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RIGHTS OF THE CHILD

Argentina, Barbados, Cameroon*, Chile, China, Colombia, Costa Rica, Cyprus, El Salvador*, Guatemala*, Honduras*, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nicaragua*, Nigeria, Peru, Portugal, Syrian Arab Republic, Uruguay and Venezuela: draft resolution

1993/... Programme of Action for the Elimination of the Exploitation of Child Labour

The Commission on Human Rights,

Recalling the principles embodied in the Convention on the Rights of the Child,

Bearing in mind its resolutions 1991/54 and 1991/55 of 6 March 1991 and 1992/74 of 5 March 1992,

Having examined the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34), and especially the draft programme of action for the elimination of the exploitation of child labour contained in annex I to that report, which the Sub-Commission on Prevention of Discrimination and Protection of Minorities transmitted to the Commission through its resolution 1992/2 of 14 August 1992,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having also examined section I.B of the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67),

Bearing in mind decision 1990/6 on children in particularly difficult circumstances, adopted by the Executive Board of the United Nations Children's Fund at its 1990 session,

Deeply concerned at the information on the generalization of the exploitation of child labour,

Conscious of the harm that this practice causes to children all over the world,

Noting with appreciation the programmes for the elimination of the exploitation of child labour adopted by the International Labour Organisation,

Aware of the need to adopt urgent measures to prevent and eliminate these problems,

1. Adopts the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which is annexed to the present resolution;

2. Recommends that all States should adopt the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels;

3. Urges United Nations bodies and intergovernmental organizations concerned, such as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, to bear the Programme of Action in mind when deciding on their policies and formulating programmes relating to the child population and the family;

4. Also urges non-governmental organizations to base themselves on the Programme of Action when performing activities relating to their mandates;

5. Invites the Committee on the Rights of the Child to study the possibility of bearing the Programme of Action in mind when considering reports submitted by States parties to the Convention on the Rights of the Child and, in general, in connection with all activities that it carries out in accordance with its mandate;

6. Invites the Special Rapporteur on the sale of children to bear the Programme of Action in mind when carrying out activities in accordance with his mandate;

7. Requests all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures;

8. Requests the Sub-Commission to submit to the Commission on Human Rights every two years a progress report on the implementation of the Programme of Action by all States;

9. Requests the Under-Secretary-General for Human Rights to provide the Sub-Commission with the cooperation needed to fulfil the present mandate;

10. Decides to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

ANNEX

PROGRAMME OF ACTION FOR THE ELIMINATION OF THE
EXPLOITATION OF CHILD LABOUR

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.
2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned, until poverty is overcome, to exploitation. Underdevelopment cannot justify exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.
3. High priority should be given to the elimination of the most odious or degrading forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations or for enforced begging and debt bondage.
4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. Action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age, with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid regime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. Public and private institutions and agencies dealing with children who have been victims of labour exploitation should be encouraged to keep appropriate statistical information for scientific purposes, while respecting

anonymity and confidentiality. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Education is one of the most effective measures to prevent child labour. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and to develop vocational training, in the form, for example, of a system of apprenticeship, are extremely necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families, and in particular of women.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of the elimination of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of International Labour Organisation Minimum Age Convention, 1973 (No. 138), States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National

legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law, as well as providing for the establishment of an effective labour inspection system. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959 and, more particularly:

(a) Principle 2, according to which

"The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...;"

(b) Principle 9, according to which

"The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

"1. States Parties recognize the rights 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.

"2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Over 40 countries have ratified International Labour Organisation Convention No. 138. Those that have not done so should take appropriate steps to ratify this Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should adopt and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States should, until such time that child labour is eliminated, pay specific attention to the issue of protection of working children and make recommendations on ways and means to ensure that their working conditions are kept under scrutiny and control.

20. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Activities linked with prostitution, pornography and other forms of sexual trade and exploitation;

- (f) Work concerned with trafficking in and production of illicit drugs;
- (g) Work involving degrading or cruel treatment.

21. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

22. Member States should be encouraged to strengthen cooperation between police and all public and private organizations which deal with cases of exploitation of child labour either within or outside the family, to facilitate identification of cases of exploitation of child labour and to take measures necessary to eliminate it.

23. States should, where necessary, undertake development programmes with a view to:

- (a) Making primary education compulsory and available free to all;
- (b) Assisting and encouraging families in order that their children may continue their education, in order to combat illiteracy and the phenomenon of school drop-outs; and, until such time that primary education is compulsory and available free to all, developing school programmes, including part-time education programmes, adapted to the needs of children who are not in school;
- (c) Adapting school curricula to the preparation of a child for a career;
- (d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;
- (e) Establishing or improving medical services for children.

24. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given to national and regional plans for economic and social development for the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

25. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation. Particular efforts should be made to stress the importance of family values.

Role of United Nations bodies and specialized agencies

26. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other specialized agencies and United Nations bodies, in particular WHO, UNESCO and UNICEF, should develop and/or reinforce their activities in the field of child labour.

27. All competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local subcontractors.

28. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

29. While the question of exploitation of child labour should primarily be dealt with by the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery should continue to have responsibility in this field.

30. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

31. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

32. The Secretary-General should invite all United Nations agencies and specialized agencies to attach greater importance to eliminating the

exploitation of child labour and to study and discuss this issue at forthcoming international conferences, with special emphasis being placed on it at major conferences.

33. An international child welfare fund should be established. The resources of the fund would be allocated to combat violations of the rights provided for in the Convention on the Rights of the Child, particularly the rights of those children living in especially difficult circumstances, such as orphans and street children, refugees or displaced persons, victims of war and of natural and man-made disasters, including such perils as exposure to radiation and dangerous chemicals, children of migrant workers and other socially disadvantaged groups, child workers or youth trapped in the bondage of prostitution, sexual abuse and other forms of exploitation, disabled children and juvenile delinquents and victims of apartheid and foreign occupation. Such children deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation.

Cooperation at the local, national and international levels

34. Major steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers, trade unions and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps could include wider dissemination of relevant international instruments translated, where appropriate, into languages other than the official languages of the United Nations, as well as development and strengthening of existing norms.

35. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

36. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

37. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

38. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

39. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.
