

## **RECOMMENDATION 1336 (1997)<sup>1</sup> on combating child labour exploitation as a matter of priority**

1. The Assembly notes the growing global concern over the economic exploitation of children. Such exploitation, though more prevalent and severe in many countries of Asia, Africa and Latin America, is also an important social problem throughout Europe.
2. The Assembly further notes the complexity of this issue, and the importance of taking this complexity into account when framing policy responses. Types of child work occupy a spectrum which runs from activities wholly beneficial to a child's health and development at one extreme, to gross exploitation at the other. Priority should be given to put an immediate end to the most intolerable forms of child labour - slavery and slave-like practices, forced or compulsory labour, including debt-bondage and serfdom, the use of children in prostitution, pornography and the drug trade, and their employment in any type of work that is likely to jeopardise their health, safety, or morals. There must be a special protection for girls and a total prohibition of work by the very young.
3. In developing countries and in certain European countries, poverty and social exclusion are among the main causes of child labour. Patterns of poverty and the strategies adopted by the poor to cope with poverty vary considerably between countries. There is a corresponding need for a country-specific approach in order to address these problems effectively. There is a need to endorse explicitly the objectives of the International Labour Organisation (ILO) Convention No. 138 of 1973 concerning the Minimum Age for Admission to Employment, in order to abolish effectively child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the full physical and mental development of young persons. The minimum age for admission to employment should not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Education has an important role in both the promotion and the prevention of child labour. Inaccessible or inappropriate education may push children into the workplace prematurely. Conversely, education which provides skills for future employment will encourage children to remain in school and so reduce more severe forms of exploitation. Many children combine school and work in spite of the difficulties involved. There is a need to provide relevant and flexible education for these working children. All children should benefit from free and appropriate education which, inter

alia, would enable them to gain productive employment later in life.

5. Social advocacy has a crucial long-term role to play in raising awareness about child labour. The problem is often hidden and unrecognised, to the extent that the public may believe that the problem no longer exists. Trade unions, the media and non-governmental organisations have an important function in identifying and bringing to the public's attention problems of child exploitation. In this way political will for action can be strengthened.

6. Child labour is a pan-European issue. In European countries existing forms of intolerable child labour include commercial sexual exploitation, sexual and physical abuse of child workers, exploitation of young domestic workers, child trafficking, employment of children for work under hazardous conditions, and problems of street children.

7. Roma/Gypsy minorities, legal or illegal immigrants and refugees suffer from particularly high levels of poverty and child labour. In the countries of central and eastern Europe in particular, the transition to a market economy, increasing poverty, and the restructuring of the welfare system have made economic exploitation of children more likely, and cases have been reported in many of these countries.

8. Child labour in Europe is inadequately documented. A first step must be to properly define the priority issues of child labour in each European country and to identify the priority problems for action through proper appraisal. The ILO offers expertise in rapid appraisal methodology for such assessments, which could form the first step in dealing with child labour within the European strategy for children, as proposed by the Assembly in its Recommendation 1286 (1996).

9. Where intolerable categories of child labour have been identified, plans of action to eliminate them are needed, through an integrated strategy of prevention, regulation and rehabilitation. Through its work on child survival and child rights, Unicef has acquired the necessary experience and the capacity to intervene at European level thanks to its network of national committees and its assistance programmes.

10. Policies towards child labour should be consistent with the principle of the best interests of the child. The regulation of child work, through legislation and inspection, is important in many countries in order to set standards for employers and underpin ways to monitor and promote adherence to these standards.

11. As far as international trade sanctions are concerned, the Assembly recognises the paramount importance of such fundamental human rights embodied in ILO conventions on child labour: it calls on the ILO to provide the necessary guidance on practical application, especially through technical co-operation and other appropriate measures. The Assembly, therefore, endorses the ILO proposal for the adoption by all states of a declaration advocating universally acknowledged principles and fundamental rights, which should be binding for all member states, irrespective of whether or not they have ratified these conventions.

12. Trade sanctions are effective only as a last resort in the struggle against exploitative child work, provided they are implemented on a multilateral (rather than unilateral) level and combined with other measures.

13. If properly designed and monitored, codes of conduct can be a useful way of improving employment practice without harming the interests of the children involved. European countries can best combat child labour outside Europe through international co-operation programmes which aim to help exploited children through well-designed programmes for rehabilitation and reform.

14. Accordingly the Assembly recommends that the Committee of Ministers call on all member states to firmly combat the economic exploitation of children in Europe by:

i. adopting a clear national policy and time-bound programme of action for that purpose, which should be comprehensive, coherent and co-ordinated, interdisciplinary and preventive, and by allocating the necessary resources to it;

ii. undertaking systematic and action-oriented research on all areas regarding child labour;

iii. reviewing national legislation to better enforce the protection of children and in particular to comply with the social standards set by the Council of Europe, the United Nations Convention on the Rights of the Child and the relevant ILO conventions, particularly the ILO Minimum Age Convention;

iv. improving the efficiency of labour and school inspection services;

v. a closer involvement and consultation of all interested partners, such as trade unions, employers,

non-governmental organisations, the children themselves and their parents;

vi. raising awareness in society as a whole of the impact of premature child work and by educating consumers to consider basic labour rights when buying products.

15. The Assembly also invites the Committee of Ministers to demonstrate at European level its political will to combat the economic exploitation of children:

i. as a follow-up to the European strategy for children, by giving priority to:

a. an appraisal in each member state of the situation of child labour, in order to identify its most intolerable forms, analyse the causes and define proposals for ways in which these forms of exploitation might best be controlled;

b. the definition of a comprehensive European policy on child labour, taking account of social standards set by the Council of Europe and in order to comply therewith, in co-operation with the ILO, Unicef, relevant non-governmental organisations and the social partners, and in consultation with working children in order to ensure that their views are given due consideration;

ii. by developing programmes of technical co-operation and aid, in particular for central and eastern European member states, in order to draft and improve national legislation and policy and organise or strengthen the labour inspection system;

iii. by regularly asking those states concerned to review their legislation in order to ratify the European Social Charter and the revised Charter of the Council of Europe as well as the Additional Protocol providing for a system of collective complaints, in order to give the right to petition to non-governmental organisations and associations for the protection of children in case of non-compliance.

16. Concerning child labour outside Europe, the Assembly calls on the Committee of Ministers to recommend to member states:

- i. to apply multilateral trade sanctions only as a last resort against countries, in response to intolerable child labour practices;
- ii. to support, unilaterally or through international co-operation, integrated programmes to combat the most intolerable forms of child labour in the developing world, for example by member states of the Council of Europe providing increased resources to the ILO's International Programme on the Elimination of Child Labour (IPEC);
- iii. to define and include in World Trade Organisation agreements social measures with positive incentives to encourage developing countries to ensure compliance with certain fundamental ILO conventions on minimum standards, such as elimination of forced labour and the minimum age for employment of children.

17. The Assembly also invites the Committee of Ministers to ask member states to participate actively in the elaboration and the implementation of the new ILO convention against the most intolerable forms of child labour.

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1. Assembly debate on 26 June 1997 (22nd Sitting) (see Doc. 7840, report of the Social, Health and Family Affairs Committee, rapporteur: Mrs Belohorská). Text adopted by the Assembly on 26 June 1997 (22nd Sitting).