, ki ga opravljajo otroci med 5. in 18. letom, ki škoduje njihovemu telesnemu ali duševnemu zdravju ter preprečuje njihov družbeni, moralni in psihološki razvoj, ker se zaradi dela ne morejo šolati,
 - B. ker 246 milijonov otrok na svetu dela, 179 milijonov od njih pa je žrtev tega, kar MOD opredeljuje kot najhujše oblike dela otrok,
 - C. ker je večina otrok, ki delajo, zaposlenih v kmetijskem sektorju,
 - D. ker 5 milijonov otrok izkoriščajo na delovnih mestih v Vzhodni Evropi in sredozemski regiji,
 - E. ker Konvencijo o otrokovih pravicah z leta 1995 še niso ratificirale vse države, ki so jo podpisale, in sicer Združene države Amerike in Somalija,
 - F. ker je delo otrok istočasno vzrok in posledica revščine,
 - G. ker je treba poudariti pomembnost prijave rojstva otroka na matičnem uradu in neposredne povezanosti z izvajanjem Konvencije MOD št. 138,
 - H. ker sta, 10. novembra 2000, Komisija in Svet izdala skupno sporočilo o splošnem osnovnošolskem izobraževanju in priznavanju izobraževanja kot prednostne naloge za razvoj; razen tega je Evropski parlament v številnih resolucijah priznal tudi povezavo med izobraževanjem in odpravo dela otrok,
 - I. ker 121 milijonov otrok (od katerih je 65 milijonov deklet) še ni obiskovalo šole,
 - J. ker delo preprečuje otrokom obiskovanje šole, ki se šteje za razkošje, kadar je njihov dohodek bistven za zagotavljanje preživetja celotne družine; ker je 120 milijonov celotnega števila otrok, ki delajo, zaposlenih za standardni delovni čas, zaradi česar je njihova izobrazba nezadostna ali je sploh nimajo,
 - K. ob upoštevanju bistvenega pomena izobraževanja in poklicnega usposabljanja, zlasti za dekleta in ženske, v boju proti revščini; ob poudarjanju politične zavezanosti Komisije k povečanju sredstev za izobraževanje in usposabljanje v zvezi z razvojnima sodelovanjem,
 - L. ker je Svet jasno izrazil zavezanost v zvezi z razvojnimi cilji novega tisočletja,
 - M. ker so se proizvajalci športnih izdelkov leta 1978 zavezali k usklajevanju s kodeksom ravnanja FIFE, ki prepoveduje uporabo dela otrok za proizvode, za katere podeljuje licence,

- N. ker so podjetja, vključno z večnacionalnimi, zavezana k sodelovanju pri odpravi dela otrok,
1. poziva vse države, da čim prej ratificirajo in uvedejo Konvencijo ZN o otrokovih pravicah in njene izbirne protokole;
 2. poziva vse države članice EU, ki niso ratificirale Konvencij MOD št. 138 in 182, da ju ratificirajo in uvedejo;
 3. poudarja, da mora biti boj za odpravo izkoriščanja otrok in dela otrok politična prednostna naloga EU, ter poziva Komisijo, da ustvari proračunsko postavko, ki se bo osredotočala na varstvo pravic otrok v zvezi z Evropsko pobudo za demokracijo in človekove pravice (EIDHR);
 4. poziva Komisijo, da vprašanje odprave dela otrok v celoti in skladno vključi v vse svoje dejavnosti, zlati v državne in regionalne strateške dokumente, nacionalne/regionalne programe in revizijski postopek izjave o razvojni politiki, ter da se osredotoči na bistveno vlogo izobraževanja;
 5. poziva Komisijo, da zagotovi usklajenost trgovinskih politik EU z zavezanostjo k varstvu in spodbujanju pravic otrok;
 6. poziva Komisijo, da zagotovi, da vprašanje dela otrok postane ključna zadeva v odborih ali podskupinah za človekove pravice, ki so bili ustanovljeni v skladu z sporazumi o trgovini in sodelovanju;
 7. poziva Svet in Komisijo, da vključita prakso uradne prijave rojstva otroka v politiko razvojnega sodelovanja kot temeljno sredstvo za varstvo pravic otrok;
 8. poziva Komisijo, da zadevo uradne prijave rojstva otroka obravnava v vseh svojih sporočilih v zvezi z razvojno politiko in da predлага smernice za spodbujanje razširjanja te prakse;
 9. pozdravlja ustanovitev, znotraj Komisije, skupine komisarjev za temeljne pravice in poziva to skupino, da vključi varstvo otrok in odpravo dela otrok v eno od svojih najpomembnejših prednostnih nalog;
 10. pozdravlja imenovanje osebnega predstavnika za človekove pravice in ga poziva, da vključi odpravo dela otrok v svoje prednostne naloge;
 11. poziva Komisijo, da pripravi letno sporočilo o pravicah otrok in tako zagotovi skladen okvir za varstvo otrok in odpravo dela otrok;
 12. pozdravlja vzpostavitev strateškega partnerstva med MOD in Komisijo julija 2004 na področju razvoja in posebnega poudarka na delu otrok; poziva Komisijo, da redno poroča Parlamentu o napredku na področjih, ki jih pokriva to sodelovanje; poziva Komisijo, da razvijejo podobno sodelovanje z drugimi pomembnimi organizacijami, kot je UNICEF;

13. poziva Svet in njegovo predsedstvo kot glas EU, da spodbujata otrokove pravice in odpravo dela otrok na dogodku novega tisočletja na najvišji ravni s strani ZN septembra 2005 v New Yorku;
14. poziva Komisijo in Skupno parlamentarno skupščino AKP-EU, da upoštevata izid posebnega zasedanja Generalne skupščine Združenih narodov o otrocih pri pogajanjih o reviziji Sporazuma o partnerstvu AKP-EU in poziva vse države članice Sporazuma in EU, da spoštujejo obveznosti, ki so jih sprejele na tem zasedanju;

Povezava med izobraževanjem, revščino in odpravo dela otrok

15. ponovno poudarja svoje stališče, da obstaja razmerje medsebojne krepitve med pomanjkanjem izobraževanja in delom otrok;
16. poziva Komisijo, da uporabi položaj EU, kot osnovnega donatorja humanitarne pomoči med mednarodnimi ustanovami¹, da izvaja pritisk na oblikovanje politike za odpravo dela otrok, vključno s prizadevanji za doseg cilja o izobraževanju brez diskriminacije, ki je bistvena za prihodnost otrok;
17. obžaluje dejstvo, da po vrhu v Dakarju ni bil dosežen znaten napredek pri obravnavanju krize v izobraževanju in opozarja na to, da je trenutno 113 milijonom otrok, ki so primerni starosti za šolo, od tega dvema tretjinama deklet, odvzeto celo osnovno izobraževanje;
18. meni, da noben otrok ne bi smel biti izključen iz izobraževanja in ugotavlja, da bi odprava šolnin in dajatev za osnovno izobraževanje, ustanavljanje novih šol in ozaveščenost, da izobraževanje lahko izboljša prihodnost otrok, dala otrokom in njihovim družinam pobudo za vrnitev v šolske klopi;
19. poziva Komisijo, da določi jasne cilje za spodbujanje splošnega osnovnega izobraževanja v nacionalnih akcijskih programih, s posebnim poudarkom na dostopnosti dekletom in otrokom iz marginaliziranih družbenih skupin do izobraževalnih programov;
20. meni, da do dela otrok pride zaradi neuravnovešenega socialno-ekonomskega razvoja; priporoča, da je treba pri prizadevanjih za odpravo dela otrok upoštevati družbene razmere in revščino v državah v razvoju ter predlagati ukrepe za povečanje dohodka gospodinjstev, na primer z zagotavljanjem najnižje plače za odrasle delavce;
21. pozdravlja dejavnosti Mednarodnega programa za odpravo dela otrok (IPEC) in podpira pobude, ki jih program predlaga za šolanje otrok, kot so brezplačni obroki za otroke in druga pomoč za njihove družine;

Najhujše oblike izkoriščanja otrok

¹ Kot so UNESCO, UNICEF, Svetovna banka in Mednarodni denarni sklad.

22. izraža svojo zaskrbljenost nad resnimi krštvami pravic otrok, kot so določene v Konvenciji ZN o otrokovih pravicah, vključno s pravico do zdravja, izobrazbe in prehrane ter pravico do zaščite pred nasiljem, izkoriščevanjem in zlorabo;
23. poziva Komisijo, da podpira programe v zvezi z nepogostimi oblikami dela otrok, kot je gospodinjsko delo in prodaja otrok za plačilo družinskih dolgov (držanje v dolžništvu);
24. pozdravlja prihodnje sporočilo Komisije o trgovini z ljudmi (2005);
25. ponovno poudarja svoj predlog za imenovanje posebnega predstavnika EU za otroke, žrtve oboroženega spopada, ki bo zagotovil, da bo takim razmeram namenjena ustrezna pozornost;

Odgovornost podjetij

26. pozdravlja prihodnje sporočilo Komisije o socialni odgovornosti podjetij, pripravljeno aprila 2005;
27. poziva Komisijo in Svet, da spodbujata pobude za pošteno trgovino, še zlasti pred kratkim priključene države članice, s spremeljanjem proizvajalcev, da bodo njihove metode v skladu s standardi poštenega trgovanja;
28. poziva države članice, da povečajo ozaveščenost potrošnikov o socialni odgovornosti podjetij in da podpirajo pobude za promocijo izdelkov, zlasti kmetijskih in športnih, katerih proizvodnja ni vključevala uporabe dela otrok;
29. poziva Svet, da podpira smernice OECD za večnacionalna podjetja in Globalni dogovor ZN;
30. pozdravlja podpis Protokola za gojenje in predelavo kakavovih zrn in njihovih proizvodov s strani proizvajalcev kakava na mednarodni ravni in rezultate izvajanja načrta za omejevanje uporabe otrok v proizvodnji (šivanja) nogometnih žog v Pakistanu ter podpira kakršno koli podobno prizadevanje;
31. pooblašča predsednika, da posreduje to resolucijo Svetu, Komisiji, vladam držav članic, sopredsedstvu Skupne parlamentarne skupščine AKP-EU, UNICEFU in zadevnim agencijam ZN.

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*¹. The registration of children at the registry office and, by extension, the issuing of a 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 person². 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 Goals³. 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 equipment⁴. However, these initiatives do

¹ 'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to 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*.

² 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.

³ 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.

⁴ 2001/2030(INI) and OJ No 261 E of 30.10.2003 p. 0587-0589.

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

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 exploitation¹. 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)², 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)³ 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 1990⁴. 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.

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

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

³ *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>.

⁴ *African Charter on the Rights and Welfare of the Child*,
http://www.africa-union.org/Official_documents/Treaties_Conventions_en

In 1992, the ILO presented the International Programme on the Elimination of Child Labour¹ 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.

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 Child², 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'³, 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*⁴ 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*⁵ 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

¹ IPEC - International Programme on the Elimination of Child Labour

² Committee on the Rights of the Child (CRC)

³ 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>

⁴ Regulation (EC) No 975/1999, OJ L 120 of 08/05/1999, p. 0001-0007

⁵ COM(2001)252, final

problem but may be considered haphazard unless appropriate bodies are also present to turn the spotlight on these specific problems amid the other priorities¹.

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 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 employment² and the elimination of the worst forms of labour³.

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 labour⁴.

Moreover, since 2000, the same aim has been pursued by the United Nations in the form of the fifth principle of the *Global Compact*⁵.

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 labour⁶ prior to that date.

A. Corporate rules of conduct

¹ Mirjam Van Reisen, Invisible children, Towards integration of children's rights in EU Member States' development cooperation policies, 2002

² Paragraph 36, Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, <http://www.ilo.org/public/english/employment/multi/download/english.pdf>.

³ Introduction 190, *ibid.*

⁴ Chapter IV, paragraph 1b), The OECD Guidelines for Multinational Enterprises, 2000, <http://www.oecd.org/dataoecd/56/36/1922428.pdf>

⁵ <http://www.un.org/Depts/ptd/global.htm>.

⁶ 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.

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 programme¹, in the broader framework of the ILO IPEC 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 increased².

B. Recognition of corporate social responsibility (CSR)

In this programme, significant progress was made with the *Communication from the Commission concerning Corporate Social Responsibility*³. 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*⁴, 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.

¹ West Africa commercial agriculture programme to combat hazardous and exploitative child labour. This 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>.

² Combating child labour in the soccer ball industry in Pakistan, *From stitching to school* http://www.ilo.org/public/english/standards/ipec/publ/download/2004_soccerball_en.pdf.

³ Communication from the Commission concerning Corporate Social Responsibility: a business contribution to Sustainable Development, COM(2002) 347 final.

⁴ 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 actions in EC development policy, A5-0249/2003.

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.