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Children in the world of work: eradicating harmful child labour

Reply to Recommendation[1]: Recommendation 2276 (2024)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2276 (2024) on "Children in the world of work: eradicating harmful child labour". It has forwarded it to relevant bodies for information and possible comments.[2]The Committee of Ministers supports the Parliamentary Assembly's call for more effective and co-ordinated action at all levels to end child labour by 2025, in line with commitments under target 8.7 of the United Nations 2030 Agenda for Sustainable Development. It shares the view of the Parliamentary Assembly that Council of Europe instruments that provide a protective legal framework for children, as well as the 2022 Durban Call to Action on the Elimination of Child Labour, constitute a concrete basis to take action to contribute to the eradication of child labour.

2. The Committee of Ministers would invite member and observer States to consider the specific recommendations enumerated in paragraphs 2.1, 2.2 and 2.3, with specific attention to paragraph 2.2, with a view to acceding to the various Council of Europe instruments. With regard to the European Social Charter (revised), member States are also encouraged to ratify its Additional Protocol providing for a system of collective complaints.

3. To this end, the Committee of Ministers considers it opportune to recall the relevance of the Council of Europe instruments referred to in the recommendation and the pertinent activities carried out with respect to the issue addressed.

4. The Committee of Ministers recalls that under the European Social Charter, States Parties must set the minimum employment age at 15 (Article 7§1). The European Committee of Social Rights (ECSR) has clarified that work within the family also falls under this rule, even if it is informal. Exceptions apply only to light work that does not harm children's health, moral welfare, development, or education. Measures must be taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas. Additionally, under Article 7§10, States must prohibit child exploitation, including sexual and labour exploitation, trafficking, begging and organ removal, and educate relevant professionals on these issues.

5. The ECSR stresses that States Parties must ensure not only the necessary legislation to protect children but also its full enforcement, with adequate supervision and sanctions. In its 2023 conclusions, the ECSR found several issues: insufficient prohibitions on employment under 15, excessive working hours for children, gaps in criminalising sexual exploitation, and inadequate protection for child victims of violence exploitation and abuse in the digital environment.

1. Adopted at the 1513th meeting of the Ministers' Deputies (27 November 2024).
2. Steering Committee for the Rights of the Child (CDENF), the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), European Committee of Social Rights (ESCR), Steering Committee for Human Rights (CDDH), Group of Experts on Action against Trafficking in Human Beings (GRETA).

6. The Assembly's call in this recommendation is also fully in line with the Council of Europe Strategy for the Rights of the Child (2022-2027), notably under its Strategic Objective 2 "Equal opportunities and social inclusion for all children", calling for "tackling the situations of […] children in difficult economic situations or living in poverty, children affected by migration and forced displacement (including for the purpose of child labour)".

7. The Strategy also underlines, under its Strategic Objective 6 "Children in crisis and emergency situations", the particular vulnerability of children in armed conflicts, migration or forced displacement, as well as the heightened risk that children in such situations would become victims of exploitation or trafficking, including trafficking for the purpose of labour exploitation, or fall into poverty and end up working on the streets or in harmful conditions. To ensure that the rights of the child are protected in crisis and emergency situations, including through the prevention of harmful child labour, the Strategy foresees supporting member States in building strong child protection systems, mapping the existence of possible new vulnerable situations arising from crisis or emergency situations and developing innovative measures targeting their protection.

8. The issue of harmful child labour is also covered by the Strategic Objective 1 "Freedom from violence for all children" which calls for the protection of children against abuse, neglect, maltreatment, exploitation or trafficking, which could include situations of harmful child labour. The Recommendation CM/Rec(2009)10 on integrated national strategies for the protection of children from violence, currently undergoing an implementation review, also calls for the prohibition of violence against children to cover forced labour or services. It further considers child exploitation to include forced labour or services.

9. The Council of Europe Consultation Group on the Children of Ukraine (CGU) has also tackled the issue of harmful child labour. The CGU, a multilateral co-operation platform between Council of Europe member States, the EU, and relevant international organisations and civil society organisations, has been set up with the support of the CDENF as a follow-up to the "Reykjavík Declaration – United around our values". On 2 July 2024, during its plenary meeting, the CGU held a special hearing on understanding the risks of human trafficking of children of Ukraine including for sexual and labour exploitation, and identified new challenges that have emerged in preventing and combating human trafficking affecting children. The hearing underscored the need to enhance awareness about the risks of human trafficking of the children of Ukraine in Council of Europe member States and a joint report of the Secretariats of the CGU and the Group of Experts on Action against Trafficking in Human Beings (GRETA) was published in October 2024.

10. The Committee of Ministers also underlines the importance of the Council of Europe Convention on Action against Trafficking in Human Beings in this area, particularly in relation to the UN Sustainable Development Goal 8.7, which calls, *inter alia*, for the prohibition and elimination of the worst forms of child labour, and by 2025, child labour in all its forms. The Convention obligates States to take protective measures to reduce children's vulnerability to trafficking, ensure special procedures for children in the context of victim identification as well as to afford special protection measures to child victims and witnesses, taking into account the best interests of the child.

11. GRETA has consistently focused on child trafficking in its monitoring activities, especially trafficking for forced labour. Its country reports, particularly from the second evaluation round of the Convention, contain specific chapters on preventing child trafficking and assisting children who are victims of trafficking. GRETA's fourth evaluation round, which began in 2023, continues to monitor efforts by States to reduce child vulnerability, identify and assist victims, and punish offenders. It has also emphasised the need for specific preventive measures targeting vulnerable children, including unregistered children, those in institutions, street children, and unaccompanied minors. GRETA highlighted the need to address child trafficking for various forms of exploitation, including forced labour, domestic servitude, and criminality.

12. GRETA has also issued a Guidance Note on preventing and combatting trafficking for the purpose of labour exploitation, which examined the specific situation of children trafficked for the purpose of labour exploitation and the related obligations of States Parties. It highlights that States should raise public awareness of the risks and different manifestation of child trafficking (including for the purposes of forced labour) and should prioritise the sensitisation and training of relevant professionals (teachers, educational staff, child welfare professionals, social workers, guardians).

13. Finally the Committee of Ministers would recall its Recommendation CM/Rec(2022)21 to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation, the preamble to which recalls existing international instruments, including the 1999 ILO Worst Forms of Child

Labour Convention, and underlines the Recommendation's relevance to the issue of child labour. The explanatory report to Recommendation CM/Rec(2022)21 includes a section specifically on protecting child victims in this context (paragraphs 37-39).