

RESOLUTION NO. 21/2024 OF THE ACERWC WORKING GROUP ON CHILDREN'S RIGHTS AND BUSINESS ON THE REGULATION OF THE INFORMAL BUSINESS SECTOR TO ENSURE ENHANCED PROTECTION OF CHILDREN'S RIGHTS

The Working Group on Children's Rights and Business of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) during its sixth meeting held on 13 April 2024 in Maseru, Kingdom of Lesotho Maseru;

CONSIDERING Articles 32 and 42 of the African Charter on the Rights and Welfare of the Child (ACRWC) establishing the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and its core mandates, which are *inter alia* to promote and protect the rights and welfare of the child, formulate, and lay down principles and rules aimed at protecting the rights and welfare of children in Africa, and where necessary make recommendations to Governments;

BEARING IN MIND the goal of the Working Group which is to promote the integration of a child rights-based approach to business practices with a view to addressing business-related child rights challenges in Africa;

RECALLING Article 15 of the ACRWC, that outlines the obligations of States to protect children from economic exploitation and hazardous work which interferes with their education, or is harmful to their health or physical, mental, spiritual, moral, or social development;

FURTHER CONSIDERING Article 16 of the ACRWC that specifically mandates Member States to take legislative, administrative, social, and educational measures to protect children from all forms of torture, inhuman or degrading treatment, and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse;

REAFFIRMING Member States' obligations under Article 43 of the ACRWC to submit State Party reports to the ACERWC on the measures they have taken to give effect to the provisions of the ACRWC and on the progress made in the enjoyment of these rights;

COGNISANT of the key role the African Continental Free Trade Area Agreement (AfCFTA) provides for economic transformation in Africa and the contribution of the informal business sector to Africa's workforce, gross domestic product, and overall economic growth;

MINDFUL that the informal business sector, which largely involves economic activity that is not registered, regulated, or protected by existing legal or regulatory frameworks, accounts for a large share of unregulated labour workforce on the continent, including child labour;

TAKING COGNISANCE of the growing cases of children involved in the informal sector and the often-occurring consequences such as extreme bodily and mental harm, poor access to quality education, different forms of abuse inflicted on children, leading to child labour, slavery, sexual or economic exploitation and even death;

NOTING children's involvement in the informal sector where children often work in the urban milieu, extractives industries and in small and medium enterprises, where cheap labour is rooted in the very structures of underdeveloped urban systems. While this work can provide income for families, it can also interfere with children's education and overall development;

FURTHER NOTING with concern that the failure to regularise the informal sector has an adverse effect on children's most basic rights such as life, survival, development and participation, all of which are compounded by unfair and often illegal labour practices which in turn interfere with their right to education and other violations of their rights as enshrined in the ACRWC;

DEEPLY CONCERNED by the widespread child rights violations in the informal sector and the relative impact these violations will have on children, but also to the overall development on the African continent;

ACKNOWLEDGING the challenges faced by Member States and national institutions in their efforts to ensure that any given economic activity conducted within their territories, whether by public and private entities, including informal business entities does not affect the development of children as well as their protection from hazardous work conditions, exploitation and abuse;

CONCERNED with the inadequate attention given to the role played by the Informal business sector in respecting children's rights at national level;

NOTING the slow pace by Member States on enactment and implementation of regulatory and policy frameworks which regulate any informal business activity conducted within their territories whether by an individual or informal entities to ensure it does not endanger the rights and wellbeing of children;

RECOGNIZING the need to accelerate the reduction of child protection risks in the Informal business sector while enabling children to reap the economic benefits the sector brings to African economies;

HEREBY AGREES AND CALLS UPON MEMBER STATES TO:

- I. Enact laws that set a clear minimum age of employment in both formal and informal business sectors. Such minimum age of employment should not be less than the minimum age for the end of compulsory primary education;
- II. Enact legislative and policy frameworks that prohibit child labour in the informal sector and enforce them rigorously. This includes penalties for informal business employers, found exploiting children for worst the forms of child labour;
- III. Adopt robust public awareness campaigns to inform both informal sector employers and parents about the risks and consequences of child labour, emphasizing the importance of children's education and well-being. Awareness campaigns can be conducted in close collaboration with National Human Rights Institutions (NHRIs) and civil society organisations (CSOs.);
- IV. Alleviate economic pressures contributing to child labour, particularly in the informal business sector and reduce its prevalence by enhancing national fiscal capacity and broadening the domestic tax base, including revenue from formal business and corporate taxes, customs and excise duties aimed at ensuring appropriate resource

allocation and effective expenditure on child-sensitive social protection and welfare programs, and supporting low-income families;

- V. Ensure access to free and quality education for all children that can be a powerful deterrent to child labour in informal businesses. This includes putting measures to address access barriers such as school fees, transportation costs, and lack of school infrastructure. Education systems must provide support for the satisfactory transition of children to the world of work;
- VI. Regulate working conditions and ensure safeguards to protect children from economic exploitation and work that is hazardous or interferes with their education or harms their health or physical, mental, spiritual, moral or social development, within the informal and family economies;
- VII. Establish child friendly systems for monitoring informal small to medium enterprises and child friendly judicial processes for reporting instances of child labour which in turn can help identify and address violations more effectively;
- VIII. Collaborate with non-governmental organisations (NGOs) and civil society groups to provide training on child protection and development of child safeguarding in business operations for the informal business sector. States should ensure that social and child protection policies reach all, especially families in the informal economy;
- IX. Enhance economic policies that prioritise access to flexible credit schemes and banking services, appropriate tax arrangements to informal businesses that demonstrate compliance with child labour laws and adopt responsible labour practices that have effective mechanisms for protecting children;
- X. Conduct research and gather data on the impact of the informal economy upon children's rights and engage with various informal businesses on child protection efforts;
- XI. Enhance international, sub-regional cooperation and agreements that can help address the issue comprehensively by sharing good practices, information, and resources;
- XII. Pay particular attention to the potential impacts of the AfCFTA on children and to take steps to ensure that the benefits of the AfCFTA are shared equitably among all segments of the population, including children;
- XIII. Collaborate with the AfCFTA Secretariat on enhancing protection of children in the informal business sector, particularly on remedy for abuses that occur in the context of informal transnational business operations in Africa;
- XIV. Support children's voice, participation, and leadership in addressing child rights violations in the informal business sector;
- XV. Establish employment conditions within business enterprises which assist working parents and caregivers in fulfilling their responsibilities to children in their care;
- XVI. Set up a well-resourced functioning labour inspection and enforcement systems that promote the physical and psychological recovery and social reintegration of children

who have experienced various forms of violence, neglect, exploitation, or abuse including economic exploitation;

- XVII. Increase financial and human resources in criminal and justice systems to monitor the informal sector, in order to identify and prosecute informal business employers that are violating the rights of children enshrined in the ACRWC;
- XVIII. Provide education and vocational training to children who have been rescued from child labour in informal business sector;
- XIX. Fully integrate efforts made in regulation of the informal business sector to ensure enhanced protection of children in their State Party reports and report on progress made to establish mechanisms to implement programs aimed at informal business sector.

Done on 25 April 2024 during the 43rd Ordinary Session of the ACERWC held from 15 to 25 April 2024 in Maseru, Kingdom of Lesotho