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***Child Labour Regulation: Children's Rights Protection
with a Focus on the Fast-Fashion Industry***

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ABSTRACT

This thesis addresses the pressing global issue of child labour, examining how it generates multiple violations of children's fundamental rights. Specifically, the study focuses on the fast-fashion industry, based on interconnected global supply chains, which produce numerous infringements that collectively compromise children's right to life. The study highlights the lack of transparency in supply chains, where the rights of vulnerable children are often sacrificed for speed and low production costs. Motivated by ethical concerns about the human costs of global hyper-consumption, the research shows that no economic interest can justify the exploitation of children.

It examines international instruments, including the 1989 UNCRC and relevant ILO Conventions, alongside key European standards, forming the basis for sector-specific measures. In the absence of dedicated fast-fashion laws, the study proposes embedding child labour prevention within corporate due diligence. In this context, the latter refers to efforts by economic operators to implement mandatory or voluntary measures to identify, prevent, mitigate, or eliminate child labour in the relevant sector.

The paper thus explores the shift of responsibility from States to private actors and the transition from voluntary corporate responsibility and soft law—whose limitations are evident—to binding European legal requirements. It investigates how regulatory developments are transforming initial ethical expectations into legally enforceable corporate obligations.

Firstly, the study highlights the pivotal role of businesses in protecting children's rights and the imperative of responsible corporate conduct, while showing the shortcomings of soft law, which often fail to address such a pervasive social issue; accordingly, the need for binding legal instruments emerges. Secondly, it identifies European regulatory harmonization as vital to eradicate child labour in global fast-fashion supply chains, as fragmented national measures remain less effective; though, its effectiveness depends on the prompt and rigorous enforcement of Regulation (EU) 2024/3015 by businesses. It is concluded that contributions from economic operators, even if modest, are fundamental in protecting these vulnerable groups from economic exploitation.

ABSTRACT

Tale tesi tratta il pressante problema globale del lavoro minorile, evidenziando come esso generi molteplici violazioni dei diritti fondamentali dei bambini. In particolare, lo studio si focalizza sull'industria del fast-fashion, basata su catene di approvvigionamento globali interconnesse, le quali producono numerose violazioni che, nel loro complesso, compromettono il diritto alla vita dei bambini. Lo studio evidenzia la mancanza di trasparenza in tali catene di approvvigionamento, in cui i diritti dei bambini più vulnerabili sono spesso sacrificati in favore di rapidità e bassi costi di produzione. Motivata da considerazioni etiche sui costi umani dell'iper-consumo globale, la ricerca ritiene fermamente che nessun interesse economico può giustificare lo sfruttamento dei bambini.

Lo studio esamina strumenti internazionali, tra cui la Convenzione ONU sui diritti dell'infanzia e dell'adolescenza del 1989 e le pertinenti Convenzioni dell'OIL, insieme ai principali standard europei, che costituiscono la base per misure settoriali. Tuttavia, in assenza di una normativa specifica per il fast-fashion, lo studio propone di integrare la prevenzione del lavoro minorile nei meccanismi di *corporate due diligence*. In questo contesto, tale concetto si riferisce agli sforzi degli operatori economici volti ad attuare misure obbligatorie o volontarie per identificare, prevenire, mitigare o eliminare il lavoro minorile nel settore in esame.

Il lavoro analizza quindi il passaggio della responsabilità dagli Stati agli attori privati e la transizione dalla responsabilità sociale d'impresa volontaria e dalla soft law—di cui si evidenziano i limiti—verso obblighi giuridici europei vincolanti. Esamina inoltre come gli sviluppi normativi stiano trasformando le aspettative etiche di un tempo in obblighi aziendali giuridicamente vincolanti.

In primo luogo, lo studio evidenzia il ruolo fondamentale delle imprese nella tutela dei diritti dei bambini e l'esigenza di una condotta aziendale responsabile, mettendo al contempo in rilievo i limiti della soft law, la quale spesso non risulta in grado di affrontare un problema sociale di tale diffusione; da qui, ne deriva la necessità di strumenti giuridici vincolanti. In secondo luogo, individua nell'armonizzazione normativa europea un elemento essenziale per eliminare il lavoro minorile nelle catene globali del fast fashion, poiché misure nazionali frammentate risultano

inefficaci; tuttavia, la sua efficacia dipende dall'attuazione tempestiva e rigorosa del Regolamento (UE) 2024/3015 da parte delle imprese. Si conclude che il contributo degli operatori economici, anche se minimo, è fondamentale nella tutela di questi gruppi vulnerabili dallo sfruttamento economico.

ABSTRACT

Diese Arbeit befasst sich mit dem drängenden globalen Problem der Kinderarbeit und untersucht, wie diese zu vielfältigen Verletzungen grundlegender Kinderrechte führt. Im Mittelpunkt der Studie steht insbesondere die Fast-Fashion-Industrie, die auf miteinander vernetzten globalen Lieferketten basiert und zahlreiche Verstöße hervorbringt, die insgesamt das Recht der Kinder auf Leben beeinträchtigen. Die Studie hebt den Mangel an Transparenz in den Lieferketten hervor, in denen die Rechte schutzbedürftiger Kinder häufig zugunsten von Geschwindigkeit und niedrigen Produktionskosten geopfert werden. Ausgehend von ethischen Überlegungen zu den menschlichen Kosten des globalen Hyperkonsums zeigt die Forschung, dass kein wirtschaftliches Interesse die Ausbeutung von Kindern rechtfertigen kann.

Die Arbeit untersucht internationale Instrumente, darunter die UN-Kinderrechtskonvention von 1989 sowie relevante ILO-Übereinkommen, zusammen mit zentralen europäischen Standards, die die Grundlage für sektorspezifische Maßnahmen bilden. In Ermangelung spezifischer Vorschriften für die Fast-Fashion-Branche schlägt die Studie vor, die Prävention von Kinderarbeit in die unternehmerische Sorgfaltspflicht (Corporate Due Diligence) zu integrieren. In diesem Zusammenhang bezeichnet dieser Begriff die Bemühungen wirtschaftlicher Akteure, verpflichtende oder freiwillige Maßnahmen umzusetzen, um Kinderarbeit in ihrem jeweiligen Sektor zu identifizieren, zu verhindern, zu mindern oder zu beseitigen.

Die Arbeit untersucht somit die Verlagerung der Verantwortung von den Staaten auf private Akteure sowie den Übergang von freiwilliger unternehmerischer Verantwortung und Soft Law—deren Grenzen deutlich werden—zu verbindlichen europäischen Rechtsvorschriften. Darüber hinaus wird analysiert, wie regulatorische Entwicklungen anfängliche ethische Erwartungen in rechtlich durchsetzbare unternehmerische Verpflichtungen überführen.

Erstens hebt die Studie die zentrale Rolle von Unternehmen beim Schutz der Kinderrechte sowie die Notwendigkeit verantwortungsvollen unternehmerischen Handelns hervor und zeigt zugleich die Schwächen von Soft Law auf, das ein so weit verbreitetes gesellschaftliches Problem oft nicht ausreichend adressiert; daraus ergibt sich die Notwendigkeit verbindlicher Rechtsinstrumente. Zweitens wird die europäische Rechtsangleichung als entscheidend für die Bekämpfung von

Kinderarbeit in globalen Fast-Fashion-Lieferketten identifiziert, da fragmentierte nationale Maßnahmen weniger wirksam sind; ihre Wirksamkeit hängt jedoch von der zeitnahen und strengen Umsetzung der Verordnung (EU) 2024/3015 durch die Unternehmen ab. Abschließend wird festgestellt, dass Beiträge der Wirtschaftsteilnehmer, auch wenn sie gering erscheinen mögen, für den Schutz dieser gefährdeten Gruppen vor wirtschaftlicher Ausbeutung von grundlegender Bedeutung sind.

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INTRODUCTION

Child labour continues to be one of the most significant and enduring social plague of our time. Its severity lies in the multiple violations of children's fundamental rights it entails (ILO-UNICEF). In fact, child labour has clear implications on their access to education, their physical and mental health, and their overall development (Weston, 2005). Ultimately, exploiting children through labour undermines their right to life. Against this background, it is important to look at the economic context where these abuses occur: one sector, in particular, is heavily affected by child labour and needs to be studied in detail.

In today's global economy, a number of goods are made using forced labour, with children being the most affected. Yet, it is often unclear if such products meet international and European labour standards. In particular, in industries like fast-fashion, with global and multi-level supply chains, human rights abuses are especially difficult to detect (James, 2022). The issue is very relevant in modern times, given the scale of global production and hyper-consumption trends.

Modern society is characterized by consumerism and ever-changing fashion trends. People often buy to stay fashionable, thus overlooking how such products are made (James, 2022). It follows that they may unknowingly support a system that prioritizes low prices and fast production over human rights. Indeed, few consider the ethics of their everyday purchases. Such a tension reflects the broader conflict between consumer culture and the protection of children's fundamental human rights.

The present study is grounded on the assumption that the exploitation of children through labour is among the most serious social issues today. On this basis, the analysis proceeds by systematically examining the legal frameworks and implementation challenges for the protection of children's rights. The paper is structured into four sections that move from international and European standards to the regulatory frameworks applicable to the fast-fashion industry.

The first section addresses child labour, frames the phenomenon globally, outlines its magnitude, clarifies definitions, and highlights its human rights implications. It also examines the international protection system, including the 1989 UN Convention on the Rights of the Child and ILO Conventions, that establish transnational legal standards against child labour. The second section focuses on European legislation and jurisprudence, highlighting the European Court of Human Rights' recognition of States' positive obligation to actively prevent child labour violations,

including child trafficking and servitude. The third section focuses on corporate responsibility for child labour, emphasizing the critical role that businesses play in addressing such a social scourge. The analysis moves from Corporate Social Responsibility (CSR), whose limitations are highlighted, to the EU Corporate Sustainability Due Diligence Directive, a binding—and therefore potentially more effective—instrument for tackling the issue. The last section of the present study situates the phenomenon within a specific sector, focusing on its high prevalence in the fast-fashion supply chains. In the absence of sector-specific legislation, the study proposes embedding child labour prevention within corporate due diligence obligations, as it constitutes an undeniable abuse of human rights. After discussing relevant soft law instruments, such as the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, and noting their limited effectiveness, binding national laws introduced in France and Germany are examined. The study concludes with the examination of EU Regulation 2024/3015, set to enter into force in 2027, prohibiting the sale and export of products made with forced labour in the EU market.

1. CHILD LABOUR REGULATION AT THE INTERNATIONAL LEVEL

1.1 Child Labour: Magnitude, Definitions and Human Rights Implications

Child labour is a deeply rooted historical phenomenon. Yet, it was not until the mid-nineteenth century that it emerged as a significant issue for public debate: the rise of industrial capitalism enabled mass production and fuelled the exploitation of workers, including children, exposing harsh working conditions (Dahlén, 2007). By the mid-1980s, increased media coverage and information circulation drew renewed attention in the industrialized world to the persistence of child labour. Since then, few human rights issues have consistently captured public attention as much as this one, arousing sustained attention on the part of international public opinion. (Nesi et al., 2016). Notwithstanding over a century of public awareness and intervention efforts, child labour remains a pervasive issue, currently affecting nearly 8 per cent of children worldwide (ILO).

Nevertheless, there are encouraging indications of progress, as most of the latest estimates indicate that there has been a reduction in child labour, from 160 million children in 2020 to 138 million in 2024 (ILO-UNICEF, 2025). Furthermore, there appears to be certain consistency in terms of progress in eliminating child labour equally in all regions since 2020. The most significant progress has occurred in Asia and the Pacific, with a 50% reduction in child labour and 43% fewer children in total. By contrast, improvements have been moderated in Latin America and the Caribbean. Sub-Saharan Africa currently contributes most children to child labour, an estimated 87 million, nearly two-thirds worldwide: although the practice declined by 10 per cent after 2020, reversing earlier mild increases and returning to 2012 levels, population growth has resulted in little change in the total number of children in child labour over the past four years.

Yet, as regards the age composition of child labour, the situation for the youngest children remains concerning. According to the Child Labour Global Estimates 2024 (ILO-UNICEF, 2025), child labour remains most prevalent among children aged 5–11, who account for 79 million of the 138 million affected globally. Slower and irregular progress among younger children has increased their share from 42 per cent in 2008 to 57 per cent in 2024. It is nonetheless important to acknowledge that the age composition of child labour varies significantly across regions: significant regional differences persist, with, for example, child labour being concentrated below age 12 in Sub-Saharan Africa, and above the minimum working age in Asia and Latin America.

Considering all the above, it is evident that regional variations persist, in both the pace of progress and the age profile of those engaged in child labour. In truth, regional disparities and the high concentration of child labour among children aged 5 to 11 underscore the need for more equitable

progress. Despite evidence of effective measures, child labour is still an entrenched worldwide structural problem that has proven difficult for its complete eradication. Indeed, according to the 2024 ILO-UNICEF Global Estimates on Child Labour, children worldwide are still being deprived of their right “*to grow, to learn, and to play.*”

The above figures, nevertheless, should be interpreted with caution. Drawing on the ILO Report *Child Labour: Targeting the Intolerable* (ILO, 1996), Murshed (2001) observes that the compilation of reliable global statistics is inherently challenging, owing to difficulties in survey design and implementation, coupled with significant differing perceptions of what qualifies as *child, a child worker, or child labour*. Interpretations of *childhood* and, by implication those of *child labour*, vary not only across countries but also across sectors of the same country. Any discussion of child labour requires a clear understanding of what is meant by *childhood*, even though the precise boundaries of this concept remain rather blurred, as it has been addressed and interpreted by numerous scholars. Nonetheless, most of these latter acknowledge the inherent subjective, relative character of the concept of childhood.

To begin with, Weston (2005) argues that *childhood* is a social construct, and as such, it is understandable that it is interpreted differently across societies. On this premise, some scholars, including Weston (2005), maintain that the essence of child labour should be understood within the framework of social constructionism. According to Berger and Luckmann (1966), reality itself is socially constructed: social constructs are ideas constituted and accepted by collective agreement and human interactions rather than being naturally given. In accordance with such an approach, the issue of child labour may be defined as a social construction since, in order to be properly acquainted with the issue of child labour, one must look at how it is socially produced. Indeed, perceptions of the term vary around the world: as with all social constructs, these classifications cannot be defined objectively, as each reflects a perspective on reality that is not universally shared. Nevertheless, all interpretations of childhood share a fundamental truth which is irrefutable: children are biologically immature members of the human species who in their early years require assistance to survive (Berger and Luckmann, 1966). Weston (2005) also recognizes a set of cultural traditions existing in various parts of the world, from which different models of childhood arise rather than one single, universally recognized pattern. With regard to this, the author focuses on the marked discrepancy between prevailing Western perceptions of childhood and those found in non-Western societies. In the former the focus is almost exclusively on play and education, while children's work is largely disregarded; by contrast, non-Western conceptions diverge significantly from this model: play and work are not perceived as strictly separate domains, but often blend

together, which makes it difficult to distinguish between them. In line with Weston (2005), Dahlén (2007) highlights that childhood is historically, socially, and culturally constructed, resulting in multiple childhoods and rejecting essentialist views, thereby advocating for a conceptualisation of childhood as a social construct. Cullen (2007) also points out that the concept of childhood is enveloped in widespread confusion, emphasizing that such ambiguity constitutes an obstacle to gaining a proper understanding of what child labour is, and, therefore, to identifying what children's rights are. She argues that, up until the 19th century, childhood has remained an unseen and unidentified concept and, still to date, the definition of childhood continues to remain problematic. Nowadays, childhood is defined in diverse manners by societies through different aspects, thereby problematizing the distinction between childhood and adulthood. Nesi et al. (2016) even argue that these differing societal conceptions shape social and cultural environments, which, in turn, play a pivotal role in influencing child labour: in many traditional societies, certain forms of child labour, instead of being perceived as a social plague, often serve educational, social or initiation rituals, often contributing to true rites of passage. Evidently, this perception strongly emphasizes the importance of a proper consideration in its regulation from a cultural viewpoint.

Thus, the absence of universally agreed-upon definitions, together with the consideration of various contextual factors, results in an impeding consistent definition of *child labour*, which ultimately varies depending on the country and sectors. However, it is essential to highlight that not all work performed by children can be labelled as *child labour* warranting eradication, since not all children work under exploitative circumstances (Murshed, 2001). As a matter of fact, the involvement of children or adolescents above the minimum age for employment in work, provided that it does not compromise their health, development or education, can be deemed to be enriching and advantageous (ILO). This last type of work is often referred to as *child work*. In this perspective, Boutin and Jouvin (2022) clarify the paramount existing contrast between *child labour* and *child work*, pointing out that, unlike the former, child work is considered socially and economically beneficial and conducive to children's education and development. Another fundamental term within this framework is *child employment*, which includes all children engaged in any work, paid or unpaid, formal or informal, inside or outside the family (Thévenon & Edmonds, 2019). Child employment refers to a broader concept, covering all activities regardless of whether they are beneficial, unlike *child work*, which refers only to positive, enriching activities. Nevertheless, assessing whether work involving children constitutes child labour is complex since it requires consideration of multiple parameters: several variables have to be considered, including the age of the children, the nature of the employment, the manner of execution, and the objectives set by the concerned country (ILO).

The current analysis intends to rely on the definition of *child labour* promulgated by the ILO, which firstly defines it as: ‘*work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development*’ (ILO). Grounded in this conceptualization of child labour, the practice occurs first and foremost when such work is regarded as mentally, physically, socially and morally detrimental to children. However, it must be clarified that child labour does not necessarily constitute *hazardous child labour*, as the latter represents an extreme and particularly dangerous form of work.

As mentioned previously, child labour can be referred to as the type of work that hinders children from having the ability to fully enjoy their childhood and is harmful for the child’s overall growth. On the other hand, the hazardous child labour is defined as work that children perform in "dangerous and unhealthy conditions," according to the definition of the International Labour Organization (ILO). Accordingly, it can be ascertained that hazardous child labour constitutes a distinct form of child labour that is particularly serious and grave in terms of risks and consequences: as may be expected, child labour that is hazardous in nature is regarded as one of the worst forms of child labour, which will be examined in greater detail in the following sections. *Hazardous child labour* is a serious form of child labour, exposing children to risks to health, safety, or physical integrity, making it wholly inappropriate. According to the ILO, hazards include fire, extreme temperatures, dust, unsanitary conditions, and dangerous tools. Nonetheless, all forms of child labour are socially and morally unacceptable, whether hazardous or not.

The primary reason why such work is considered as socially and morally inadmissible is that it hinders “*the harmonious physical and mental development of the child*” (Mendelievich, 1979, cited in Murshed, 2001, p. 172): this practice is utterly intolerable, as it constitutes a clear violation of the children’s fundamental human rights. As reported by Weston (2005), there exists a profound, inherent nexus between child labour and violation of human rights. It is worth observing that Weston (2005) has found it to be an undisputed fact that child labour demonstrates itself to be, first and foremost, a question of human rights. Thus, it exemplifies not only the violated rights of children, which, admittedly, has enormous seriousness, but also affecting other rights. Indeed, Weston (2005) focuses on the broader violation that transcends the mere, albeit profoundly serious, violation of specific children's rights. He contends that this phenomenon involves manifest infringements of rights in all three generations of rights that have developed over time: rights of a civil and political nature, rights of an economic, social, and cultural nature, and, finally, rights of community groups. Therefore, it is possible to posit that the impact of this child labour is visible in several areas of human rights, an observation that clearly underscores the numerous implications

and extensive nature of the phenomenon. For this reason, the complete or partial abolition of this phenomenon necessitates a coextensive approach encompassing multidisciplinary, multifaceted, and multisectoral strategies (Weston, 2005). Therefore, child labour is an issue that must be approached in a multidimensional manner rather than narrowly, in view of the fact that it results in a twofold violation of children's rights. With respect to this, child labour encompasses practices that infringe children's rights both directly, such as through slavery, and indirectly, by generating structural, permanent negative effects on children's development (Weston, 2005). Within this framework, hampered access to education serves as a clear example of indirect infringement. Thus, it is unsurprising that limited or low-quality education is recognized among the main drivers of child labour. Such a practice yet originates from a multitude of interrelated factors. In relation to its underlying causes, it is worth clarifying that, similar to the definition of *childhood* and *child labour*, these causes vary considerably across countries and economic sectors. As reported by the ILO, the primary drivers of child labour can be identified in poverty, absence of universal high-quality education, economic shocks and poor social protection, weak legislation and law enforcement, exploitative business practices, the shadow economy, discriminatory practices and marginalization, and cultural acceptance.

Regarding its impact on education, child labour is an element that inevitably hinders schooling, undermines educational outcomes, and frequently leads to early school dropout (Boutin and Jouvin, 2022). The long-term educational implications of child labour are apparent, including the predictable restriction of future employment opportunities. Indeed, child labour deprives children of one of their most essential rights: the right to education, to which every child should have free access. This right is explicitly safeguarded under Article 28 of the United Nations Convention on the Rights of the Child (UNCRC), that is considered a milestone in children's and adolescents' rights legislation, that will be addressed in detail in the following sections. This convention enshrines the right to education in two different articles, namely Articles 28 and 29. Article 28 provides for the right to education for all children, burdening states with the obligation to make primary education free and compulsory.

According to the ILO (2025), child labour refers not solely to all activities '*that deprive children of their childhood*', but also to work that clearly interferes with a child's education. Indeed, it is predictable that such work prevents children from going to school, causes early dropout, or allows attendance only with minimal time devoted to learning. In essence, education plays a dual role in relation to child labour: on the one hand, it is a preventive measure from child labour; on the other hand, barriers such as high educational costs, inadequate infrastructure, safety risks, and low-

quality curricula (ILO) can push kids into work, thus limiting their educational attainment even further; in this latter case, their education gets further deteriorated. Accordingly, education acts as both a preventive and a contributing factor to child labour when access to it is limited. Not surprisingly, Weston (2005, p. 8) finds that '*most if not all human rights (e.g., the right to be free from inhumane labour practices) depend on the satisfaction of other human rights (e.g., the right to education) for their fulfilment*'. This clearly highlights the profound interconnection and interdependence of human rights.

On the basis of the above considerations, work involving children also qualifies as child labour when it interferes with children's right to education (ILO), and not only when it is harmful to children's physical, mental and moral well-being and growth.

For the sake of this analysis, despite the intricate nature and complexity of child labour, it must be acknowledged that it primarily infringes on the fundamental rights of children: recognizing the practice of child labour as a human rights issue shifts the focus from merely challenging the practice to upholding human dignity, thereby strengthening efforts to eliminate—or at least—mitigate it. Accordingly, what is essential is to reframe the fight *against* child labour as a struggle *for* human dignity (Weston, 2005). However, it is unlikely to achieve meaningful change and enduring progress in human dignity without a sustained and dedicated effort to implement human rights laws and policies, adapting them to the specific socio-cultural and local context (Weston, 2005). Weston (2005) also stresses the need to take children's voices into account in policies pertaining to their lives, rather than regarding them merely as passive recipients of protection measures. This consideration aligns closely with what the author calls a 'rights-based, child-centred approach' (2005, p. 301). This approach identifies children as human beings in their own right rather than just the recipients of policies and legislative actions intended for their benefit, who deserve active participation in the realm of decision-making concerning the welfare of children. The rights-based approach to child labour primarily acknowledges the inherent humanity and dignity, and prioritizes their best interests. Importantly, Weston (2005) concludes that work in itself is not a problem for children: the issue arises when it becomes '*abusive and/or exploitive and/or deprives them of full human development*' (Weston, 2005, p. 313). Accordingly, the critical point does not lie in work *per se*, but in the abusive and exploitive conditions that may characterize this activity. Yet, regardless of the approach adopted to tackle this global issue, eradicating child labour represents a basic imperative worldwide. The gravity of this problem is apparent in the reality that, notwithstanding a lack of academic agreement on a single definition of childhood, and by extension a definition of child labour, scholars remain unanimous in viewing

child labour as a global scourge that requires prompt and careful consideration. In addition to this, there is a broad scholarly consensus that child labour profoundly undermines the *right to childhood* in various ways, underscoring the urgent necessity of reaffirming this fundamental right: as Dahlén (2007) aptly notes in a very illustrative statement, ‘*children have the right to a childhood*’. Building on these insights, eradicating child labour emerges as a moral imperative, essential both to enabling children to realize their potential in the present and to fostering inclusive growth in the future (Thévenon & Edmonds, 2019). In response to this need, significant measures have been implemented worldwide to address this pressing issue.

The following section will outline the international legal framework regulating child labour, aimed at safeguarding all children involved in such a unacceptable practice and ensuring the protection of their fundamental rights, thereby preventing any violation of them.

1.2 International Legal Framework Regulating Child Labour: UNCRC and ILO Conventions

As Nesi et al. (2016) observe, tackling child labour requires international efforts, since international law and standards play a key coordinating and regulatory role, even though the primary responsibility for implementation rests with States. However, effectively addressing worldwide problem with multiple underlying determinants -as in the case with child labour- requires complementary approaches and integrated interventions; in other words, ‘*a multidimensional issue requires multidimensional answers*’ (Nesi et al, 2016, p. 6), involving joint action by individual states, international organizations and other relevant actors. Accordingly, this section will provide an overview of the international legal framework governing child labour, rather than examining the legislation of any individual country. The rationale for focusing on international instruments rests on several considerations. First, for practical reasons, a comprehensive analysis of the national legal framework of every country would be unfeasible, given the considerable heterogeneity of domestic laws. Consequently, concentrating on international norms allows for the identification of common standards and shared protective measures across countries, which serve as a benchmark for assessing national legislation and determining the extent to which domestic laws comply with broader international standards. In addition, this approach facilitates a comparative perspective among States.

As far as international level is concerned, the fight against child labour is based on various legal instruments which countries are encouraged to ratify. These mainly include conventions and

recommendations adopted by the International Labor Organization (ILO): these instruments have been pivotal for its prevention and eradication, by setting guidelines on how child labour should be prevented and how the fundamental rights of the child should be safeguarded. Complementing these normative instruments, the 1989 United Nations Convention on the Rights of the Child, which was adopted unanimously by the UN General Assembly, establishes a thorough legislative framework for the protection and promotion of children's rights. These instruments underpin the international commitment to the regulation and elimination of child labour.

Building on the foregoing, the major transnational legal tools addressing the question of child labour are the following ones: the 1989 United Nations Convention on the rights of the child (UNCRC) and the two major ILO conventions on the subject, namely the Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182), respectively adopted in 1973 and 1999 (Betcherman et al., 2004). These three conventions constitute the primary legislative instruments aimed at governing the issue of child labour at an international level, safeguarding children's rights and protecting them from exploitative practices. Yet, a difference exists: while the UNCRC addresses children's rights and their general protection, the two ILO conventions focus primarily on regulating child labour.

Betcherman et al. (2004) recognize the substantial authority of international human rights law concerning children, yet acknowledge its limitations: they argue that their effectiveness is highly constrained by political consensus, the voluntary nature of ratification and implementation by States, and the absence of an international enforcement mechanism. Despite these inherent limitations, international conventions serve as the basis for the formulation of national policies, as well as benchmarks for evaluating and monitoring the effectiveness of these policies and interventions (Betcherman et al., 2004).

For the purpose of this analysis, an overview of the UNCRC will be presented first, followed by the examination of the principal ILO conventions and their accompanying recommendations in the subsequent section.

The United Nations Convention on the Rights of the Child (UNCRC/ CRC), adopted by world leaders in 1989, constitutes a paramount international legal framework for the protection of childhood by providing the only instrument that addresses all aspects of children's rights and establishes a complete normative basis for their enforcement. Vandenhole et al. (2019) point out that the Convention on the Rights of the Child (CRC) is unparalleled in terms of global ratification, with 196 states having joined, the United States being the sole exception: as the most widely

ratified human rights treaty in history, it has significantly reshaped the lives of children worldwide, enabling them to have their voices heard and to engage meaningfully in their societies (UNICEF). At its core lies a core tenet: children are human beings and individuals with their own rights, not the property of their parents (UNICEF), which underpins a child-centred, rights-based approach for their protection. Not surprisingly, Weston (2005) advocates for a new sociology of childhood, particularly for the developing world, rooted in the tenets of CRC. The author emphasizes that the Convention lays the foundation for a child-centred perspective to studying and addressing child labour, highlighting the Convention's recognition of children as active participants in their own lives and the importance of their experiences and perspectives. Similarly, Tobin and Cashmore (2020) observe that it protects children through empowerment, with a rights-based approach at the core of advocacy, policy, service provision, and research and monitoring. Within this framework, the broad scope of the Convention on the Rights of the Child is also worthy of attention, as it simultaneously establishes children's rights and delineates the responsibilities of various actors in the pursuit of their well-being: the CRC goes beyond governmental obligation, laying down standards not only for States Parties but also for parents, guardians, extended families, communities, and institutions involved in children's lives, while its provisions further extend to businesses and other societal actors (Vandenhole et al., 2019).

Vandenhole et al. (2019) trace the historical origins of the CRC, emphasizing its strong linkage to, and reliance on, preceding international instruments. The CRC continued earlier efforts to protect children's rights, notably the 1924 and 1959 Declarations of the Rights of the Child. The 1924 Declaration highlighted children's entitlement to food, healthcare, education, support for disabilities, rehabilitation, and care for orphans or homeless children, prioritizing those in emergencies. Based on these cornerstones, in 1959, the UN Declaration of the Rights of the Child, by proclaiming in its Preamble that *mankind owes to the child the best it has to give*, formulated ten principles defining major rights of children, including non-discrimination and the best interests of the child (Vandenhole et al., 2019), thereby laying the foundation for the CRC. In 1979, Poland proposed a legally binding convention, and pressure from UNICEF and civil society led to the inclusion of civil, political, economic, social, and cultural rights. Negotiations from 1978 to 1989 reconciled these rights and, in Article 4, introduced the principle of progressive realization of economic, social, and cultural rights (Vandenhole et al., 2019). The historical development of the CRC underpins its framework, which, as Vandenhole et al. (2019) point out, is commonly conceptualized in terms of the *'three P's'* of children's rights: protection, provision, and participation. Nevertheless, the authors concerned take a critical stance on the *'three P's'* typology, especially on the idea of *'provision rights'*: they maintain that this terminology reinforces the

obsolete misconception that economic and social rights are solely about provision, maintaining that such rights are currently widely acknowledged to involve obligations to respect, protect and fulfil. (Vandenhole et al., 2019).

Nevertheless, as anticipated above, the United Nations Convention on the Rights of the Child is grounded in a core principle: children inherently possess rights simply by virtue of being human, a major assumption that serves as a guiding principle for all bodies engaged in the protection of children's rights.

Indeed, the Preamble of the UNCRC asserts that the intrinsic dignity and equal, inalienable rights of every person constitute the foundation of freedom, justice, and peace. This provides the rationale for recognizing children, as members of the human family, as holders of inherent and inalienable rights upon which freedom, justice, and peace are founded. Based on this assumption, the CRC codifies children's rights within international law and reconciles multiple theoretical approaches—natural, deliberative, and protest—by emphasizing both their formal legal recognition and their relevance in shaping children's experiences and everyday life (Vandenhole et al., 2019). Furthermore, among the various tenets of the Preamble, the commitment of UN Member States to uphold fundamental human rights and the dignity and value of every person is emphasized, with the aim of promoting social progress and improving the quality of life of each human being.

In light of this, the United Nations Convention on the Rights of the Child covers a variety of children's rights, but for the sake of this paper, attention will be focused on the articles that relate to child labour, both directly and indirectly. As a preliminary step in analysing and interpreting the relevant articles for this study, Article 1 is worthy of attention, as it specifies the child to whom all provisions of the Convention are addressed. It indeed provides the clear definition of a child, which underpins the entire Convention: a child is defined as *'every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier'*.

In addition to this, Article 2 must be observed before examining the provisions relevant to child labour. This article establishes the fair and impartial application of the provisions of the Convention: no child shall be treated unfairly on any grounds relating *'to the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or any other status'*. It is further stated that children must be protected from any form of discrimination or punishment based on their parents' or family members' actions, beliefs, or status, irrespective of who their parents or families are or what they believe or do, a protection that must be ensured by the States Parties.

Instead, Article 3.1 of the Convention underscores that the best interests of the child must be a primary consideration in all actions concerning the child. It stipulates that:

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

This paramount general principle is the basis for several protections, including those against harmful child labour. Building on Articles 1,2 and 3 - which respectively provide the definition of the child, the principle of non-discrimination and the best interests of a child- Article 32 warrants particular attention for the purpose of this study.

As a matter of fact, with regard to this examination, this latter stands out as the central and most significant provision of the Convention, due to its evident pertinence to child labour practices. The article in question guarantees, in broad terms, protection against hazardous forms of child labour, which will be examined more thoroughly below.

Paragraph 1 of Article 32 explicitly affirms children's right to protection from hazardous forms of work and economic exploitation, as follows:

Article 32

1. States Parties recognize the right 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.

Therefore, Article 32.1 ensures protection against labour activities that are potentially economically exploitative and may be detrimental both to children's education and to their physical and psychological development. Whereas paragraph 1 enshrines the child's right to protection in a more theoretical sense, paragraph 2 provides practical guidance and prescriptive measures for States Parties in order to ensure its effective enforcement, as set out below:

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.*

As such, the provision in question sets out the specific obligations of States Parties to adequately implement the right protected by such an article, including the fixing of the minimum age for employment, determination of conditions of employment and the imposition of appropriate penalties for their effective application. Significantly, these obligations apply whether or not a particular work is harmful to the child. Nevertheless, Article 32 must be understood more widely than simply prohibiting work that can be regarded as exploitative or manifestly or potentially harmful to children; this article offers a deeper form of protection that goes beyond superficial or limited approaches: it aims at the overall shield of children's development.

However, in analysing Article 32, Cullen (2007) highlights a particularly noteworthy contrast between its two paragraphs: Paragraph 1 focuses on preventing harm to children; paragraph 2, by contrast, establishes formal employment standards irrespective of whether actual harm occurs. Moreover, Article 32(2) is distinctive in that it obliges states not only to prohibit harmful work but also to regulate the conditions under which children may be employed, extending the scope of protection beyond that of most child labour standards (Cullen, 2007). On the above analysis, it is possible to conclude that, under this article, child employment is not categorically prohibited, but is appropriately regulated in terms of minimum age, safety, working conditions, and enforcement measures.

Yet, the abovementioned contrast between the two paragraphs of Article 32 should be interpreted within the broader picture of the Convention, which delineates two complementary models of children's rights: *child welfare*, focusing on safeguarding the best interests of the child, and *child agency*, acknowledging child's views and choices (Cullen, 2007). In the context of child labour, this tension emerges in the challenge of protecting children from harm while granting them autonomy, particularly since some forms of work may be developmentally beneficial (Cullen, 2007). Indeed, as stated in the previous section, certain forms of work—often referred to as *child work*—can be enriching as they recognize children's ability to make considered choices and take meaningful actions in their own lives. Based on this consideration, with its emphasis on the agency of children and the necessity to balance protection and autonomy, Article 32 illustrates how the CRC reconceptualizes child labour within a rights-based picture. The magnitude of the CRC in

reframing child labour within a human rights perspective has been widely acknowledged in the literature: Cullen (2007) underscores the paramount importance of the CRC in relation to children's human rights, observing that following its entry into force in 1989, child labour came to be understood as an evident children's rights concern rather than solely as an economic or social issue. From this it emerges the current imperative to conceptualise child labour primarily as a violation of human rights, as discussed in the preceding section.

Although its significance is widely acknowledged, some scholars, as Cullen (2007) argue that the main provision of the CRC on child labour, namely Article 32, is rather ambivalent. This indeterminacy stems from the fact that Article 32 is based on the existing international instruments, such as Article 10 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which stresses the issue of protection against exploitation, and the ILO Convention No. 138 addressing the minimum age of admittance to employment. Article 32(2) of the CRC clearly reference to the ILO Minimum Age Conventions, yet this focus on minimum age appears somewhat at odds with the UN convention's broader intent of protecting children from harmful work; the provision thus reflects a compromise between human rights norms and labour standards, aligning the Convention with existing labour law framework.

Despite criticism, Article 32 remains central to the CRC's protection of children from forms of work that may be exploitative or detrimental to children's growth. Though, besides to Article 32, other provisions of the CRC are pertinent to this study, albeit with a less direct linkage with the issue, namely those contained in articles 28, 29, 6.

As highlighted in the previous section, the Convention encompasses two key articles concerning the right to education: Article 28, which guarantees children's access to education, and Article 29, which delineates the objectives and benefits of education. Article 28 assumes particular significance within this context, as education is closely linked to the avoidance of child labour. Indeed, studies indicate that eliminating child labour and providing children with access to education would yield substantial long-term developmental benefits, primarily by enhancing the productive capacity of future generations who benefited from schooling rather than having worked as children (Betcherman et al., 2004). In line with this idea, the article upholds the right to education and promotes universal schooling, which potentially deter children from workforce participation, thereby serving a preventive role.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

In essence, this article prescribes that all children possess a right to education. Under Paragraph 1 of the article concerned, primary education should be compulsory and free, while secondary and higher education should be accessible to all children. It also states that children should be helped and supported in their pursuit of education to the highest level possible. To complement this, paragraph 2 stipulates that discipline in school must respect the child's dignity and comply with the provisions of the Convention. In addition, the final paragraph affirms that State Parties are encouraged to promote international educational cooperation to enhance global literacy, expand access to scientific and technical knowledge, and support the needs of developing countries. Thus, its impact on child labour prevention is apparent: Article 28 of the Convention ensures children's

sustained participation in schooling, thereby reducing their likelihood of entering the workforce or, however, creating a period during which their participation in labour is restricted.

Building on the above provisions, Article 29 defines the educational objectives and the development that education seeks to promote.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

This article establishes that education is fundamental to children's development, teaching respect for human rights, other cultures, and the environment, and preparing them for responsible participation in society. Accordingly, the provisions contained herein prove to be crucial for child

labour prevention, as its educational objectives raise children's awareness and enable informed, responsible choices, reducing their vulnerability to child work.

On the basis of the foregoing, it can be inferred that education's preventive function is of paramount importance, in view of the detrimental effects of the practice on children's personal development: child labour may hinder their ability to benefit from the stimulating environment necessary for developing both cognitive and non-cognitive skills (Boutin and Jouvin, 2022).

In addition to the articles analysed above, Article 6 warrants consideration for the purposes of this analysis.

Article 6

- 1. States Parties recognize that every child has the inherent right to life.*
- 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.*

Article 6 enshrines a fundamental right, which is the right to life, and it is an inherent right in every human being and, therefore, in every child. Every child is entitled to the right to life, and States Parties are expected to adopt all adequate measures, both positive and negative, aimed at ensuring the survival and development of children in the best possible way, as is clearly evident in paragraph 2 (Vaghri, Zermatten, Lansdown, & Ruggiero, 2022). As clarified by Vaghri et al. (2022), the right to life is the sole right considered '*inherent*' in the Convention. Yet, it is important to insist on the fact that it is not sufficient for children to have the right to life, but it is also imperative that their overall life is accorded the same significance to the preservation of life itself. In other words, it is not enough for a child to merely survive: their proper development must also be accorded equivalent importance to just their survival.

Indeed, when it comes to the following paragraph, Vaghri et al. (2022) explain that State Parties are not only required to prevent unlawful interference with this right but must implement concrete measures to protect the child's life and development. Consequently, States Parties are required to adopt preventive measures, including comprehensive legislation and effective oversight, aimed at the proper enforcement of such laws. This paragraph can thus be understood as providing '*umbrella protection for the survival and development of the child*' (Vaghri et al., 2022, p. 36), with other articles specifying more concrete rights and protective measures to fully uphold this general principle. This relevant provision directly links with the issue of child labour since such a practice, specifically hazardous its hazardous forms, endangers the lives of children, implying that

also the development of these children is endangered. Accordingly, core obligations set out in Article 6 are violated. Hence, in relation to the right to life, survival, and complete development of the child, the above provisions restrict the acceptability of child labour, specifically the hazardous kind. Furthermore, Vaghri et al. (2022) note that the implementation of States Parties' obligations to promote children's survival and development is closely linked to the CRC as a whole, particularly to the best interests principle (Article 3) and the rights to health, adequate living standards, and education (Articles 24, 27–29). In addition to this, a relationship exists between Article 6 and Article 32: Article 32 can be interpreted as a reinforcement and concrete implementation of the right to life, as it seeks to protect children from exploitative work activities or those that may endanger their physical, moral, or psychological development and, in extreme cases, life itself. The protection offered by Article 32 facilitates effective fulfilment of the inherent right enshrined in Article 6.

Based on the cumulative analysis presented above of the CRC, it is apparent that Article 32 of the CRC sets out the fundamental protection of children from forms of work that are exploitative or potentially damaging to children's education, well-being and development: it is the sole provision of the Convention under consideration which, although not explicitly designated as *child labour*, offers direct protection to children against this unacceptable activity. Yet, in light of the above analysis and interpretation of the CRC articles relevant to the protection of child labour, a close interrelation and mutual reinforcement among the articles can be observed, enhancing the overall effectiveness of child protection. This clearly demonstrates that the Convention's dedication to children's well-being is comprehensive, as demonstrated by the integrated character of its provisions.

Drawing on the above consideration, the significance of the CRC is unquestionable: it is well recognized in international legal discourse, not only due to its status as the most widely ratified human rights treaty in history, but also because it has transformed children's lives by recognizing them as autonomous rights holders entitled to dignity and protection (UNICEF). It should be noted, however, that States Parties play a central role in this ambitious program: the effective implementation of this broad paradigm relies heavily on States Parties, imposing a substantial responsibility on them to take all appropriate measures to ensure the protection of children and the safeguarding of their rights (Tobin & Cashmore, 2020). Although the Convention resulted from the collective commitment of world leaders in 1989, its meaningful implementation ultimately rests on the ongoing commitment and responsibility of governments to prevent abuses and ensure the full enjoyment of children's rights (UNICEF). Notwithstanding some challenges, the CRC was

a decisive international document in protecting children's rights, and its impact was inspirational for future instruments, as highlighted by Betcherman et al. (2004): some of the CRC provisions on child labour will be adopted and revisited in the ILO Convention on the Worst Forms of Child Labor (No.182).

The ILO Minimum Age Convention (Convention No. 138) and the ILO Worst Forms of Child Labour Convention (Convention No. 182), which were adopted in 1973 and 1999, respectively, alongside the Convention on the Rights of the Child, form the principal framework of international law on the protection of children's rights. The abovementioned conventions, of utmost significance to the subject at hand, were laid down by a paramount international institution, namely the International Labour Organization. Prior to examining and interpreting the two Conventions and their key provisions relevant to this analysis, a brief overview of ILO's significance, its objectives and its evolution is necessary.

The International Labour Organization (ILO) is the United Nations agency responsible for the world of work. The Organization was created in 1919 in the framework of the Treaty of Versailles, which ended World War I: Part XIII of the Treaty of Versailles is the founding document of the ILO, and most of Part XIII's provisions have been retained in the ILO Constitution (ILO, 2001). First and foremost, in the context of the present study, it must be highlighted that the work of the ILO is not centred on children as such, but on the issue of work itself. Although the ILO does not specifically deal with children *per se*, its labour-focused mission inevitably concerns them insofar as they are impacted by labour practices, particularly through the ILO's child labour regulations and standards. As a matter of fact, its core mission lies in the promotion of social justice and the protection of internationally recognized human and labour rights (ILO). The respect for human rights in working life has been a central feature of ILO major labour standards; hence, forced and child labour are strictly prohibited by the ILO (Halonen and Liukkunen, 2021). Consistent with this mission, the International Labour Organisation has the mandate to promote the universality of workers' rights and combat poverty and social inequity, especially among developing countries (Van Daele, 2008). As the only tripartite agency within the United Nations, the ILO has been playing a key role in coordinating governments, employers, and workers of 187 member countries since 1919, with the common goal of promoting decent work for all, according to the ILO (2025). Standing (2008) emphasizes the overall magnitude of the International Labour Organization, alleging that the ILO has undoubtedly been a key force in improving labour standards internationally.

As Foua and Diriwari (2019) note, the ILO has consistently promoted the elimination of child labour, which is enshrined in a number of its legal instruments. ILO's principal instruments for achieving this aim have been the formulation of Conventions, that are legally binding internationally treaties, and non-binding Recommendations: between 1919 and 2007, the ILO established 188 Conventions and 199 Recommendations. In relation to this, it is important to note that ratification of a Convention commits a Member State to binding obligations, subject to regular supervision and investigation in the event of complaints. Member States have ratified conventions on a selective basis, opting for those they support and denouncing those they subsequently contest. Underpinning this voluntary framework, which operates without automatic enforcement, lies a commitment to a model of work in which social rights, or '*social entitlements*', are closely connected to labour performance (Standing, 2008). Yet, over the years, the ILO has undergone a shift from a comprehensive social rights framework to a '*core standards*' framework, which focuses on a smaller set of basic protections, thereby prioritizing fundamental labour protections over an indivisible code of rights. Despite this transition, the organization's contributions have maintained substantial significance: over more than a century of activity, the ILO's interventions have left a lasting impact on global social and labour policy, resulting instrumental in the improvement of working conditions and the consolidation of labour norms (Standing, 2008). Van Daele (2008) emphasizes the significance of the ILO on various grounds. First, as highlighted by Standing (2008), the organization has played a pioneering role among international bodies in the establishment of labour standards through Conventions and Recommendations, acting as a '*trendsetter among international organizations in standard-setting*' (Van Daele, 2008, p.485), as well as in the provision of technical cooperation and international expertise in labour matters. Through its operational activities in the field, these combined efforts have fostered improvements in labour conditions worldwide. Secondly, thanks to its unique tripartite structure, the ILO stands out from other international organizations, as the United Nations, which are composed exclusively of representatives of states. Indeed, by incorporating governments, employers, and trade unions at all levels of decision-making, the organization concerned has maintained an inclusive and enduring governance framework, largely thanks to the effectiveness of this combined structure of governmental and non-governmental actors. It is, self-evidently, tripartism that grants ILO standards their distinct legitimacy, as they are formulated and implemented not solely by governments, but also by employers and workers (ILO, 2001). Thirdly, the fact that this organization has a distinguished history of being the oldest global organization of the twentieth century is acknowledged. Truly, the ILO, which was created as the first specialized agency of the League of Nations, continued its existence even during World War II. Later on, the agency was

incorporated into the new United Nations system, thereby assuming in 1945 the primacy as the UN's inaugural specialized agency.

In light of the above considerations, the ILO's overall relevance can be clearly observed, and it is also widely acknowledged with respect to efforts to combat child labour: Mavunga (2013) clearly identifies the organisation as one that, since its foundation, has been pivotal in the campaign against this phenomenon, leading it to assume a leadership role in the fight against child labour. Thus, this is not a newly undertaken task for the ILO, rather, its involvement in the field dates back to its early years (Nesi et al., 2016), thereby highlighting its long-standing commitment in the field. Unsurprisingly, the Preamble to the Constitution, in setting forth its objectives, highlights '*the protection of children, young persons, and women,*' clearly showing that improving the working conditions of children- together with that of women- was one of the main motivations behind the adoption of the founding treaty. Thus, the ILO's commitment to protecting children and young persons, established in the Preamble to its Constitution, deserves particular attention for the present analysis. Grounded in this normative framework, efforts were initiated to establish norms that would also protect child workers. Yet, it should be noted that, during the Organization's inception phase, its interventions against child labour were predominantly dedicated to the formulation of standards, with a primary focus on establishing a minimum age for admission to employment (Nesi et al., 2016).

Nesi et al. (2016) also highlight that the ILO's efforts to combat this practice offer numerous strengths. First and foremost, its legislative instruments are thorough and sector-specific, highlighting the economic dimensions of child exploitation and encouraging the development and, the desirable future adoption, of targeted solutions. What is more, the supervision system is polycentric and uses various mechanisms that combine political oversight with technical expertise, making it one of the most effective frameworks at the international level. Complementing these mechanisms, and in light of the profound linkages between this sector and economic rights and development strategies, the ILO is primarily committed to promoting the adoption of results-oriented measures rather than relying solely on punitive sanctions in cases of non-compliance; therefore, while sanctions are available, the main aim is to ensure effective observance of established norms and to bring about tangible improvements. This approach is further reinforced by intensive technical cooperation activities (Nesi et al., 2016)

That said, the operational role of ILO must be considered. Beyond the nature of standard-setting, the operational dimension of the work at the ILO remains of major significance, as evidenced more concretely by the 1992 creation of the *International Programme for the Elimination of Child*

Labour- generally known as *IPEC*. The formation of this initiative was very significant since it marked a major turning point for the ILO's structured engagement against child labour. What is more, the IPEC constitutes the largest program of its kind in the world and the ILO's most important operational project (Foua & Diriwari, 2019), counting also as one of the leading actors in regard to technical cooperation against child labour. IPEC is focused on the prevention and elimination of all forms of child labour: its main purpose is the support of Member States in the fulfilment of their treaty obligations, with the objective of the mitigation and the consequent progressive elimination of child labour, prioritizing its worst forms. IPEC's activities are extensive and multifaceted, covering advocacy, technical cooperation, and child assistance through regional, national, and subregional programmes, with an emphasis on the adoption of national policies to keep children out of hazardous work and provide them with viable alternatives. (Nesi et al., 2016). Effective national policies are fundamental for combating child labour: the enhancement national and local capacities is crucial for the successful execution of national action plans targeting child labour. Incorporating child labour issues into legal frameworks, social protection programs, educational policies, and other relevant policy areas has been demonstrated to improve the effectiveness of these interventions (ILO-IPEC). These ambitious programmes are implemented through IPEC's extensive network of partners, extending to 88 countries (ILO). In 2015, ILO launched the global *IPEC+*, further expanding the commitments under the *International Program on the Elimination of Child Labor (IPEC)* and the *Special Action Program to Combat Forced Labor (SAP/FL)*. Such a program was purposed to combat child labour, forced labour, and human trafficking because of their flagrant violation of the fundamental rights of workers. IPEC+ program places particular emphasis on the shared causes of these abuses, which encompass poor governance, discrimination, social exclusion, poverty, and limited access to decent work and collective bargaining rights (ILO, 2025). Overall, IPEC's contribution has been significant: progress between 2000 and 2012 was deemed satisfactory, and despite a later slowdown, substantial gains were achieved through ILO and IPEC efforts (Foua & Diriwari, 2019). Since its foundation, the ILO's efforts to protect human rights in the field of work have provided the regulatory and operational basis for these results (Foua & Diriwari, 2019).

Building on this foundation, there is broad consensus that the most recent and comprehensive ILO standards on child labour - namely, the Minimum Age Convention, 1973 (No. 138) and its accompanying Recommendation (No. 146), as well as the Worst Forms of Child Labour Convention, 1999 (No. 182) and its accompanying Recommendation (No. 190) - have set the standard for international efforts to combat the concerned practice. Yet, prior to proceeding with a

detailed analysis of the aforementioned Conventions, it is appropriate to provide an overview of their main characteristics and of the process that shaped their development.

To begin with, their place within the broader structure of ILO standards must be clarified, with particular emphasis on two defining characteristics. Indeed, like all standards emanating from the ILO, they include two features, namely universality and flexibility. Universality ensures that applications are made across all Member States, while flexibility ensures the adaptability of this norm in different national contexts. However, striking this balance is delicate: standards that are too ambitious may prove impractical, while those that are too weak risk establishing only the lowest common standard (ILO, 2001). Secondly, the setting of a minimum employment age has constituted a central focus of the ILO since its inception. Indeed, the first normative act concerning the minimum age for admission to employment was published in 1919: in view of the first session of the Conference in 1919, the concern to secure the protection of children from economic exploitation led to the inclusion of the question of child Labour on the agenda, resulting in the adoption of the *Minimum Age (Industry) Convention 1919 (No. 5)* (ILO, 2001). Yet, this latter was restricted to the industry sector and was based on the Preamble to the Constitution of the ILO (Borzaga, 2018): as noted, the protection of children at the workplace is centrally embedded within the mandate of the ILO since its foundation, which explains the early adoption of the international norm concerning the minimum age and the abolition of child Labour. Building on the same legal basis, the Organization subsequently adopted nine additional minimum-age conventions, most of them between the two World Wars. Leading up to the adoption of Convention No. 138 in 1973, the ILO had a fragmented framework of sector-specific minimum age conventions (Mavunga, 2013). Between 1919 and 1972, over ten conventions and four recommendations addressed minimum working ages, including the Minimum Age Conventions of 1919 (No. 5), 1921 (No. 10), and 1959 (No. 112). However, these instruments were narrow, covering only particular sectors such as agriculture and industry, and focused solely on minimum age. Instead, Convention No. 138 introduced a holistic approach for all economic activity and, through Article 1, required ratifying states to implement a national policy for the effective abolition of child labour (Borzaga, 2018).

Notwithstanding the relevance of the above minimum age standards, as stated by the ILO (2001), such standards presented limitations: while they specified a minimum age for legal employment, these norms did not provide protection against dangerous working conditions which were often linked to child labour. Against this backdrop, and by carefully taking into account the aforementioned weaknesses of the existing conventions, in June of 1996, during the session of the

84th Conference, the decision on the elimination of child labour was approved, ushering in a new era characterized by considerable agreement on the need to implement new specific measures against worst forms of child labour (ILO, 2001). In this regard, in June of 1999, this shared intention was translated into action through the approval of Convention (No. 182) on the worst forms of child labour.

The next two subchapters will therefore provide an analysis and interpretation of the major articles of the ILO Minimum Age Convention, 1973 (No. 138) and ILO Worst Forms of Child Labor Convention, 1999 (No. 182), that constitute the core pillars of child labour protection globally.

This analysis particularly focuses on two ILO Conventions, as the UNCRC, while central to protecting children from labour, provides a general legal framework, whereas the ILO Conventions offer work-specific provisions. Accordingly, based on the principle of *lex specialis derogat legi generali*—meaning that specific law overrides and specifies general law—this paper accords special relevance to two ILO Conventions.

It is worth recalling a fundamental point: under the ILO Declaration on Fundamental Principles and Rights at Work, the two ILO Conventions on child labour are ‘*fundamental*’ Conventions in nature (ILO). This designation reflects their central importance within the international labour standards system. As Halonen and Liukkonen (2021) indicate, the 1998 Declaration on Fundamental Principles and Rights at Work and its follow-up activities reflected the ILO’s purpose to strengthen the social dimension of international policy, establishing a consensus on a short list of *fundamental social and labour rights* (p.56): freedom of association and collective bargaining, abolition of forced labour, elimination of child labour, and non-discrimination in employment. Thus, this Declaration defines the core principles that all ILO Member States are obliged to respect simply by virtue of their membership (ILO). In other words, under the ILO Declaration on Fundamental Principles and Rights at Work, all ILO member States are bound to respect the established principles and to promote and secure the eradication of child labour, regardless of whether they have ratified the relevant Conventions (Nesi et al., 2016). This Declaration was innovative in its underlying intent, signalling the adoption of a new approach centred on the identification of priorities within the ILO’s activities (Nesi et al., 2016). In principle, such a prioritisation has proved effective in addressing child labour. In this respect, the adoption of Convention No. 182 led to unprecedented results, notably the achievement of a global consensus on the worst forms of child labour, timely and near-universal ratification, and renewed attention towards Convention No. 138.

1.3 ILO Minimum Age Convention, 1973 (No. 138)

One of the most effective methods to ensure that children do not enter the labour force too early in life relies in the setting of a legal minimum age of employment.

The system of minimum age regulation began with the Minimum Age (Non-Industrial Employment) Convention setting the age at 14, followed by further sector-specific conventions. By the early 1970s, the ILO heeded to the call of a comprehensive revision of the minimum age framework, marked by the abandonment of the sector-based approach and the adoption of a universal Minimum Age Convention, applicable to all forms of work and employment and substituting the previous sector-specific Conventions. In tune with this revision, Convention No. 138, or C138, was finally adopted on 26 June 1973 by the General Conference of the International Labour Organization at its fifty-eighth session. The convention only came into force on 19 June 1976, following ratifications by Cuba and Libya. Dahlén (2007) yet notes that the Convention was initially rejected by many countries, especially developing ones: ratifications were slow until 1999, after which two-thirds occurred following the adoption of the Convention on the Rights of the Child.

The Convention No.138 contains 18 articles: Articles 1–9 set out the minimum age for employment, while Articles 10–18 mainly cover enforcement, withdrawal and transitional measures and other provisions to ensure the implementation of the Convention.

In the effort to eradicate child labour, C138 calls on States to fix a minimum threshold for admission to employment and to formulate national policies designed to eradicate child labour. As Borzaga (2018) highlights, Convention No. 138 is grounded in a clearly defined, typically '*Western-centric*' conception: children are recognized as holders of a *right not to work*, intrinsically linked to the provision of adequate and compulsory education. As a matter of fact, the underlying intent of Convention No. 138 is the protection of children through the recognition of a *right not to work* during childhood, which is secured by the establishment of a general minimum age for employment. From this perspective, the Convention prohibits all forms of work below a defined age threshold, subject only to narrowly framed exceptions. This approach differs from that of the later Convention No. 182 on the Worst Forms of Child Labour, which does not impose a general ban on child labour but instead targets and prohibits only its most harmful forms. In issuing C138, the ILO not only consolidated the content of the ten previously adopted conventions on this subject, which show significant weaknesses, but also created a general and comprehensive legal

instrument in the field (Borzaga, 2018). Indeed, the scope of Convention No. 138 is general or universal (Dahlén, 2007, p. 271). The Convention signifies the end of the sector-specific approach, aiming instead to cover all forms of work performed by children. Such intent is explicitly expressed in the Preamble of the Convention, which states:

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention [...]

The preamble establishes the intent, scope of application, and objective of the Convention, emphasizing necessity of establishing a global, legally binding standard for the abolition of child labour, the replacement of sector-specific conventions, and the application of these provisions to all children in employment.

In the following, I will focus on the analysis and interpretation of the first eight articles of Convention No. 138 (Articles 1-8), being the most relevant ones to the purpose of this paper.

Article 1 of ILO Convention No. 138 obliges ratifying Member States to adopt a national policy aimed at the concrete abolition of child labour.

Article 1

Each Member for which this Convention is in force undertakes 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.

Member States are required to enact effective legislation abolishing child labour and by implication, are bound to gradually raise the minimum working age if it is currently below the level recommended by the Convention, with the aim of preventing children to be exposed to work that could undermine their physical and mental development. Borzaga (2018) observes the intricate coexistence of programmatic and prescriptive elements in the Convention, already visible in Article 1. The prescriptive nature is evident in the obligations and concrete commitments imposed on member states, as reflected in the binding language ‘*Each Member ... undertakes to pursue a national policy*’ and in its connection to measurable outcomes, namely the achievement of the fullest physical and mental development of young people. At the same time, the attainment

of the goal is gradual and programmatic: the provision does not automatically confer immediate or direct protections on children, instead committing Member States to implement national policies directed toward child labour abolition. The first impression conveyed by the article is that compliance with the requirements established by the Convention could be achieved simply by setting the required minimum age, without undertaking additional measures aimed at the eradication of child labour. In reality, however, achieving the Convention's objectives requires States to adopt a broader set of targeted national policies and measures aimed at achieving its ultimate objective.

Mavunga (2013) provides a critical analysis, arguing that the Article outlines and recalls the purpose of the Convention, but it does not provide a clear and exhaustive definition of the term *child labour*; in this specific article or anywhere else in the Convention. Unsurprisingly, this article was criticised for being too vague and subjective: child labour may be defined, pursuant to Convention No. 138, only on the basis of a minimum age for admission to employment, below which work is classified as child labour. As a matter of fact, based on Article 1, the Convention leaves the definition of child labour to the discretion of Member States: countries must determine for themselves what constitutes child labour, leading to variations in interpretation and potentially hindering the Convention's universal implementation. Thus, the absence of a precise definition of child labour further illustrates the complex nature of the concept. However, both Mavunga (2013) and Dahlén (2007) suggest that the broad acceptance of this vague definition may be attributed precisely to the absence of further substantive legal obligations associated with the Article: this implies that, due to the lack of binding legal duties or sanctions, the definition was more readily accepted by Member States.

While Article 1 sets out the purpose of the Convention, Article 2 defines its scope of application: it specifies the applicability of the Convention in terms of affected individuals and employment sectors, and clearly establishes the minimum age for employment. The mainly programmatic opening of Article 1, which requires States to pursue a national policy aimed at eliminating child labour, is followed by a purely prescriptive provision establishing a minimum age for employment. Unsurprisingly, Article 2 is deemed by some scholars, including Borzaga (2018), arguably the most important and the most prescriptive rule of Convention No. 138. It stipulates what follows:

Article 2

1. *Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.*

A linguistic analysis of the provisions of Article 2(1) reveals a series of terms that are relevant to the present commentary. Firstly, attention must be focused on the Convention's coverage, which explicitly includes "*employment or work [...] in any occupation*" (Article 2.1). Through this statement, the Convention imposes an obligation on member states to define a minimum age for all forms of employment, not limited to specific industries or sectors, but applying universally to any work undertaken by children. Thus, an inclusive approach to child labour is adopted. In this regard, Mavunga (2013) highlights that the use of the terms "*employment or work*" extends the Convention's protections to all labour kinds performed by children, whether under a formal employment contract or through self-employment. It follows that laws apply also to child labour in family businesses and households regardless of wage rates and employment terms. Although comprehensive legal provision is essential, effective monitoring becomes quite difficult in informal sectors as domestic households. Another important phrase in this paragraph is "*on means of transport registered in its territory.*" This implies that the obligation to set a minimum age applies not only to work carried out within the State, but also beyond its physical territory on means of transport subject to the State's jurisdiction by virtue of their registration. Without this clause, a State could avoid its obligations by allowing child labour on ships or aircraft registered in its jurisdiction but operating abroad. This ensures that children working on such transport are protected by the same minimum age standards as those working within the State's territory. Such combined approach reflects a full and attentive protection of working children.

2. *Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.*

Paragraph 2 clearly embodies the prescriptive character of the article, and obliges States that choose to implement the Convention to establish a minimum age for employment, which must be

specified in a further formal declaration: ratifying Members must inform the Director-General of the International Labour Office, through an additional declaration, if they set a higher minimum age than the one initially indicated.

Paragraph 3 of Article 2 is worthy of attention:

3. *The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.*

The paragraph in question establishes that the minimum age for employment shall not be lower than the completion of compulsory schooling and, under no circumstances, less than fifteen years.

Firstly, from the analysis of this paragraph, it emerges that Convention No. 138 reaffirms—and indeed strengthens—the link between minimum age and school attendance, while introducing an important novelty: it does not tie the minimum age specifically to primary education, but rather to compulsory schooling in general. Within this framework, the broader and more protective terms used, referring to mandatory education, can be observed: it should be noted that the Convention stresses the need of securing compulsory schooling rather than stressing that of working. Secondly, it is worth noticing that it is then specified that the minimum age for employment must not, on any grounds, be less than fifteen years. Therefore, it was established first with reference to the school leaving age, and secondly as an absolute minimum age. Yet, in short, on the basis of Article 2.3, the employment of children under the age of fifteen is unlawful.

However, Article 2.4 provides an exception for Members *‘whose economy and educational facilities are insufficiently developed’*, allowing them, after consultation with the relevant organisations of employers and workers, where such exist, to initially set a minimum age of 14 years. Even from this provision, one can observe the flexible character of the document, a feature that will characterize the whole Convention.

4. *Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.*

The provision is so provided for to allow States that face obstacles either economically or educationally, ability in allowing a lower initial minimum age than the requirement stated by a Convention, thereby reflecting a degree of flexibility in implementing the Convention. Implicitly,

the ILO recognizes that differences exist between developing and developed countries. What is more, of particular note is the use of the term *'initially'* in the provision, which signals that the ILO expects Member States to gradually raise the minimum age of employment over time. In other words, as Mavunga (2013) points out, Member States can acknowledge that once educational and economic conditions improve, the minimum age of employment should be increased. In light of this interpretation, this provision is noteworthy for its attention to the specific circumstances and particular need of children living and working in developing countries.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

In Article 3, under paragraph 1, hazardous work is covered, which stipulates that a person under the age of 18 cannot engage in such type of work. The primary underlying purpose of this provision is to protect young persons from work that could be harmful to their health, safety, or moral development. However, some scholars, such as Mabunga (), have noted that the provision is somewhat vague, as it does not clearly define or provide clear examples of the types of work that fall within this category. Yet, the types of 'hazardous work' shall be defined in national law or regulations or by competent authorities after consultations with the relevant organisations of employers and workers *'where such exist'* (Article 3.2).

An important addition to this Article, set out in paragraph 3, permits employment from the age of 16, provided that the child's health, safety, and morals are fully protected and that the child has received adequate instruction or vocational training to undertake such work. The latter two conditions, nevertheless, do appear appropriate and reasonable measures to ensure protection from potential harm.

Article 3.3 is worded as follows:

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected

and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

This provision reflects the inherent flexibility of the Convention and the protection it provides for young adolescents to work in well-controlled circumstances, with the purpose of safeguarding their mental and physical well-being and personal growth.

Furthermore, Article 4 addresses the possibility of excluding certain restricted categories of employment.

Article 4

- 1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.*

Article 4(1) encourages the competent national authority to exempt specific forms of work from the Convention's scope, but only under very strict conditions: the exceptions must be necessary, limited to particular categories of work, and relate to '*special and substantial problems*' in implementation.

Mavunga (2013) critically observes that the provision is overly broad and of limited practical use, as it offers no list or guidance on which categories of work may be excluded: concrete parameters for permissible exclusions are, unfortunately, not specified. Crucially, Article 4(3) establishes that:

- 1. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.*

This paragraph explicitly stipulates that hazardous work, as defined in Article 3, cannot be excluded from its application, given its manifest gravity,

Proceeding with the analysis of the articles, Article 5 presents a further flexibility clause, acknowledging that some countries may require additional time to implement the standard minimum age, effectively accommodating less developed countries.

Article 5(1) stipulates that Member States whose economy and administrative facilities are insufficiently developed may initially limit the scope of application of this Convention.

Article 5

1. *A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.*

The term ‘initially’, once again, signals that this is hopefully a temporary, transitional measure, allowing States to implement the Convention gradually, with improvements nonetheless expected. Article 5(3) states the sectors where the Convention’s minimum age rules must at least apply. It lists the sectors in question, as follow:

1. *The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.*

In general, such flexibility clause reflects an apparent accommodation of less developed countries through the permitting of limitations on the scope of the Convention (Mavunga, 2013). Notwithstanding this, by expressly including certain sectors, the provision inevitably and categorically excludes others. For this reason, Article 5 has attracted criticism, as commentators argue that permitting the exclusion of entire economic sectors may weaken the Convention’s effectiveness in protecting children from exploitative or hazardous work. In this line, Sweptson, cited in Mavunga (2013), emphasizes the need to distinguish Articles 4 and 5: Article 4 permits the exclusion of specific occupations and applies to all Member States, both in developed and developing countries, while Article 5 allows the exclusion of entire economic sectors, mainly targeting less developed countries. The author in question maintains that this approach may not effectively safeguard children, because exempting whole economic sectors under Article 5 could leave them exposed to exploitative or hazardous labour practices that would otherwise be regulated by the Convention. Simply put, employers could exploit regulatory gaps and abuse children in excluded or unregulated sectors. Thus, for children to be thoroughly protected from child labour, it is recommended that every sector within the economy be regulated.

A further measure of flexibility incorporated in the 1973 Convention is undoubtedly represented by the Article that follows. Work performed as part of training in technical and vocational schools is excluded from the application of the Convention under Article 6, which provides that:

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

(a) A course of education or training for which a school or training institution is primarily responsible;

(b) A programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

© A programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 6 thus establishes another exception to the application of minimum age requirements, allowing work carried out by persons over the age of 14 for vocational training purposes, subject to relevant authority conditions and consultation with employer and worker organizations. This provision is generally praised for its flexibility, as it enables children to acquire practical skills and training through supervised work. (Mavunga, 2013).

Besides the above provision, Borzaga (2018) acknowledges that ILO Convention No. 138 contains further provisions enabling a broadly flexible implementation: both Articles 7 and 8 provide exceptions to the general rules established in Article 2, allowing limited forms of employment for children under fifteen under specific, tightly regulated conditions. In general terms, the Convention distinguishes between general work, light work, and hazardous work—building on earlier standards and allowing different minimum ages to correspond to different types of work (Borzaga, 2018). In this regard, Article 7 contains detailed regulation regarding light work.

Article 7 of the ILO C138 states:

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

(a) Not likely to be harmful to their health or development; and

(b) Not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

Article 7 permits light work for children over 13 years. Nevertheless, it should be acknowledged that the Convention does not provide a precise definition of what constitutes *light work*, referring only to work that is ‘*not likely to be harmful to the health or development of children*’ and ‘*not likely to prejudice their attendance at school.*’ As a result, the classification of light work may be heavily influenced by environmental, social, cultural, and economic factors (Borzaga, 2018). Thus, the lack of a well-defined description of the term is potentially misleading and may cause misinterpretation of the concept. Nonetheless, it can be inferred that the Convention prohibits all forms of work for children under 13, even if harmless and non-interfering with schooling, reflecting a notably strict and indiscriminatory approach. In this regard, Borzaga (2018) questions the suitability of a general prohibition on child labour under a certain age, particularly in developing countries, where cultural norms differ and poverty may require some forms of child work to sustain livelihoods. Similarly, Mavunga (2013) highlights the excessive rigidity of the prohibition on work for children under thirteen, noting that it applies even when such work is not detrimental and irrespectively from the culture concerned. He observes, for example, that in many traditional African societies, early engagement in work constitutes a primary means of skill acquisition and it signals the cultural path towards adulthood. From this, it is clear that this provision illustrates a cultural incompatibility, as it fails to recognize the diversity of cultural perspectives. White, cited in Mavunga (2013), advances a similar critique of ILO Convention No. 138 based on its insufficient reflection of the best interests of the child and its depiction of children as passive victims, despite the reality of poverty and social breakdown may compel children to engage in certain types of work to survive. It follows that the ILO should reconsider the possibility of permitting light work for children at younger ages (Mavunga, 2013).

Article 8 pertains to another case of employment of children under fifteen as an exception to the provisions generally established in Article 2 of the same Convention.

Article 8

1. *After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions*

to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

Article 8 of ILO Convention No. 138 addresses a specific exception which allows the employment of children under the age of fifteen in artistic performances. While no minimum age is set, the provision imposes strict conditions to ensure that such participation is carefully regulated and appropriate. Children of any age may engage in artistic work only if an individual permit is issued by the competent authorities, following consultation with the relevant employers' and workers' organisations.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

It is then specified that such issued permits must set restrictions on working hours and establish the conditions under which the work may be performed.

Compared to earlier ILO instruments, such as Conventions No. 33 and No. 60, Convention No. 138 omits the requirement that child participation in performances be “in the interests of art, science, or education” and establishes no general requirements or restrictions regarding the employment of children in artistic performances (Dahlén, 2007) in this sense resulting less restrictive.

Finally, following the substantive provisions set out in Articles 1–8, Article 9 addresses enforcement, thereby operationalizing the Convention's principles through mechanisms designed to ensure compliance with minimum age standards.

Article 9 of ILO Convention No. 138 mandates States to implement effective enforcement mechanisms and penalties to ensure compliance with minimum age employment standards.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

On the basis of the above analysis and interpretation of the articles, ILO Convention No. 138 of 1973 displays several recurring structural and substantive features, as highlighted by various scholars in the literature, including Borzaga (2018) and Mavunga (2013). Firstly, the Convention is characterised by a significant degree of flexibility: it contains numerous flexibility clauses (Articles 2, 4, 5, 7, and 8) that allow Member States to tailor the application of its provisions to

their respective levels of economic, educational, and administrative development. Secondly, the Convention is marked by normative vagueness and indeterminacy: several key concepts—most notably *child labour*, but also *light work* and ‘*special and substantial problems of application*’ (Article 4)—are not precisely defined, leaving a wide margin of discretion to States, which constitutes another defining feature of the instrument. As extensively discussed by Borzaga (2018), the provisions of C138 also exhibit a progressive character: many provisions, through terms such as ‘*initially*’ (Articles 2 and 5), reflect a gradual approach, encouraging States to progressively raise the minimum age and expand protective measures over time. Although being inherently prescriptive, Borzaga (2018) remarks the programmatic character of Convention No. 138: it commits Member States to the adoption of national policies aimed at achieving specific future objectives. The author further notes that for developing countries, a realistic approach to implementing ILO standards was necessarily gradual and oriented toward long-term outcomes, relying on programmatic provisions that, by establishing gradual and general targets, grant States considerable discretion in determining how to achieve them. Yet, although C138 allows States some flexibility in implementation, the Convention prescriptively establishes a minimum age for employment, remaining committed to the traditional prescriptive approach of defining minimum working ages.

Yet, full realization of the final objective depends mainly on ratification and subsequential implementation. With regard to ratification, ‘*the ratification rate of this Convention was meagre, and it had not been recognized as a priority Convention subject to more intense scrutiny*’ (Halonen and Liukkunen, 2021, p.57).

Despite the initial reluctance to ratify this Convention, the reasons for which will be explained in detail in the following section, to date its ratification is widespread. Yet, according to official data from the *NORMLEX Information System on International Labour Standards*, some countries still have to ratify ILO Convention No. 138. As reported by this information system, the following countries have not ratified such a convention: Cook Islands, Iran (Islamic Republic of), Marshall Islands, New Zealand, Palau, Somalia, Timor-Leste, Tonga, Tuvalu, and the United States of America. Overall, these non-ratifying countries are distributed across Africa, the Americas, and the Asia-Pacific region, with a notable concentration in small island states. From these data, it emerges that, despite the current extensive ratification of ILO Convention No. 138, significant gaps in ratification persist. Nevertheless, from the analysis of the above findings, it can be inferred that all EU Member States have ratified ILO Convention No. 138, which highlights the overall recognition of the Convention within the European Union.

Though, with regard to ratification, it should be recalled that, unfortunately, that formal ratification should not be considered synonymous with effective enforcement or implementation of the convention. Nevertheless, Borzaga (2018) underlines that, while it does not guarantee automatic implementation, the ratification of Conventions of ILO is a key prerequisite of its potential application. Therefore, without promising full implementation, it has a crucial role as a basis of further improvements.

1.3.1 Recommendation No. 146 - Minimum Age Recommendation

In 1973, together with Convention No. 138, the International Labour Conference adopted Recommendation No. 146 concerning the Minimum Age Recommendation (R146). It is significant to point out that as a recommendation, it is not a binding document, and as such, Member States do not have any obligation to implement it (Mavunga, 2013). Despite not being a legally binding document, this sets a guideline for the Member States on how to adopt the principles of the Convention.

Recommendation No. 146 (Minimum Age Recommendation) is framed around five key areas such as national policy, determination of minimum age for entry into employment, prohibitions on hazardous employment or work, employment conditions, and enforcement of minimum age standards. The Preamble to Recommendation No. 146 introduces the five parts that will be addressed in the Recommendation: it presents the effective elimination of child labour and the progressive increase of the minimum age in a broader policy focusing on *'the protection and advancement of children and young persons'*. The Preamble situates the relevant aim within the wider commitment of the UN system.

Part I of Recommendation No. 146 ('national policy') addresses national policy: national policies should prioritize measures and programmes addressing the needs of children and youth and should extend or further strengthen measures to ensure the best mental and physical development of children and young people. It underscores that *'high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.'* It includes tackling poverty, achieving full employment, enhancing provisions for social protection, and providing education and vocational training. Moreover, *'full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance*

with Article 2 of the Minimum Age Convention, 1973,' with non-hazardous preparatory or occupation-specific training permitted where certain jobs require a higher minimum age.

Part II (Minimum Age) recommends setting a uniform minimum age, that must be the same across all economic sectors, with the progressive aim of raising it to 16 years. In cases where the minimum age for admission to employment or work referred to in Article 2 of the Convention is less than 15 years, States should take urgent measures to raise the minimum age. Additionally, where it is not immediately possible to set a minimum age for all agricultural and rural work, the recommendation emphasizes that *'a minimum age should be fixed at least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.'*

Part III, concerning hazardous employment or work, stipulates that the minimum age for access to work entailing risks to health, safety or morals is set at 18 years. States are urged to *'take immediate steps to raise it to that level'* where it remains lower, to refer to international safety standards in identifying hazardous work, and to *'re-examine periodically and revise as necessary'* the list of hazardous employment, ensuring appropriate minimum-age provisions even where such ages are not yet fixed.

Part IV, on the conditions of employment, requires that children and young persons under 18 work under supervised, safe conditions that safeguard their development, including during vocational training. It underscores that *'measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard'* and highlights safeguards such as *'fair remuneration'*, but also *'the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training'*, also extending to young seafarers not already covered by maritime labour standards.

Finally, Part V addresses the enforcement of Convention No. 138, highlighting the need to strengthen labour inspection and training oversight to identify and address abuses in child and youth employment (*'special training of inspectors to detect abuses...'*). Special attention is required for *'hazardous types of employment or work'* and prohibiting work during school hours. To verify ages, authorities should maintain effective birth registration systems, employers must hold records relating to the age of their employees and children working in streets, stalls, or other hard-to-monitor settings should be issued documents confirming their work eligibility.

Dahlén (2007), in considering Recommendation No. 146, analyses recommendation's authority, scope, and practical significance. Firstly, she notes that, although the recommendation mainly targeted industrialized countries, it also sought to tackle inequalities between rich and poor countries through social measures such as social security, full-time school, vocational training and protection of younger. Secondly, the Recommendation's target of progressively raising the minimum age to 16 aligns with the ILO's view on optimal child development; however, it is largely based on practices in developed countries, which limits its international applicability. Finally, the recommendation under consideration received little discussion during its adoption, and no significant changes were made from the original draft; according the author, it was accepted mainly due to its non-binding essence, and the limited discussion implies that delegates deemed the document of only marginal importance for the minimum-age campaign (Dahlén, 2007). Despite criticism, such a recommendation still functions as a valuable non-binding document, establishing the necessity to implement effective public policy aimed at developing child-centred measures.

1.4 ILO Worst Forms of Child Labour Convention, 1999 (No. 182)

On the basis of the above considerations, it can be concluded that the major weakness of ILO Convention No. 138 lies precisely in the extreme rigidity of its approach and in its insufficient accommodation of the socio-economic realities of emerging countries (Borzaga, 2018). The reliance on a general prohibition based on minimum age thresholds results in the indiscriminate restriction of all forms of child labour, even when the latter are not hazardous and even where children are simultaneously fulfilling their compulsory schooling obligations. As already discussed, scholars highlight the restrictiveness of the child labour prohibition under C138: there is spread consensus that ILO Convention No. 138 failed to acknowledge that some forms of child labour may be necessary or even beneficial in certain cultural contexts (Borzaga, 2018). Unsurprisingly, Mavunga (2013) recalls that culture holds significant influence on the shaping of child labour, particularly in African countries, and, as such, it should be taken into account in legislation. This regulatory framework, ultimately, reveals a limited consideration of the cultural, economic, and developmental needs of many developing States. The Convention's limited success is also attributable to an intrinsic contradiction: it presents itself as a programmatic instrument, requiring Member States to pursue a national policy aimed at eliminating child labour, while simultaneously being intrinsically prescriptive, as its core obligation consists in the establishment of a minimum threshold for employment (Borzaga, 2018). The organization attempt to modernize its strategy towards child labour through a programmatic initiative but failed, and remained committed to the traditional prescriptive approach of setting a minimum employment age (Borzaga, 2018). Finally, the failure of the Convention is largely due to external factors unrelated

to its content, namely to the momentous changes that have affected the ILO since the late 1950s: decolonization and globalization. These latter have reshaped the ILO membership, with emerging countries progressively joining the organization. The Convention's lack of success is ultimately demonstrated by the fact that it '*attracted only seventy-two ratifications in twenty-six years*' (Dennis, 1999, p. 943). In response to such scepticism and challenges to ratification, the ILO, by the mid-1990s, redirected its normative approach toward a system prioritising the eradication of the worst forms of child labour. Thus, the ILO adopted a quite opposite framework from what was used in the 1973 Convention and started the policy of the priorities, incorporating in 1998 the abolition of child labour among the core labour standards, and almost simultaneously adopted a new instrument regarding the subject, namely *Worst Forms of Child Labour Convention* (No 182), also known C182.

Convention No. 182 on the Worst Forms of Child Labour, adopted unanimously in 1999 by the International Labour Conference, entered into force on 19 November 2000. In this context, to focus on the eradication of worst forms of child labour was not only understandable, given their severity, but also really strategic in securing both the adoption of the Convention and its subsequent wide implementation by Member States (Borzaga, 2018).

This treaty was of paramount importance as it is the first international instrument to explicitly recognize the need to shield children from involvement in criminal activities, framing such practices as a manifest form of exploitation and abuse. Notably, the Convention No. 182 emphasizes criminal protection over traditional labour regulation, with its primary goal being the eradication of the worst forms of child labour (Mavunga, 2013). Furthermore, this new Convention represents a focused compromise text aimed at effectively eliminating abusive child labour while acknowledging divergence in practices among countries and carefully accommodating diverse cultural practices and legal systems (Dennis,).

Before analysing the structure and content of the articles, it is necessary to examine the differences that exist between this convention and C138, which are apparent in various respects.

Borzaga (2018) highlights the most salient point of divergence between Conventions No. 138 and No. 182. As briefly mentioned in the previous section, Convention No. 138 sets out a general prohibition on work below a defined minimum age, although there are some exceptions; by contrast, Convention No. 182 addressing the worst forms of child labour does not stipulate a total prohibition on child labour as such: the latter is not intended to guarantee children '*the right not to work*', thereby departing from the previously mentioned Western-centric conception of

childhood. Rather, C182 aims, more narrowly, to prevent them from being employed in specified categories of work that are particularly hazardous or exploitative, which many States, including emerging economies, already considered intolerable well before the adoption of Convention No. 182 in 1999 (Borzaga, 2018). From this, the more limited, and thus specific, objective of the Convention can be observed. Consistent with this observation, Mavunga (2013) argues that, in contrast to Convention 138, Convention 182 recognizes, albeit implicitly, the existence of tolerable forms of child labour while seeking to eliminate its worst forms. Finally, C182 differs markedly from Convention 138 in its structure (Borzaga, 2018): although relatively long, it covers only fundamental issues in a straightforward and focused manner and contains little flexibility, thereby standing out for its innovative character.

To provide evidence for the points made above, I will proceed to investigate the articles most relevant to this analysis.

Borzaga (2018) maintains that Convention No. 182 of 1999 is highly programmatic, being extremely goal-oriented and defining distinct priorities: from its very first article, it functions as a normative instrument requiring Member States to concentrate on a specific goal, namely the elimination of the worst forms of child labour.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

In this provision, careful attention to the terms used is necessary, as they are not accidental. Through ad hoc terminology, it emphasizes the urgent need to eliminate the worst forms of child labour: terms like *'immediate'*, *'effective measures'*, and *'as a matter of urgency'* highlight that these forms must be addressed as a matter of priority. From this specific provision it emerges the distinction between the worst forms and other, less harmful forms of child labour (Mavunga, 2013), thus tolerable. This article, though, focuses on the prohibition and subsequent eradication of the most hazardous ones, encouraging ratifying states to take prompt action toward this end.

Article 2

After the objective, Article 2 delimits the Convention's scope of application, clearly stating that it applies to all persons under the age of eighteen years, as follows:

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 2 defines the subjects to whom the Convention applies, hence encompassing all people below the age of 18 years. The matter is significant because the Convention succeeded in bridging the conventional widespread distinction between children (who should never work) and adolescents (who may work if they have reached the minimum age) (Borzaga, 2018). Therefore, the scope of applicability has a wider reach in the sense that it targets any child or adolescent who may be vulnerable.

Article 3 of ILO C182 clearly defines the ‘*worst forms of child labour*’, differently from C138 that does not provide an explicit and detailed definition of *child labour*.

Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

A direct link between Articles 1 and 3 can be observed, with the latter listing the types of child labour broadly referred to in the former. Mavunga (2013) indicates that the first three categories - 3 (a), 3(b), 3 (c)- are referred to as '*unconditional worst forms*' because there is no level of improvement in working conditions that could make them acceptable or legal, including child prostitution or involvement in illicit or pornographic activities. In this respect, Article 3(d) outlines hazardous work, often referred to as a '*conditional worst form of child labour*', which means that its harmful conditions can be improved by modifying the circumstances in which it is carried out.

In the investigation on Article 3, Borzaga (2018) and Mavunga (2013) suggest that it references, directly or indirectly, the content of previous ILO instruments. Mavunga (2013) alleges that there is a resemblance between Article 3(d) and Article 3.1 in Convention 182 and Convention 138

respectively. To recall, Article 3.1 of C138, about harmful kind of work, sets a minimum age of 18, including *'any type of employment or work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety, or morals of young persons'*. By referring to Gallinetti, the author draws particular emphasis on the fact that harmful work under Convention 138 has been elevated to the status of a worst form of child labour under Convention 182. Hence, there has been a complement between Convention 182 and Convention 138 on minimum age for participation in hazardous work.

Despite this correlative, a key difference between Conventions 182 and 138 exists. It relies on the fact that Convention 138 specifies particular industries like mining, manufacturing, and construction, which are not illegal by themselves; in contrast, while Convention 182 addresses illegal categories of activity, which include slavery, trafficking, forced recruitment, child prostitution, which represents criminal activities in most countries.

Article 4 is also worthy of attention, through which the Convention promotes the identification of hazardous work at the national level: it grants States some national discretion to determine which works are 'hazardous' for minors, with the ultimate goal of eliminating them.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 4.1 therefore grants States a degree of discretion in identifying and subsequently eliminating such forms of hazardous work. In the identification process, the competent authority, which is usually an organ of government, has a duty to consult with employer and worker organisations (paragraph 2). Finally, as stated in the last paragraph of the Article under

consideration, it is also necessary to periodically review such types of work to guarantee that these policies remain relevant and up to date.

Article 5 is critical for the success of this Convention as implementation is crucial for the elimination of child labour. It imposes the following obligation on states: to *'establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention'*.

Alongside Article 1, the programmatic approach is also evident in Article 6, which makes the Convention manifestly action-oriented (Mavunga, 2013).

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

The above provisions strongly stress the importance of action in the attainment of the desired goal. Being the convention oriented through specific goals, paragraph 1 mandates the development of targeted programmes. Of particular importance is the reiteration of the urgency of the matter, using the phrase *'as a priority'*.

As for paragraph 2, an observation should be made with regard to Convention 138: Noguchi, cited in Mavunga (2013), commends Convention 182 for its potential to protect children beyond legislative measures. Unlike Convention 138, it goes beyond mere prohibition of child labour, requiring a comprehensive response that involves collaboration with government, workers, employers, and other concerned groups to end these intolerable and widespread activities.

Building on Article 6's programmatic approach, Article 7 outlines instead Member States' concrete obligations to implement and enforce the Convention.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;

(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;

(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

By outlining the Member States' duties, Article 7 includes also the application of penal sanctions or other more adequate sanctions. However, the Convention does not provide guidelines on what constitutes an appropriate penalty for child labour offenses, leaving this to the discretion of Member States (Mavunga, 2013). The above provision stresses again the need for effective and prompt action (*'take effective and time-bound measures'*) with a particular focus on the removal, rehabilitation, social integration of child workers, education, with peculiar consideration of *'children at risk'* and of the particular reality of girls.

Turning to Article 8 of Convention C182, it is considered the most significant provision in terms of technical cooperation, although the importance of Articles 5 and 6 should be acknowledged for their role in requiring collaboration with other entities. It stipulates that:

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

This provision makes Convention No. 182 particularly distinctive with regard to previous labour conventions (Mavunga, 2013). While traditional international labour conventions were designed to be applied exclusively within the national borders of ratifying states, Convention No. 182 promotes mutual assistance and reciprocal support among member states against child labour, although no specific form or degree of such cooperation is specified. Some maintain that the promotion of reciprocal assistance among States likely builds on the already well-established IPEC experience, which, though run by the ILO, is mainly funded by individual countries and other donors (Borzaga, 2018). Regardless, this provision underscores the synergy between States, which is undoubtedly essential to effectively address this global issue.

Overall, the provisions analysed above demonstrate that the elimination of the worst forms of child labour is undoubtedly imperative, that *'requires immediate and comprehensive action'* (Preamble), thereby compelling an integrated and comprehensive approach. From this urgency derives also the decision to encompass child labour in the four categories of fundamental rights. This organization's new strategy, based on the establishment of core labour standards, has been remarkably successful, even if it has not been able to completely recover from the crisis that had affected it (Borzaga, 2018). The success is evidenced by its rapid and astonishingly high ratification rate: the Convention No. 182 of 1999 was the most ratified convention ever in an extremely brief period of time, entering into force in 2000 and securing the accession of 181 out of 187 member states (Borzaga, 2018). In tune with this, as observed by Betcherman et al. in 2004, ILO Convention 182 holds a unique position: by prioritizing action against the worst forms of child labour, it was the first convention adopted unanimously and, at that time, the most rapidly ratified in the ILO's 85-year history. Undoubtedly, the ratification rate of the Worst Forms of Child Labour Convention has broken all records and has also had a significant role in promoting the adoption of other ILO conventions (Halonen and Liukkunen, 2021). It is indeed worth pointing out the key role Convention No. 182 significantly reinforced the acceptance of Convention No. 138 on minimum working age, whose ratifications notably increased from 1999 onwards.

With 182 (C182), a further momentous event has been reached in the international legal framework: all 187 Member States of the International Labour Organization have ratified ILO

Convention No. 182 on the Worst Forms of Child Labour, thereby achieving universal ratification in 2020. According to ILO Director-General Guy Ryder, this achievement is a historic first because universal ratification implies that all children are now legally protected against the worst forms of child labour and testifies to international consensus on eliminating such practices (ILO).

1.4.1. Recommendation No. 190- Worst Forms of Child Labour Recommendation

ILO Convention No. 182 is accompanied by Worst Forms of Child Labour Recommendation No. 190 (R190), that, as such, is not a legally binding document not requiring ratification.

The Preamble to the Recommendation states the formal adoption of the document to eliminate child labour in its worst forms and the justification for the Recommendation given as a supplement instrument (*‘Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999’*). The Recommendation is composed of three well-defined sections, addressing different aspects: programmes of action, hazardous work and implementation.

Part I establishes the programmes of action, setting out measures and policies that States are encouraged to follow to achieve the ultimate goal of elimination of worst forms of child labour. This first part explicitly refers to Article 6 of C182, reinforcing and clarifying the urgency of such measures. It is fundamental that these action programmes are implemented *‘as a matter of urgency’*, thus requiring immediate action. Then, the objectives of such programmes are clearly defined. They should be directed towards the identification and denunciation of the worst forms of child labour, as well as *‘preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs’*, with particular attention to more fragile groups, including younger children, girls, and those in hidden work situations. Finally, these programmes should engage communities and families and raise public awareness.

Part II identifies the categories of work regarded as hazardous under Article 3(d) of the Convention, including for example work that exposes children to any type of abuse, work with dangerous machinery or work under hard conditions, such as long hours. Yet, it is further specified that employment from age 16, provided children’s health, safety, and morals are fully protected and they have received appropriate instructions or training is allowed.

The final part, regarding implementation, outlines in detail concrete and practical implementation measures to eliminate worst forms of child labour. Among these, mention can be made of data collection, national monitoring systems, national regulation and coordination among authorities and international cooperation. In addition to this, the importance of education, legal protection, appropriate training, parental support, and social awareness is stressed. Thus, the effective implementation of the listed measures proved to be fundamental for the prohibition and eradication of its worst forms as a matter of urgency.

Although it has no binding effects, R190 is a key tool that forms the basis for action, with its clear guidance on how governments are supposed to move with urgency to eliminate the worst forms of child labour while providing vigorous protection for the child through the Convention itself.

2. CHILD LABOUR IN EUROPE: FROM LEGAL FRAMEWORK TO PRACTICAL ENFORCEMENT

2.1 European legal framework: EU law and Council of Europe instruments

While the first chapter examined the international legal framework for the protection of children from child labour, with particular focus on the core ILO conventions, the following chapter adopts a more limited and targeted perspective. The purpose is to assess whether, and to what extent, this broad international legal framework is effectively implemented and complied with within a narrower context — namely, the European Union and its Member States. In this framework, it is important to remember that all EU Member States have ratified the ILO conventions analysed above. However, as already mentioned, it is key to recall that ratification does not automatically guarantee effective implementation (Borzaga, 2018). Borzaga (2018) firmly maintains that mere ratification is not sufficient to ensure the effective enforcement, yet, at the same time, stresses that ratification is an essential precondition for such enforcement. For this reason, it is necessary to narrow down the analysis and examine how and to what extent child labour standards are actually respected within the European Union. As noted by Egan (2015), international law developments combating child labour guide European States in tackling such an unacceptable practice, by setting specific obligations through the EU and Council of Europe. This has contributed to the creation of a European legal standards designed to fight child labour practices and assist Member States in the implementation of EU legislation. Nonetheless, these standards must be transposed into country-specific, binding rules that are actually observed and enforced at the national level. The next section will therefore explore the European normative framework governing child labour, covering both European Union law and relevant Council of Europe instruments; the aim is to assess how European child labour standards are incorporated into enforceable rules and applied within the European system, in order to evaluate the level of national implementation by States; to this end, judicial cases concerning alleged violation children's rights brought before the European Court of Human Rights (ECHR), commonly known as the Strasbourg Court, will be examined.

The promotion of children's rights is one of the main objectives of the EU and the European Parliament, primarily enshrined in Article 3 of the Treaty on European Union (European Parliament, 2023). The European Union's role in the regulation and mitigation of child labour is fundamental, aiming at its complete elimination wherever possible. The EU's adoption of a *zero-tolerance policy* and its influence as a major trading partner help fight child labour in important global supply chains. In this regard, initiatives such as the 2021 International Year for the

Elimination of Child Labour and the 5th Global Conference on Child Labour in 2022 are particularly noteworthy (European Commission). Yet, for the purposes of this analysis, the focus is on the European regulatory framework, namely on the relevant EU directives, regulations, and further European legal instruments concerning child labour.

As it is binding across all EU Member States, the discussion begins with the Charter of Fundamental Rights of the European Union, and then looks at the European Social Charter, which offers additional protection at the broader Council of Europe level; finally, the European Convention on Human Rights and further relevant EU directives and regulations will be considered.

Considering how these instruments coexist and influence each other in the European human rights framework, it is important to briefly clarify the legal relationship between the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights before analysing their substantive provisions.

Firstly, it is important to note that the European Convention is situated within the international system and the Council of Europe, separate from the European Union, whereas the Charter is part of EU law. Yet, the relationship between the two is characterised by both convergence and autonomy. The Convention represents the main source of inspiration for many of the rights later codified in the Charter: the Charter draws strongly on the Convention, and EU treaties include the rights it guarantees as general principles of EU law. In this sense, the Charter may be regarded as '*summa dei principi e delle libertà fondamentali ritenuti valori comuni agli Stati membri dell'Unione, ricavati dai vari strumenti internazionali in materia di tutela dei diritti dell'uomo (in primis dalla Convenzione europea per la salvaguardia dei diritti dell'uomo: CEDU)*' [...] (Strozzi & Mastroianni, 2023, p. 262). Nevertheless, following the reform introduced by the Lisbon Treaty, Article 6(1) TEU formally gives the Charter of Fundamental Rights the same legal value as the Treaties and has made it the primary benchmark used by the Court of Justice, confirming its legal force: 'la Carta diviene così la principale fonte di riferimento per la tutela dei diritti dell'uomo nell'ordinamento dell'Unione'. (Strozzi & Mastroianni, 2023, p. 252). Therefore, with regard to the hierarchy of sources of European Union law, the Charter prevails, even over conflicting national provisions. As noted by Strozzi & Mastroianni (2023), the Convention, although expressly recalled by Article 6 TEU and highly influential, is not formally part of EU primary law and, by itself, cannot obligate national courts to set aside domestic rules. Nevertheless, the coherence between the two systems is ensured by Article 52(3) of the Charter of Fundamental Rights, which governs the relationship between the rights guaranteed by the Charter and the European

Convention on Human Rights: it provides that where Charter rights correspond to those protected by the Convention, their meaning and scope must be the same; the Union may, however, provide more extensive protection. This provision strongly promotes the alignment with the Strasbourg standards, but it does not affect the interpretative autonomy of the EU legal order. As a matter of fact, the Court of Justice is free to define those rights in view of the objectives, principles, and structure of the Union: Although the Convention is referred to, EU law keeps its autonomy and the Court of Justice preserves its independence. (Strozzi & Mastroianni, 2023, p. 252). As a result, the Convention becomes a complementary reference and a confirmation of solutions essentially based on the Charter. (Strozzi & Mastroianni, 2023, p. 252). The latter is primary EU law, while the former is a main source of guidance that shapes the general principles of EU law, without possessing the same status or having automatic primacy over national law: the European Convention on Human Rights, though not yet a mandatory reference source ('fonte di riferimento obbligatoria'), remains the main source of inspiration ('fonte ispiratrice') for shaping EU fundamental rights (Strozzi & Mastroianni, 2023, p.252).

As a final point, it is important to recall the critical role of the two instruments: they are key as they maintain harmonization and ongoing dialogue between the Court of Justice and the European Court of Human Rights.

2.1.1 Charter of Fundamental Rights of the European Union: Article 24, 32, 5

A key element of the European legal framework is the Charter of Fundamental Rights of the European Union, which became legally binding with the entry into force of the Treaty of Lisbon in 2009 (Egan, 2015). The Charter applies to EU institutions and to Member States when they implement EU law, making it binding across all relevant areas for EU members (European Union). According to the EU, its purpose is to safeguard the fundamental rights enjoyed by people within the European Union. As a matter of fact, as directly reported by the EU, the aim of this paramount document is the following: '*The Charter of Fundamental Rights of the European Union (the charter) protects the fundamental rights people enjoy in the European Union (EU).*'

In line with these fundamental principles, particular attention is given in the Charter to the protection of children to ensure their full protection from all forms of exploitation. It protects children from labour exploitation, through more or less direct articles, namely Articles 24, 32 and 5, which will be analysed below.

Article 24- The rights of the child

Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity

- 1. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.*
- 2. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.*

Article 24 of the Charter provides general protection for children: this latter addresses the protection and well-being of children in all aspects of their lives, not specifically in relation to labour or economic exploitation. The significance of Article 24 is evident: it provides the basis for all forms of specific protection, including protection against labour exploitation. Indeed, it sets out general principles for the protection of children, laying the foundation for Article 32, which focuses specifically on safeguarding them from child labour.

Article 32 - Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Article 32 expressly establishes that children are strictly prohibited from working, by stipulating that the minimum age for employment shall not be lower than the 'minimum school-leaving age'. Nonetheless, if there are laws that give even stronger protection to young people, those rules apply, with very few exceptions. Furthermore, young workers must have age-adequate conditions that protect them from exploitation and from any activity that could injure their physical, mental, moral, or social development or education.

Article 32 is thus central to the regulation of child labour, while Article 5 further reinforces the protection framework by prohibiting distinct and most severe forms of exploitation, thus providing that:

Article 5 -Prohibition of slavery and forced labour

- 1. No one shall be held in slavery or servitude.*
- 2. No one shall be required to perform forced or compulsory labour.*
- 3. Trafficking in human beings is prohibited.*

The above article merits attention in this analysis, although not specifically addressing child labour: the provisions contained in this article are connected to this issue, as many of these extreme forms of exploitation often involve children, as in the widespread cases of forced labour and trafficking of minors.

2.1.2 European Social Charter: Article 7

The rights enshrined in the EU Charter are reinforced by the European Social Charter (Article 7), which strengthens protections against child labour at a broader level, namely within the Council of Europe. However, it is important to stress that, unlike the EU Charter, as noted by the Council of Europe, the Charter operates on a ratification system, allowing States to decide which provisions they accept as binding international obligations, while encouraging them to progressively adopt all its provisions.

The European Social Charter was adopted in 1961, while the Revised Charter (CETS No. 163) was adopted in 1996. The European Social Charter is a treaty of the Council of Europe that constitutes a paramount framework for the guarantee of fundamental social and economic rights, complementing the European Convention on Human Rights, which addresses civil and political rights (Council of Europe). As such, it functions as a benchmark in European Union law (Council of Europe). Particular emphasis is placed in this instrument on the protection of vulnerable groups, including the elderly, children, persons with disabilities, and migrants: it requires that the enjoyment of these persons' rights shall be guaranteed without discrimination (Council of Europe). As Egan (2015) points out, the Council of Europe's Revised European Social Charter is of central significance in this subject, offering clear potential as an advocacy tool to challenge the economic exploitation of children. As a matter of fact, this Charter upholds various workers' rights, such as the fundamental obligation to safeguard children and young people from economic exploitation.

In particular, Article 7 of the European Social Charter (Revised) is worthy of attention. It is worded as follows:

Article 7 - The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- 1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;*
- 2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;*
- 3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education. [...]*

Article 7's overall aim is to secure the effective protection of children and young persons, thus ensuring that work does not interfere with their health, morals, or education. Notably, under Article 7(1), Member States are obliged to respect that *'the minimum age of admission to employment shall be 15 years'*. Thus, it sets 15 as the minimum employment age, applying to all sectors, workplaces, and forms of economic activity, including family enterprises and domestic work (Lukas, 2021). Nevertheless, Article 7(1) stipulates an exception to the prohibition of child labour with regard to *'prescribed light work'*. In other words, it is intended to ensure that children are shielded from hazardous work, while still allowing for limited employment in *light work* under closely regulated conditions.

Paragraph 2 of this Article further clarifies that ratifying States must establish a higher minimum age for employment — namely 18 — for occupations considered dangerous or harmful to children's health. An important specification is further contained in paragraph 3, which specifically protects the education and wellbeing of children. Article 7(3) states that children who are still subject to compulsory education *'shall not be employed in such work as would deprive them of the full benefit of their education'*. This clearly highlights the Charter's concern not only on preventing economic exploitation but also on fully protecting children's schooling and development. Compliance of this treaty is supervised by the European Committee of Social Rights (ECSR): as observed by Egan (2015), the European Committee of Social Rights (ECSR) has offered through

its monitoring role under the Charter clear guidance on the obligations of Contracting States. The Committee also explains that Article 7(1) mainly aims to protect children from work that may harm their health, moral welfare, or education, considering the physical demands, working conditions, and psychological effects of this work; for example, work exceeding light-duty limits is considered incompatible with the Charter (Egan, 2015). Thus, States are required to establish legislation defining permissible light work and maximum hours, alongside effective monitoring to ensure compliance, with labour inspectorates playing a decisive role in enforcement (Lukas, 2021).

The majority of EU Member States have ratified the Revised European Social Charter (CETS No. 163), demonstrating broad commitment to its protections. However, according to the official signatures and ratifications table on the Council of Europe Treaty Office website (Revised European Social Charter, CETS No. 163), several EU Member States have not yet ratified the revised Charter, although they remain bound by the original 1961 European Social Charter. The EU countries that have not ratified the Revised Charter are the following: Croatia, Czech Republic, Denmark, Luxembourg, and Poland.

2.1.3 European Convention on Human Rights (ECHR): Article 4

In line with Article 5 of the EU Charter, Article 4 of the European Convention on Human Rights is highly relevant, which reinforces the protection of children from labour exploitation. The European Convention on Human Rights (ECHR) was drafted after World War II by the Council of Europe (Equality and Human Rights Commission, 2014) and entered into force on 3 September 1953, with the purpose of establishing the joint enforcement of fundamental human rights and *'fundamental freedoms which are the foundation of justice and peace in the world'* (Preamble, ECHR). As stated by the Equality and Human Rights Commission (2014), the Convention's rights apply to everyone in ratifying states, and anyone claiming a violation should first seek to resolve it domestically, including through the courts.

In examining the phenomenon of child labour, Egan (2015) underscores the indisputable significance of Article 4, which, according to the European Court of Human Rights, *'enshrines one of the fundamental values of democratic societies'* (Egan, 2015, p. 614). Egan (2015) argues that, alongside Article 3, which prohibits torture and inhuman treatment, Article 4 constitutes one of the Convention's core safeguards of personal integrity and security. As a matter of fact, its adoption was largely undisputed, given its prior recognition in international human rights instruments, including the Universal Declaration of Human Rights, and the resolve of the Convention's drafters to avert a recurrence of the atrocities of the Second World War.

For the present analysis, Article 4 of this Convention is particularly relevant, mainly due to its jurisprudential importance: courts, including the European Court of Human Rights, frequently refer to Article 4 ECHR in cases involving child exploitation. It is therefore a noteworthy article, especially in light of the jurisprudential analysis that will follow this section on the European normative framework.

Article 4: Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. For the purpose of this Article the term “forced or compulsory labour” shall not include:

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) any work or service which forms part of normal civic obligations.

Under Article 4.1 all forms of slavery and servitude are banned. Article 4(2) further establishes the prohibition of forced or compulsory labour, stating that no individual may be required to perform forced work. In this regard, it should be noted that ‘*no one*’ contained in both paragraphs inevitably includes children. Yet, Egan (2015) contends that, while the Convention does not provide explicit definitions of the notions of *slavery*, *servitude*, or *forced labour*, interpretative guidance is offered in relation to ‘*forced or compulsory labour*’: this latter is provided in paragraph 3 through the identification of situations that fall outside its scope, rather than through a positive and extensive definition. It can be thus be concluded that, mirroring the approach of Article 5 of the EU Charter, this article bans extreme forms of exploitation such as slavery and forced labour, often involving children.

2.1.4 The EU Directive on the protection of young people at work (94/33/EC)

While the European legal framework discussed above establishes the fundamental principles of children’s protection, the European Union has also adopted specific directives on child labour,

which serve as practical tools to implement concrete rules within national legal systems. It should be noted that a directive is binding on the Member States as to the result to be achieved, while allowing them to decide how to implement it (EUR Lex). Furthermore, as reported by EUR Lex, *'unlike a regulation, which is directly applicable in Member States after its entry into force, a directive is not directly applicable in Member States, it must first be transposed into national law before it is applicable in each Member State'*.

Relevant to this study is the *EU Directive on the protection of young people at work (94/33/EC)*, whose objective is to set *'minimum requirements in order to guarantee improvements in the health and safety of young workers'* (EUR Lex). The directive has been applicable since 9 September 1994, and Member States were required to encompass it into national law by 22 June 1996 (EUR-Lex). Rodríguez et al. (2007) highlight that Directive 94/33/EC protects workers under 18, requiring Member States to prohibit child labour, ensure that working conditions are appropriate for young people's age and safeguard them against economic exploitation or any activity that could endanger their health, safety, development, or education. To this end, Article 4 explicitly states that *'Member States shall adopt the measures necessary to prohibit work by children'*. Article 6 goes further by requiring employers to assess risks for young workers, implement safety measures, inform them, and involve preventive services. Article 7 then obliges Member States to protect young people from work that is hazardous or unsuitable, including tasks beyond their physical or mental capacity or involving exposure to dangerous substances. The Directive also sets rules on working hours, night work, rest periods, and annual leave. (European Commission).

Although the Directive prohibits the employment of children, a number of derogations must be noted: it permits several exceptions, mainly contained in articles 4 and 5, including children aged 14 and over participating in work or training schemes; those involved in cultural, artistic, sporting, or advertising activities with prior authorization; and children aged 14 and over performing light work (Rodríguez et al., 2007). Overall, it is evident that the Directive in question includes exceptions and derogations to its general rule. With this regard, it has to be noted that it does not set uniform law across all Member States: the Directive sets minimum requirements for health and safety concerning young people, without aiming at aligning Member States' legislation to minimum rules (EUR Lex). It follows that its implementation at the national level is particularly complex, as determining the minimum working age in each country is not straightforward. Yet, a key factor in setting the minimum age is its connection to the end of compulsory education. In short, Rodríguez et al. (2007) argue that the Directive establishes that three kinds of scenarios can arise regarding the work of young people: by relying on the distinction of age groups, the authors

distinguish between prohibited, restricted, and specially protected work. In this perspective, work is generally prohibited for children under 15 except in certain exceptional or light work allowed under strict conditions, while all young people under 18 must be protected against economic exploitation and any work likely to harm their safety, health, development, or education (Rodríguez et al., 2007)

On the basis of the above observations, Council Directive 94/33/EC is a fundamental one and its application must be reviewed: the directive specifies obligations for Member States and the Commission regarding the protection of young people at work. Indeed, Article 17.5 states that ‘*The Commission shall periodically submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Directive taking into account paragraphs 1, 2, 3 and 4,*’ in order to monitor the implementation of this directive and ensure compliance across Member States. As with its implementation, the measures to take in case of violations are also determined at the national level by each Member State. As a matter of fact, ‘Each EU country is responsible for defining the measures to be taken in the event of infringement of the provisions of this directive. These measures must be effective and proportionate to the offence’ (EUR-Lex).

2.1.5 EU Regulation 2024/3015 of the European Parliament and of the Council

For completeness of information, it is necessary to mention also an EU regulation closely related to the management and prohibition of this practice within the EU, which will be examined in greater detail and in a more focused manner in the final section of this study.

A paramount instrument regulating child labour in the EU framework is represented by Regulation (EU) 2024/3015. Firstly, it is necessary to point out that, unlike directives, a regulation ‘applies immediately as the norm in all Member States, without needing to be transposed into national law’ (EUR Lex). Also for its immediate binding nature, this regulation is critical for the present study. Indeed, the aim of EU Regulation 2024/3015 is the following: ‘Regulation (EU) 2024/3015 lays down rules prohibiting economic operators from placing and making available on the European Union (EU) market, or exporting from it, products made with forced labour, to improve the functioning of the internal market and contribute to the fight against forced labour’ (EUR Lex). In short, this regulation imposes a ban on product made with forced child labour in the EU market. It is further important to clarify that the Regulation applies to all sectors, not just to one specific industry. It bans any product made, even partly, with forced labour, applying to at any stage of production, manufacture, harvest, extraction or processing. Also products sold online to EU consumers are also subject to this prohibition (EUR Lex).

2.2 Jurisprudential Analysis: National Implementation of EU Child Labour Law

Having outlined the European legal framework on child labour, including relevant legislation, directives, and regulations, it is both necessary and highly pertinent to examine their implementation at the national level, thereby moving from a purely normative perspective to a court-based one. While all European legal instruments are relevant, this paper concentrates on the application of Article 4 by the ECHR: it explores the ways in which the Court has interpreted and applied the provisions of Article 4 in cases concerning child labour. Yet, since it is impossible to verify the implementation of existing European child labour instruments in each State, two case studies involving child workers will be analysed to assess how these rules are applied nationally. Both cases pertain to States that have ratified the ECHR and are therefore legally bound to respect and uphold its provisions. Consequently, the objective of this analysis is to ascertain the extent to which the Convention is effectively respected at the national level. The first judicial case, although less recent, is analysed as widely acknowledged as central to the issue, while the second one is more contemporary.

Before proceeding with the analysis of the judicial cases, it is important to remark that a key instrument in analysing the protection of children against exploitation at the national level is Article 4 of the European Convention on Human Rights (ECHR). This article is, as previously anticipated, of paramount importance mainly due to its broad jurisprudential relevance: not surprisingly, it is commonly cited by courts in cases involving child labour. Nevertheless, this has not always been the case: Egan (2015) remarks that for a long time, Article 4 of the European Convention on Human Rights rarely interpreted by the courts. This occurred because many practices of exploitation were hidden and had not yet been recognised as modern manifestations of slavery or labour abuse. Consequently, early case law from the former European Commission on Human Rights focused mostly on a different issue: these dealt with whether certain work obligations imposed on adults were acceptable, especially in professional or employment context. Thus, it is apparent that such cases did not involve exploitation or children. It was only with the case of *Siliadin v France* that the European Court of Human Rights was required to apply Article 4 to a case involving a child (Egan, 2015). For the first time, the European Court of Human Rights had to decide how Article 4 applied to a case involving a child, recognising child exploitation and most modern forms of servitude. Thus, this case led to a major change and, as such, warrants closer investigation.

2.2.1 Siliadin vs France (2005)

The case *Siliadin vs France* (2005) marked a turning point in the European human rights system: as also reported by Osservatorio Interventi Tratta (2016), the case *Siliadin v. France* is of central importance, as it represents the first occasion on which the European Court of Human Rights addressed the issue of human trafficking, in a situation concerning a minor.

The procedural background of the case is as follows. The *Siliadin v. France* case started with an application to the European Court of Human Rights. This application was made by Ms Siwa-Akofa Siliadin, a Togolese national, who claimed that she had been subjected to servitude and forced or compulsory labour in France. In January 1994, fifteen-year-old Siwa-Akofa Siliadin arrived in France with Mrs D., a French citizen of Togolese origin, who promised to regularise her legal status and provide an education, while Siliadin performed domestic work for her. Yet, with time Siliadin became an unpaid domestic servant, with her passport confiscated. Later that year, she was sent to work for a couple, Mr. and Mrs. B., constantly doing housework and looking after their three children. She worked from 7:30 a.m. to 10:30 p.m., seven days a week, with almost no pay. In 1998, she confided the situation to a neighbour, who reported her situation to a modern slavery committee, leading to criminal proceedings against the Bs. Criminal charges against the Bs. were dismissed: they were acquitted on appeal as their acts did not constitute criminal offences under French law for slavery or servitude. Yet, in civil court they were ordered to pay compensation for exploiting the woman and forcing her to work without pay. Following their acquittal, the young woman appealed to the European Court of Human Rights, arguing that France did not provide proper protection against her being forced into servitude or, at the very least, forced to work, as prohibited by Article 4 of the Convention. The applicant argued that the French State had failed to establish effective criminal measures to prevent and punish such exploitation, especially given her vulnerability as a minor (ECHR, Di Blasi, 2006). On this occasion, the Court also highlighted that States should not only ratify the Convention, as France did, but also adopt effective criminal legal measures that should safeguard individuals from slavery and servitude (Di Blasi, 2006), thus implying the necessity to verify the national implementation of the Convention. This means that if a person is a victim of slavery and servitude, it should be ensured that the perpetrator is prosecuted and that the legal system should not leave the victim unprotected. Nevertheless, the Strasbourg Court distinguished between *slavery* and *servitude*, where slavery is described as when a person is treated as a property, and *servitude* refers to a situation where a person is forced to work under exploitative conditions and their freedom is restricted. Applying this distinction, the Court held that the minor was not treated as a slave, but was forced to work under servitude conditions.

The Court’s reasoning was the following: the applicant was a minor, worked extremely long hours for no pay, was in a vulnerable and dependent position; in addition to this, her documents had been confiscated and her liberty was really limited. As a victim of servitude, the question was whether France had provided the applicant with adequate protection under its positive obligations under Article 4, given that the Bs. were not criminally convicted despite being charged under Articles 225 §§13–14 of the Penal Code.

The Bs were not criminally convicted, despite being charged under Articles 225 §§13–14 of the French Penal Code. For this reason, the relevant provisions of the French national legislation need to be analysed in greater detail. The French criminal legislation in force at the time of the events was constituted by the French Criminal Code (Code pénal). In Section II – “Relevant Law” of the judgment, the pertinent provisions can be found, as follows:

46. *The Criminal Code as worded at the material time provided:*

Article **225-13**
“It shall be an offence punishable by two years’ imprisonment and a fine of 500,000 francs to obtain from an individual the performance of services without payment or in exchange for payment that is manifestly disproportionate to the amount of work carried out, by taking advantage of that person’s vulnerability or state of dependence.”

Article **225-14**
“It shall be an offence punishable by two years’ imprisonment and a fine of 500,000 francs to subject an individual to working or living conditions which are incompatible with human dignity by taking advantage of that individual’s vulnerability or state of dependence.”

In examining the case, the Court noted that Articles 225 §§13–14 of the French Penal Code aimed to protect vulnerable individuals from exploitation. However, slavery and servitude were not specific criminal offences. The Bs.’ acquittal, despite being charged under Articles 225 §§13–14 of the French Penal Code, and inconsistent judicial interpretations led the Court to find a violation of Article 4, emphasizing that all forms of slavery, servitude, or forced labour must be criminally punished to deter such abuses (Di Blasi, 2006). The Court finally concluded that France had failed to meet its positive obligations under Article 4, as domestic law did not provide full protection against these abuses.

For a clearer understanding, paragraphs 111–115 of the judgement must be considered, as they outline the Court’s reasoning on Article 4 ECHR, stressing States’ positive obligations, as follows:

111. *The Court also notes that, in addition to the Convention, numerous international conventions have as their objective the protection of human beings from slavery, servitude and forced or compulsory labour (see “Relevant law” above). As the Parliamentary Assembly of the Council of Europe has pointed out, although slavery was officially abolished more than 150 years ago, “domestic slavery” persists in Europe and concerns thousands of people, the majority of whom are women.*

112. *The Court reiterates that Article 4 enshrines one of the fundamental values of democratic societies. [...]. In those circumstances, the Court considers that, in accordance with contemporary norms and trends in this field, the member States' positive obligations under Article 4 of the Convention must be seen as requiring the penalisation and effective prosecution of any act aimed at maintaining a person in such a situation (see, mutatis mutandis, M.C. v. Bulgaria, cited above, § 166).*

113. *Accordingly, the Court must determine whether the applicant's situation falls within Article 4 of the Convention.*

114. *It is not disputed that she worked for years for Mr and Mrs B., without respite and against her will. It has also been established that the applicant has received no remuneration from Mr and Mrs B. for her work.*

115. *In interpreting Article 4 of the European Convention, the Court has in a previous case already taken into account the ILO conventions, which are binding on almost all of the Council of Europe's member States, including France, and especially the 1930 Forced Labour Convention (see Van der Mussele v. Belgium, judgment of 23 November 1983, Series A no. 70, p. 16, § 32).*

Thus, by referring to international conventions on the protection against slavery and forced labour, including the ILO conventions such as the 1930 Forced Labour Convention, the Court highlights the importance of Article 4 of the Convention: it comments that by prohibiting slavery, servitude, and forced labour, Article 4 establishes a core principle of democratic societies: ‘*The Court reiterates that Article 4 enshrines one of the fundamental values of democratic societies*’ (§112). It highlights also that Article 4 is absolute, allowing no exceptions, and underlines that States’ duty for their prevention.

In conclusion, ‘The Court held unanimously that there had been a violation of Article 4 by reason of the State’s failure to put in place criminal law legislation sufficient to protect the applicant child from treatment which amounted to servitude and forced labour’ (Egan, 2015, p.620). On this basis,

the judgment underscores that all forms of slavery, servitude, and forced labour must be criminally sanctioned, both to protect victims and to deter potential offenders (Di Blasi, 2006). However, Di Blasi (2006) critically notes that the Court's decision is quite unsatisfactory and could mislead Member States, as criminal penalties alone do not ensure victim protection if the State fails to provide adequate physical and psychological support. Nonetheless, as Egan (2015) underscores, this ruling represented a crucial first step in clarifying the application of Article 4 to cases of exploitative domestic work involving children.

2.2.2 V.C.L. and A.N. v. the United Kingdom (2021)

V.C.L. and A.N. v. the United Kingdom is the second case study that is analysed. It was chosen because it also involves a violation of Article 4 ECHR and is more recent than the first case examined. *V.C.L. and A.N. v. the United Kingdom* was delivered in 2021.

'The present applications concern the prosecution of the (then) minor applicants, both of whom were recognised as victims of trafficking by the designated Competent Authority, for criminal offences connected to their work as gardeners in cannabis factories' (V.C.L. and A.N. v. UK, ECHR)

The case heard by the Strasbourg Court involved two Vietnamese minors, V.C.L. and A.N., who were arrested and convicted in 2009 for offences related to cannabis production. Despite apparent indicators of trafficking, the UK authorities treated them as criminals rather than victims and failed to provide adequate protection (Mennim, 2021). The facts are the following: the applicants, who were minors at the time, were found working in cannabis factories and charged with drug production. The Competent Authority recognised them as victims of trafficking. Yet, the Crown Prosecution Service (CPS) and the Court of Appeal pursued criminal proceedings against them, thus confirming that the prosecution was justified: both were convicted and their appeals were rejected. Notwithstanding this, the applicants argued that, as evident victims of trafficking, they should not have been prosecuted. This reasoning directly raises the issue of the *non-punishment principle*: such a principle imposes on States the obligation to provide for the possibility of not imposing penalties on victims for their involvement in illegal activities, to the extent that they were compelled to act that way (Mennim, 2021). Nevertheless, the Court of Appeal rejected the claim, holding that non-punishment is not automatic and depends on prosecutorial discretion; the convictions were upheld while reducing the sentences (Mennim, 2021). On this basis, the applicants brought the case before the European Court of Human Rights. Although the two relied on Article 26 of the Anti-Trafficking Convention, *'which requires Contracting States to provide*

for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities to the extent that they have been compelled to act as they did' (V.C.L. and A.N. v. UK, ECHR), asserting the State failed to protect them, the Court couldn't assess compliance with the Anti-Trafficking Convention. Instead, the ECHR focused on whether the State met its obligations under Article 4 ECHR: prosecuting a potential victim of trafficking may violate the State's duty to protect them if it knew or should have known they were trafficked. Thus, it is important to identify victims early to uphold Article 4 of the ECHR. The European Court of Human Rights examined for the first time the application of Article 4 of the Convention in cases involving the prosecution of victims or potential victims of trafficking (ECHR). Before the court, the applicants complained about the lack of protection from the authorities following the trafficking they had been subjected to and about the authorities' failure to conduct a proper inquiry into the trafficking itself (Mennim, 2021). On this basis, the applicants alleged a failure by the authorities to offer protection and a failure to guarantee a fair trial, arguing a violation of Articles 4 and 6 respectively.

'The present case was the first occasion on which the Court had been called upon to consider if and when a case concerning the prosecution of a (potential) victim of trafficking might raise an issue under Article 4' (V.C.L. and A.N. v. UK, ECHR). Indeed, this was the first case in which the Court had to decide whether, and when, prosecuting a person who is a victim or possible victim of trafficking could raise an issue under Article 4 of the ECHR. The ECtHR held that the prosecution of potential victims of trafficking is not prohibited *per se*, but a decision to prosecute should only occur after a trafficking assessment by a qualified authority, especially in cases involving children, following the Palermo Protocol and the Anti-Trafficking Convention criteria. As reported by the ECHR:

160. In order for the prosecution of a victim or potential victim of trafficking to demonstrate respect for the freedoms guaranteed by Article 4, his or her early identification is of paramount importance. It follows that, as soon as the authorities are aware, or ought to be aware, of circumstances giving rise to a credible suspicion that an individual suspected of having committed a criminal offence may have been trafficked or exploited, he or she should be assessed promptly by individuals trained and qualified to deal with victims of trafficking. That assessment should be based on the criteria identified in the Palermo Protocol and the Anti-Trafficking Convention (namely that the person was subject to the act of recruitment, transportation, transfer, harbouring or receipt, by means of threat of force or other form of coercion, for the purpose of exploitation)

having specific regard to the fact that the threat of force and/or coercion is not required where the individual is a child (see paragraphs 94 and 102 above). (V.C.L. and A.N. v. UK, ECHR)

In these cases, the applicants were not promptly referred to the Competent Authority, and even after being recognised as victims, the CPS (Crown Prosecution Service) continued prosecution without adequate justification, relying on factors irrelevant to the internationally accepted definition of trafficking. The Court found that the UK authorities had firstly failed to take the necessary measures to protect the applicants, both as potential and later recognised victims, and secondly that these failures also undermined their right to a fair trial. Thus, the CPS's disregard of the Competent Authority's findings led the ECHR to find violations of Article 4, for failing to protect trafficking victims, and Article 6 § 1, that guarantees the right to a fair and public trial. On the basis of this reasoning, the Strasbourg Court unanimously ruled that the United Kingdom had violated Articles 4 and 6(1) of the ECHR. At the end, compensation was awarded to both applicants (Mennim, 2021). In commenting on the case, Mennim (2021) points out that Article 4 of ECHR imposes positive obligations on States, that are both substantive and procedural. The author notes that, in relation to trafficking, Article 4 of the Convention imposes three types of positive obligations on the State: the first one is a duty to put in place a legislative and administrative framework for the ban and punishment for trafficking; the second relies on the duty to take operational measures to safeguard victims of trafficking; as a final point, a procedural duty to examine cases of potential trafficking.

As for domestic law, the UK legal framework for trafficking and child protection at the time included the *Modern Slavery Act 2015*, which provides defences for victims of slavery or trafficking who commit offences under compulsion. It is '*An Act to make provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims; to make provision for an Independent Anti-slavery Commissioner; and for connected purposes*' (Modern Slavery Act, 2015). Yet, '*Prior to the coming into force of the relevant provisions of the 2015 Act, there was no statutory provision in the United Kingdom which transposed into domestic law the State's obligations under international conventions towards those victims of human trafficking who committed crimes where there was a nexus between the crime and the trafficking.*' (V.C.L. and A.N. v. UK, ECHR). Therefore, it is a very important act as, prior to this, protection largely relied on judicial discretion and CPS policy. In addition, the National Referral Mechanism (NRM) and Competent Authorities (UK Human Trafficking Centre and Home Office) were tasked with identifying and assessing potential victims.

According to the Youth Justice Legal Centre (2021), since the Modern Slavery Act 2015, all criminal justice practitioners must identify potential victims of modern slavery, as they may be entitled to a statutory defence, particularly if they are under 18. The ECHR emphasizes the importance of early identification, but victims are often referred to the National Referral Mechanism only after defence lawyers get involved, as in *V.C.L. and A.N.* Additionally, any decision to prosecute must be justified not only under the Modern Slavery Act 2015, but also be in line with the Palermo Protocol and the Trafficking Convention, thus in accordance with international standards (Mennim, 2021). Indeed, these two instruments provide the international legal definition of human trafficking and set out standards for identifying victims of trafficking. As directly reported by the ECHR, '*According to the Palermo Protocol and the Anti-Trafficking Convention, in order to be considered a victim of human trafficking three constituent elements usually had to be present: the person had to be subject to the act of recruitment, transportation, transfer, harbouring or receipt (action); by means of threat of force or other form of coercion (means); for the purpose of exploitation, including, inter alia, forced labour or services (purpose). However, the "means" element was not required where the individual was a child as they could not give informed consent*'

In light of the above, it is possible to draw some general conclusions regarding both case studies previously examined. Firstly, clear violations of children's rights occurred in *Siliadin v. France* and *V.C.L. and A.N. v. the United Kingdom*, underscoring the significance of European human rights protections for child workers. In addition to this, it can be noted that both judicial cases concern distinct modern and complex forms of child exploitation, namely servitude and trafficking. In each case, the European Court of Human Rights emphasized the importance of upholding Article 4 ECHR, which not only formally prohibits slavery, servitude, and forced labour, but places positive obligations on States to prevent exploitation, protect victims, and ensure the effective prosecution of perpetrators. Yet, it is necessary to point out that, although both judgments address State obligations under Article 4 ECHR, they arise from different legal and practical contexts: while *Siliadin's* case involved domestic servitude of a minor and the failure of French law to provide specific and effective protections against servitude, *V.C.L. and A.N.'s* case involved trafficked children forced to work in cannabis factories, showing flaws in UK identification and prosecution. Nevertheless, it can be argued that both rulings emphasize the necessity for States, respectively France and United Kingdom, to implement appropriate normative and operational measures to shield children from any form of exploitation, regardless of the form: the normative authority of Article 4 of the ECHR is thus consolidated. This show also that it acts as a guiding parameter for establishing whether States have fulfilled their positive obligations in relation to

child victims of such exploitation. Taken together, these rulings reaffirm that protection of children from labour exploitation in Europe cannot rest upon the mere ratification of standards. Instead, it must be based on the States' enforcement of their positive obligations.

Ultimately, this section has been devoted to the normative and jurisprudential European framework, highlighting the manner in which child labour standards must be translated into specific binding domestic provisions, that have to be respected and implemented at the national level. Indeed, the assessment by the Strasbourg Court of the effectiveness of European child labour standards at the domestic level has revealed national shortcomings, stressing the responsibility of each Member State to comply with the Convention's provisions. These deficiencies resulted in clear violations of children's rights that, as such, must be promptly remedied and prevented. Through the application of Article 4 ECHR in specific legal case studies, it clearly emerges that States are required to adopt adequate concrete measures in the protection of child labourers, since the mere adherence to a Convention or any other legal instrument proves meaningless. This, once again, underscores that practical implementation of the Convention within national borders must necessarily follow the initial formal ratification by States (Borzaga, 2018).

3. CORPORATE RESPONSIBILITY FOR CHILD LABOUR: FROM CSR TO EU CORPORATE SUSTAINABILITY DUE DILIGENCE DIRECTIVE

The first two sections of the present study focused on the international and European legal framework, analysing conventions, laws, directives, and other relevant legal instruments aimed at addressing child labour, from which specific obligations and responsibilities arise for States. Yet, responsibility is not confined to such entities, as obligations -if not binding duties, then at least expectations- also apply to companies. This chapter signals the shift from child labour protection focused mainly on States to the growing identification of ethical responsibilities, and nowadays of real obligations, for private economic actors. Indeed, although clear European rules and laws on child labour exist, the key point is that even if production takes place elsewhere, the goods enter the European market: this implies EU intervention through the enforcement of corporate responsibility for the companies that market these products. Simply put, businesses must be accountable for human rights impacts in their supply chains. Therefore, addressing companies' responsibility to prevent and eradicate child labour is essential.

This chapter will examine the Corporate Social Responsibility (CSR) that businesses are expected to implement, with a focus on children's rights protection and child labour prevention, before moving on to the analysis of a more concrete and binding legal instrument, namely the EU Corporate Sustainability Due Diligence Directive, also known as Directive (EU) 2024/1760.

3.1 Corporate Social Responsibility and Codes Of Conduct: A Soft Law Framework

In the current era, businesses are increasingly expected to go beyond profit-making and, by implication, to demonstrate a responsible corporate conduct. This changing expectation has given rise of Corporate Social Responsibility (CSR), which encourages companies to act responsibly and make a positive contribution to society and the environment (Usman & Rashid, 2024).

Barabino & Partners (2023) defines what CSR is: *'Corporate Social Responsibility (CSR), also known as Business Social Responsibility, is defined as the sense of responsibility that a business or any other business entity has towards the community and the environment, both as a natural and geographical environment and as a social context in which it operates'*. In essence, it covers the moral responsibility of the business towards the society and the environment. Similarly, HEC Paris describes Corporate Social Responsibility as a clearly structured corporate approach in which companies go beyond economic profits to incorporate social and environmental values and issues.

When considering CSR, it is essential to highlight that this corporate model is based on corporate voluntary commitment. The non-mandatory character of CSR underlines that it is a corporate

deliberate choice and a responsibility that goes beyond legal obligations (European Student Think Tank, 2025). Thus, businesses operate on a discretionary basis, guided by ethics and morality rather than obligation. Accordingly, being CSR policies inherently voluntary, it qualifies as a form of soft law; yet, although non-binding, it can significantly influence corporate actions and ethics.

Corporate Social Responsibility initially emerged as philanthropic commitment, with companies engaging in charitable activities outside their core operations (Usman & Rashid, 2024): in the early stages, such activities were therefore separate from the company's main business. Although early CSR was primarily aimed at improving public image and often criticised for its superficiality and weak integration into core operations, Usman & Rashid (2024) underscore that contemporary CSR clearly extends beyond charity, involving the systematic embedding of ethical and responsible practices across all areas of business practices. On this basis, many definitions distinguish it from philanthropy, emphasizing that CSR is linked to a company's core business and it may even help the company succeed in the long term. Under this understanding, such a business model can be conceptualized as a set of practices that balance social, environmental, and economic considerations (HEC Paris). Moreover, the ISO 26000 standard, a leading CSR framework, associates CSR with sustainable development, defining it as '*the responsibility of an organization for the impacts of its activities on society and the environment, through transparent and ethical behavior that contributes to sustainable development*' (HEC Paris). Yet, despite these formal definitions and standards, some scholars criticize the weak enforcement of corporate obligations. For instance, Gereffi (2005), cited in Klampfl (2025), critically remarks that corporate responsibilities have been largely ignored by policymakers in favour of business interests. Export promotion and globally enforceable rights have been prioritised, while human rights and environmental protection regulations remain limited. In addition to this, a study carried out by the European Commission shows that European small and medium-sized enterprises (SMEs) have not been implementing sufficient social responsibility measures, thereby resulting less active due to limited resources. As a matter of fact, research has shown that only 55% of companies engage in human rights-related activities within their supply chain (European Commission, 2021, cited in Klampfl, 2025). Against this backdrop, Klampfl (2025) notes that, in the absence of comprehensive and enforceable legal obligations, responsibility largely rests with companies themselves. They must assess the negative human rights and environmental impacts of their business activities by carefully considering and actively managing the social effects of their practices. Through concrete actions, businesses have the potential to effectively safeguard human rights and mitigate potential abuses, particularly when children are involved. However, prior to

delving into the businesses' CSR commitments aimed at preventing child labour, it is pertinent to provide a brief background on the origins of corporate social responsibility.

Kolk et al. (1999) point out that the notion of CSR first arose in the early twentieth century in the United States, though it gained renewed interest after the 1950s. Early advocates, as Carnegie, suggested that corporations should not be driven by profit alone, while the growing concern about the rising influence of corporations led to anti-trust legislation (Holmes, 1977, cited in Kolk et al., 1999). The two core principles that form the basis of modern CSR are the following: first, the *charity principle*, whereby the charitable duty is shifted from wealthy individuals to corporations, and second, the *stewardship principle*, whereby corporate managers are urged to consider the public interest, thus not solely the interests of shareholders (Frederick et al., 1992; L'Etang, 1995 cited in Kolk et al., 1999). From this point, it is apparent that corporations, in addition to individuals, started to assume social responsibilities. Despite the lack of interest in CSR during the Great Depression and World War II, it experienced a great revival in the 1950s. Since then, it has continued to develop to encompass new ideas such as corporate social responsiveness and corporate social performance, mainly as a result of stakeholder theory and business ethics. According to HEC Paris, CSR has its roots in the 1950s and 1960s, during which economists, as Howard R. Bowen and William C. Frederick, explored the social responsibilities of business executives in response to the ethical concerns arising from the emergence of large businesses. Yet, it is interesting to note the relevant change in the concept with the passing of time: over the course of time, the notion of CSR has undergone a series of transformations, leading big businesses to become aware of the prominent social issues in society and therefore adopting CSR initiatives to tackle them effectively. Hence, as highlighted by Usman & Rashid (2024), in contemporary business practice, CSR has come to denote a core organisational tenet. Its evolution reflects a shift from philanthropic orientation to strategic approach, with CSR becoming a key tactical mechanism for reputation building enhancement, stakeholder trust and talent retention. With respect to this, it should be underlined that this model acts as a meaningful strategic tool in business organizations, that businesses can significantly leverage to their advantage.

Unsurprisingly, CSR is rooted in the effort to balance economic objectives and ethical responsibility, hopefully reconciling the two: it signifies finding the 'equilibrium between achieving business success and adhering to moral principles in the interest of humanity and the ecosystem' (Uman and Rashid, 2024, p 1).

While Corporate Social Responsibility (CSR) defines companies' commitments to act in a socially responsible manner, Corporate Social Performance (CSP) shifts the attention toward actual

measurable outcomes, thereby focusing on actual 'corporate performance'. CSP, as defined by Donna Wood (1991) cited in Kolk et al (1999), refers to a company's set of principles, processes, and outcomes reflecting its social responsibility and contributions. Firstly, *principles* operate on three levels: social legitimacy at the societal level, public responsibility at the organizational level, and managerial discretion at the individual level. These principles are key as they guide a company's ethical behaviour and are the foundation for both internal and external codes of conduct, which translate these principles into practice. Within this framework, a distinction has to be made between internal and external codes: internal codes guide employees' personal ethics, while external codes, especially in multinational corporations, address accountability, legitimacy, and public responsibility. Secondly, *processes*, or social responsiveness, ensures that actions align with social responsibilities. Finally, *outcomes* include social impacts, programs, and policies, with effectiveness measured through monitoring systems, sanctions, and financial commitments.

Building on the notion of CSR, which reflects a company's ethical accountabilities toward society, the environment, and human rights, these practices are part of business ethics. *Business ethics* studies what companies should do morally in their operations and decision-making. Put differently, it is the discipline that 'aims to formulate requirements for companies and the managers who act on their behalf' (Kolk and Van Tulder, 2004, p.49). Kolk and Van Tulder (2004) highlight that multinational companies receive special attention in this context, as the fact that they operate in many countries makes it difficult for them to implement consistent ethical values and practices. To deal with such ethical issues, they resort to corporate codes of ethics and make trade-offs according to their objectives and processes. In this regard, the major challenge for multinationals is to maintain a balance between universal ethics and local practices that may occasionally contradict each other (Kolk and Van Tulder, 2004).

In this perspective, Kolk et al. (1999) maintain that codes of conduct are pivotal tools in translating a company's ethical principles into concrete actions. *Codes of conduct* indeed consist of a set of guidelines, recommendations, or rules established by social actors, whose aim is to influence the behaviour of business organizations, especially international companies, to promote greater corporate responsibility. In this context, any social actor can be considered as an adopting body, while organizations are habitually the target of these codes. Codes of conduct can therefore be considered as tools that provide guidelines that influence internal behaviour as well as external partners. Although not legally binding, externally oriented codes are especially relevant in dealing with the problem of child labour. They provide clear guidance for suppliers and contractors: such codes serve as practical instruments to combat child exploitation, ensuring that corporate ethical

principles are implemented effectively. Nevertheless, codes of conduct can be developed by social actors such as governments, international institutions, NGOs, and trade unions to manage and regulate actions of corporations and safeguard the rights of children, or by companies themselves to show self-regulation and minimize risks, as well as to enhance corporate reputation (Kolk et al, 1999). In addition to this, codes of conduct assist corporations in maintaining a social license to operate as they demonstrate that corporations behave in an ethical and responsible manner. Yet, their effectiveness depends on multilayered and intricate mechanisms, that encompasses ‘monitoring, sanctions and financial commitment’ (Kolk et al, 1999, p. 151), ensuring that prohibitions and responsibilities, as the one on child labour, are concretely enforced and not merely symbolic. Although these mechanisms have the potential to ensure that codes of conduct and CSR commitments do not remain solely a symbolic responsibility, their effectiveness has limitations and challenges, which will be discussed in depth in the following sections of this chapter.

3.2 Corporate Responsibility For Child Protection

According to UNICEF, the UN Global Compact, and Save the Children, children are key stakeholders in business—as consumers, family members of employees, young workers and future employees and business leaders; at the same time, they are essential members of the communities and environments in which companies operate. Since businesses inevitably affect children through their operations, products, services, supply chains, and community presence, they have a clear responsibility to respect, safeguard and promote children’s rights. On these considerations, the above-mentioned international organizations carefully recognize the vulnerability of children and emphasize that the impacts of corporate activities on their health, development, and well-being are significant and can produce long-lasting, and irreversible, effects. While preventing and eradicating child labour remains a fundamental priority, UNICEF, the UN Global Compact, and Save the Children highlight that companies must go further: they must go beyond harm prevention and proactively incorporate children’s rights into their core practices.

Nowadays, corporations are increasingly aware of major social issues, foremost among them child labour, which remains a pressing global challenge. Within this scenario, Corporate Social Responsibility (CSR) proves to be critical in abolishing, or at least mitigating, child labour practices through the promotion of ethical practices. Based on this, the moral dimensions of corporate social responsibility in addressing labour exploitation, particularly child labour, warrant careful consideration. Upholding children’s rights is a crucial commitment for companies: companies’ protection of children’s rights is both a moral and strategic imperative, that proves to be essential for reinforcing trust, mitigating reputational risks, and reinforcing supply chain

transparency. In other words, CSR efforts to combat child labour becomes highly advantageous from a strategic perspective: acting to protect children's rights highly strengthens corporate credibility, brand reputation, and long-term business sustainability (United Nations). Briefly, as noted by United Nations, 'prioritizing children's rights is not just a moral obligation -it's a smart business strategy for sustainable growth'. In practical terms, to achieve this aim, businesses should effectively embed children's rights into all their operations and supply chains, establish clear rules and policies, monitor suppliers, and engage with local communities. Additionally, companies must ensure ethical standards in their supplier networks, actively prevent the exploitation of child workers, and avoid hazardous working conditions (Usman & Rashid, 2024).

This approach aligns with the emphasis by Usman & Rashid (2024) on the key role of corporate social responsibility in tackling child labour through the advancement of ethical labour practices, that must be closely coordinated with the labour standards set by the International Labour Organization (ILO). In line with International Labor Organization frameworks, CSR programs should guarantee fair wages, safe working conditions, and, as for children, the elimination of child labour. By managing their supply chains responsibly and transparently, companies should contribute not only to eradicating child labour but also to promoting broader community development (Usman & Rashid, 2024). This means that this corporate behaviour will also prove to be beneficial for overall social well-being. Furthermore, through such a commitment, companies also contribute to the creation and the promotion of a fair and inclusive economy (United Nations), one in which individuals of all ages are respected and guaranteed equal treatment, regardless of their age. On the basis of the above, CSR is an effective means for fostering the welfare of child workers and for enhancing social equity, simultaneously reinforcing sustainable business practices.

To this end, companies are required to assume accountability for labour practices involving minors to avoid that such vulnerable people are exploited or subjected to unsafe conditions within their operations and global supply chains (Usman & Rashid, 2024). From these observations, it can be inferred the undeniable responsibility of companies to combat child labour: efforts cannot rest solely on States but must be borne largely by businesses as well. Hence, it is possible to maintain that compliance with international and European obligations by States alone is insufficient if businesses do not proactively respect and enforce ethical labour standards throughout their corporate practices. In line with this, the *UN Guiding Principles on Business and Human Rights* (UNGPs), established in 2011, further strengthens corporate responsibility by requiring companies—particularly multinationals—to conduct human rights due diligence (European Student Think Tank). According to Business and Human Rights Centre, the UNGPs is a valid

framework for companies that rest on three pillars: the state's obligation to protect human rights, the duty of businesses to respect human rights, and the guarantee of redress for victims of corporate abuses.

At the same time, acknowledging the continuous transformation of industries is crucial, as CSR initiatives must evolve alongside companies to proactively address emerging ethical challenges in global supply chains and remain effective (Usman & Rashid, 2024). Nevertheless, its effectiveness rests on a multitude of factors, primarily on how deeply it is integrated into corporate business strategy.

To support such integration, a number of initiatives and practical targeted instruments, as *Children's Rights and Business Principles*, designed to assist companies in implementing CSR to safeguard children's rights and eliminate exploitative practices are vital.

Among these, *The Child Labour Platform* (CLP) is a platform where businesses and stakeholder jointly aim to tackle child labour in their supply chains. The initiative is co-chaired by the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), coordinated by the International Labour Organization (ILO) and the Global Compact. According to ILO, the objectives of this programme are broad: the CLP seek to share experiences in dealing with child labour, identify challenges that the business community faces in implementing ILO standards and Global Compact principles on child labour, and firmly believe on the role of strong cooperation to address the problem (ILO). The initiative also contributes to supporting the global knowledge base on child labour through sector-specific tools and the dissemination of good practices (ILO). Finally, this workstream is cross-sectoral; nevertheless, sector-specific working groups are possible to enable the Child Labour Platform to address sector-focused themes in a detailed and straightforward manner (ILO).

Besides the Child Labour Platform, another relevant initiative is represented by the *Global Business Network for Social Protection Floors*: this latter is a worldwide network of companies and corporate foundations sharing the commitment to uphold the human right to social protection. Its main purposes are to share best practices in worker protection and to guide companies in promoting public social protection through advocacy and collaboration (ILO Business Networks).

Ultimately, more targeted than the Global Business Network for Social Protection Floors, the *Global Business Network on Forced Labour* is a partnership of the ILO, companies, and business associations, whose aim is to fight forced labour and human trafficking by promoting social awareness, leadership, and capacity-building across industries and supply chains (ILO Business Networks). Despite the magnitude of the challenge, the Global Business Network firmly maintains that companies are dedicated to eradicating forced labour, as reflected in the rising number of

initiatives they support. According to the International Labour Organization, the Network's work is structured around four principal areas: the first one is *connect*, which entails the unification of business actors across various industries and geographical areas. The second key area is *convene*, that implies engaging and working with relevant actors to address structural and systematic issues. The third one is *innovate*, that is strengthening and expanding strategies for addressing forced labour. Finally, *support*, which entails providing business actors with the necessary guidance to address forced labour.

Collectively, these networks and initiatives provide valuable guidance and incentives for companies to adopt responsible labour practices and maintain robust ethical standards. This highlights the significance of corporate involvement in addressing this global challenge. It is important to reiterate that corporate ethical responsibility constitutes a central—arguably indispensable—element in the elimination of such an inhumane practice: in fact, as pointed out by United Nations, businesses have the potential to ensure that children's best interests (UNCRC, Art. 3) are effectively upheld.

While CSR presents notable advantages, it should be acknowledged that CSR practices to tackle child labour are not without limitations. Although recognizing their benefits, Berlan (2016) points out some criticisms: the author maintains that CSR discussions often focus only on abolishing child labour and other abuses, while overlooking the broader ways businesses affect children. Drawing on the Children's Rights and Business Principles promoted by UNICEF, Save the Children, and the UN Global Compact, Berlan (2016) stresses that children should be recognized primarily as rights-holders, and as stakeholders. Berlan (2016) thus argues that, although businesses are increasingly adopting broader CSR policies regarding children's rights, even going beyond direct economic self-interest, the long-term impact and authenticity of these initiatives are uncertain. In fact, some of them may be driven mainly by public relations or easier profit opportunities. Importantly, CSR has largely failed to address children's right to freedom of expression and be heard, which constitutes a critical shortcoming in current corporate practices.

In response to these limitations and gaps in current CSR initiatives, the *Children's Rights and Business Principles*- developed by UNICEF, the UN Global Compact, and Save the Children- provide practical guidance for companies to manage child labour and protect children's rights. The *Children's Rights and Business Principles* complement the aforementioned initiatives by enabling companies to implement and uphold children's rights 'across all areas of their operations and relationships' (United Nations). This comprehensive child-centred framework provides concrete guidance for companies to integrate children's rights into their operations, supply chains, and

business practices: the ultimate goal is to secure that ethical standards are maintained at every stage of business, across all policies and practices. First proposed in 2010, such Principles were developed with input from businesses, governments, civil society, and children to direct companies in matters concerning children. Such a set of principles is widely recognized for providing guidance on the assessment of corporate impacts on children. It also helps for the implementation of effective actions that enhance sustainability and contribute to inclusive, stable communities (UNICEF). Drawing from existing standards and best practices and addressing different key issues - from child labour and the role marketing to aiding children in emergencies- this framework urges companies to respect children's rights through core business operations, policies, due diligence, and remediation (UNICEF).

A brief analysis of the document is necessary. The Children's Rights and Business Principles outline business actions to '*respect and support children's rights*', in accordance with the Convention on the Rights of the Child and ILO Conventions No. 138 and 182. The principles concerned are grounded on Article 3 of the CRC, that states that 'the best interests of the child shall be a primary consideration'. The introductory section of the document clarifies that businesses are expected to act on two distinct levels: first, to respect children's rights as a minimum requirement; and second, to actively support them, 'through core business activities, strategic social investments and philanthropy, advocacy and public policy engagement, and working in partnership and other collective action' (The Children's Rights and Business Principles). *The Children's Rights and Business Principles* outline ten fundamental responsibilities ('Principles') that all businesses should adhere to in safeguarding and supporting children's rights. Each Principle outlines an action that companies may carry out to fulfil their corporate responsibility to protect and foster children's rights, offering various strategies (UNICEF). Companies are firstly expected to respect and support children's rights and foster the abolition of child labour in business activities and business relationships. This includes guaranteeing decent work for young workers, parents and caregivers, as well as ensuring children's protection and safety in business activities and facilities. In addition to this, businesses must guarantee that their products and services are safe, use marketing and advertising in a conscious way and safeguard children's rights in relation to the environment and land use. Finally, businesses have the duty to uphold children's rights in security arrangements and actively help protect children affected by emergencies, such as natural disasters or armed conflicts. They should also contribute to community and government efforts to defend and effectively fulfil children's rights.

3.3 Limitations of CSR Efforts Addressing Child Labour

Although the above guidelines and soft laws provide a significant framework for companies for protecting children's rights and regulating child labour, Berlan (2016) highlights the limitations and weaknesses of CSR in effectively upholding children's rights.

Firstly, debates on children and Corporate Social Responsibility (CSR) have mostly focused on media-driven child labour scandals in multinational corporations, particularly in the clothing industry. These scandals have heavily influenced Western ideas about business and children's rights, shaping perceptions of corporate responsibility, while generating strong public concern and little tolerance for the exploitation of children, both as workers and consumers (Berlan, 2016). Notwithstanding this attention, companies have failed to address their overall responsibility towards children as real rights-holders and stakeholders. In this respect, Berlan (2016) argues that CSR discourse has focused too narrowly on abolishing child labour practices and other abuses, largely ignoring the broader relationship between business and children. In line with the *Children's Rights and Business Principles* advocated by UNICEF, Save the Children, and United Nations Global Compact, children should be regarded not only as victims of such practice but primarily as rights-holders, whose views and rights are taken into consideration in business decisions. This encompasses the recognition of children as consumers, workers, leaders, and members of communities within which business enterprises operate. Although the author is aware that children's right to express themselves and be heard is frequently neglected by companies, she is convinced that a better understanding and implementation could strengthen policies safeguarding children's human rights in business. Encouragingly, initiatives like *Children's Rights and Business Principles* (2012) are broadening the understanding of how businesses can support children's rights (Berlan, 2016). A step forward has been made: in comparison to the past, ethical sourcing schemes and corporate social responsibility initiatives have increased public awareness of the issue (European Student Think Tank, 2025). Hence, nowadays businesses are increasingly adopting broader CSR policies concerning children's rights, sometimes going beyond direct economic self-interest (Berlan, 2016) Nevertheless, Berlan (2016) questions whether this expanded corporate role is sustainable or desirable, pointing out the fine line between genuine commitment to children's rights and public relations strategies or new profit-seeking opportunities. Accordingly, a major gap in the current CSR agenda remains: companies often fail to uphold children's right to express themselves and have their views respected.

Overall, that Corporate Social Responsibility (CSR) regarding children's rights is evolving but remains complex and considerably limited. While companies are increasingly implementing CSR

strategies towards child labour, they must balance genuine commitment with the risk that their actions are perceived as self-serving or purely for public relations (Berlan, 2016). Genuine engagement with children as stakeholders would enhance CSR credibility and efficacy, yet modern businesses still struggle or are unwilling to engage (Berlan, 2016). Simply put, despite the potential boost to their credibility and trust, a number of today's businesses and institutions still lack the capacity or motivation to do so.

Accordingly, shortcomings persist: such measures remain limited in scope, mainly reactive, and primarily dependent on voluntary commitments. The European Student Think Tank (2025) observes these deficiencies, pointing out that these are limited in terms of the level of transparency, monitoring of subcontractors, and remediation mechanisms. Most importantly, due diligence is essentially voluntary, and in the absence of any binding framework, businesses tend to adopt minimal standards, largely driven by reputation concerns rather than legal liability. Thus, while progress can be observed, initiatives are clearly fragmented and therefore limited in terms of effectiveness: 'To prevent child labour, there needs to be a move from performative compliance to enforceable accountability and response' (European Student Think Tank, 2025)

In light of the above observations, it can be noted that corporate commitment targeting the elimination of child labour in global supply chains, which largely take the form of soft law and as such non-binding and not immediately enforceable, are undoubtedly useful. However, they are unlikely to be fully effective in tackling such a pressing global issue, which is primarily a moral concern, and then a mere corporate obligation. Their marginal effectiveness signals the need for binding instruments to tackle- or at least meaningfully alleviate —the plight of child labour within supply chains.

3.4 From Soft Law to Binding Obligations: The Emergence of The CSDDD, Directive (EU) 2024/1760

As outlined in the preceding section, although CSR frameworks are highly relevant in providing valuable guidance and help to raise awareness and responsibility among companies, they are not legally binding and may therefore lack effective enforcement. As a result, corporate commitments to combat child labour may remain superficial or unevenly applied.

In response to these limits and weaknesses, the European Union adopted the Directive 2024/1760, known as Corporate Sustainability Due Diligence Directive (CSDDD), establishing mandatory due diligence duties. The Corporate Sustainability Due Diligence Directive was formally adopted

by the European Union in 2024. Nevertheless, Farbstein (2025) explains that the CSDDD was proposed in February 2022, and its scope and obligations were defined in a provisional agreement in December 2023. Then, the Directive was approved in March 2024, published in July 2024, and later adjusted by Omnibus I in 2025. (Farbstein, 2025).

In considering the huge potential of this instrument, UNICEF highlights the relevance of the European Union in guiding corporate conduct: as a major global economic actor, the EU plays a critical role in shaping business practices impacting children worldwide. Unfortunately, today many business activities still harm children - through child labour, exposure to toxic substances, and other relevant rights violations. Based on this fact, the European Union is instrumental in influencing both the current conditions and the future prospects of children within its Member States and globally. Its regulatory decisions concerning business conduct significantly contribute to the protection and fulfilment of children's rights worldwide (UNICEF). For this reason, the Directive was necessary as it requires companies to conduct sustainability due diligence and adopt climate transition plans. The CSDDD merits attention within this framework as it represents a key transition from the voluntary ethical responsibility of CSR to a concrete and enforceable approach to corporate obligations: this Directive marks a shift from soft-law commitments to concrete legal obligations for companies.

The EU Corporate Sustainability Due Diligence Directive (CSDDD), as can already be inferred from its title, is a legislative measure focused on corporate sustainability and on companies' obligation to carry out due diligence across their value chains. Indeed, this Directive lays down legally binding obligations on firms to respect human rights and environmental issues, both within the EU and across their global operations. In other words, as reported by the European Commission, the Directive establishes a 'corporate due diligence duty'. This duty requires companies to address human rights and environmental issues across all aspects of their operations, including subsidiaries and value chains. Companies are also required to develop climate transition plans aligned with the European Commission's objective of achieving climate neutrality by 2050. According to the European Commission, the primary purpose of the due diligence duty is to promote responsible and sustainable corporate conduct. To this end, it is imperative that firms identify, prevent, mitigate, and, if necessary, remedy actual or potential adverse impacts on human rights and the environment, not only in relation to their own activities but also with respect to their suppliers' activities (Farbstein, 2025): companies must ensure that their suppliers and business partners follow the same standards of human rights and environmental protection. That is to say, the obligations of the firm are not only limited to its activities but to the entire supply chain. Its

implementation is of fundamental importance, as the CSDDD brings relevant advantages for a wide range of stakeholders, including citizens, companies, and developing countries, as noted by the European Commission. For citizens, the CSDDD ensures the effective protection of human rights and the environment, while enhancing transparency and facilitating access to justice. For companies, it provides a clear regulatory framework, builds trust, enhances risk management, and offers competitive advantages. Finally, it has also important advantages for developing countries, that are the following: better working and environmental conditions, sustainable investment opportunities, the application of international norms, and improved living conditions for local communities (European Commission). Yet, although the Directive offers clear advantages for a number of actors, this analysis will be focused on obligations and potential gains it has with respect to companies.

Having established the EU's key role in shaping business practices involving children and the significance of the Directive, a detailed analysis of this instrument follows.

The Directive is formally structured into 38 Articles and includes a comprehensive Preamble, composed by 99 recitals. The Preamble introduces the context in which the Directive operates and its purpose. It firstly provides that the Union is based on values such as human dignity, freedom, and respect for human rights, as laid down in the Charter of Fundamental Rights, referring to Article 2 of the Treaty on European Union (Preamble, recital 1). It underlines the need for this legislation, since it points out that, although some Member States have already adopted binding national due diligence laws, it is necessary to adopt an EU-wide framework to ensure a 'level playing field' and prevent fragmentation: *'It is essential to establish a Union framework for a responsible and sustainable approach to global value chains, given the importance of companies as a pillar in the construction of a sustainable society and economy. The emergence of binding law in several Member States has given rise to the need for a level playing field for companies in order to avoid fragmentation and to provide legal certainty for businesses operating in the internal market'* (Preamble, recital 31). For the sake of this analysis also recital 33 is key, as it states that: *'companies should pay special attention to any particular adverse impacts on individuals who may be at heightened risk due to marginalisation, vulnerability or other circumstances, individually or as members of certain groupings or communities'*. Consequently, corporate actors are expected to exercise heightened diligence in identifying and mitigating potential adverse impacts of their operations on children. A final paramount point of the Preamble is that it clarifies that *'the main obligations in this Directive should be obligations of means'* (Preamble, recital 19), meaning that companies are required to make all appropriate efforts

within their activities to address adverse impacts, rather than guaranteeing their absolute prevention or cessation: they are not expected to guarantee that such impacts will never occur. In other words, the requirements of Directive 2024/1760 are centred on the steps companies take to mitigate or prevent negative impacts, rather than on the achievement of optimal results.

The following section will discuss the in-depth examination of articles that are pertinent to child labour issue, which the companies falling within the scope must comply with in order to address it. Indeed, despite the Directive covers a broader range of environmental and human rights issues, only the provisions relevant to preventing the exploitation of children in global supply chains will be addressed in this paper.

Article 1 is worthy of attention, as it clarifies the subject matter of the directive concerned. It is worded as follows:

Article 1

1. This Directive lays down rules on:

(a) obligations for companies regarding actual and potential human rights adverse impacts and environmental adverse impacts, with respect to their own operations, the operations of their subsidiaries, and the operations carried out by their business partners in the chains of activities of those companies;

(b) liability for violations of the obligations as referred to in point (a); and

(c) the obligation for companies to adopt and put into effect a transition plan for climate change mitigation which aims to ensure, through best efforts, compatibility of the business model and of the strategy of the company with the transition to a sustainable economy and with the limiting of global warming to 1,5 o C in line with the Paris Agreement.

2. This Directive shall not constitute grounds for reducing the level of protection of human, employment and social rights, or of protection of the environment or of protection of the climate provided for by the national law of the Member States or by the collective agreements applicable at the time of the adoption of this Directive.

3. This Directive shall be without prejudice to obligations in the areas of human, employment and social rights, and of protection of the environment and climate change under other Union legislative acts. If a provision of this Directive conflicts with a provision of another Union legislative act pursuing the same objectives and providing for more extensive or more specific

obligations, the provision of that other Union legislative act shall prevail to the extent of the conflict and shall apply as regards those specific obligations.

This article defines the Directive's subject matter: it establishes rules on companies' obligations regarding actual and potential human rights and environmental adverse impacts in their own operations, subsidiaries, and value chains. In paragraph 2 and 3, it also explains that the Directive does not reduce the existing level of protection offered by national law or other EU laws, and that more specific rules in other laws will prevail.

Article 2 is also relevant because it clearly determines the companies required to comply with the Directive, thereby also with child labour rules. Indeed, it is important to point out that these EU rules apply only to certain companies: large EU firms with over 1,000 employees and €450 million turnover, and large non-EU firms with €450 million turnover in the EU. Small and medium companies are mostly excluded but may be affected if they work in the supply chain (European Commission).

Article 3

Article 3 of Directive (EU) 2024/1760 (CSDDD) provides the definitions used throughout the Directive, including how adverse *human rights impacts* are understood. In the context of child labour, the definition of an 'adverse human rights impact' is the most critical element.

Under Article 3(1)(c), an 'adverse human rights impact' is defined as:

(c) 'adverse human rights impact' means an impact on persons resulting from:

(i) an abuse of one of the human rights listed in Part I, Section 1, of the Annex to this Directive, as those human rights are enshrined in the international instruments listed in Part I, Section 2, of the Annex to this Directive;

(ii) an abuse of a human right not listed in Part I, Section 1, of the Annex to this Directive, but enshrined in the human rights instruments listed in Part I, Section 2, of the Annex to this Directive, provided that: — the human right can be abused by a company or legal entity; — the human right abuse directly impairs a legal interest protected in the human rights instruments listed in Part I, Section 2, of the Annex to this Directive; and — the company could have reasonably foreseen the risk that such human right may be affected, taking into account the circumstances of the specific case, including the nature and extent

of the company's business operations and its chain of activities, the characteristics of the economic sector and the geographical and operational context;

Thus, Article 3 describes an *adverse human rights impact* as any negative effect on people resulting from a company violating the rights listed in the Directive's Annex or other internationally recognized rights that the company could reasonably have foreseen. Based on this definition, it can be noted that it links corporate due diligence to the human rights standards, including labour rights such as the prohibition of child labour, forced labour, and other exploitative practices. Specifically, the Directive references in the Annex the UNCRC and ILO Conventions No. 138 and 182 on minimum age and the worst forms of child labour.

Article 8

Closely linked to this definition, Article 8 sets out provisions for 'identifying and assessing actual and potential adverse impacts', requiring companies to spot and evaluate actual or potential human rights and environmental impacts in their operations and supply chains, as reported in paragraph 1.

- 1. Member States shall ensure that companies take appropriate measures to identify and assess actual and potential adverse impacts arising from their own operations or those of their subsidiaries and, where related to their chains of activities, those of their business partners, in accordance with this Article.*

In paragraph 2(a) and 2(b), the Directive mandates companies to take 'appropriate measures' including mapping their operations and conducting in-depth assessments of areas where risks are most likely and severe. From a child labour perspective, Article 8 requires companies to first assess and promptly identify where their activities or supply chains may contribute to child exploitation or other violations of children's rights. Once these risks are identified, companies must prioritise and address them through further due diligence steps established in the following article. The risk assessment is important because the next steps — prevention and remediation (Articles 10, 11, and 12) — rely on correctly identifying the type of child labour, including whether it involves hazardous or forced work. On this basis, it can be concluded that Article 8 clearly prevents companies from claiming they are unaware of child labour. In fact, by requiring proactive risk

identification, it specifies the foundational step that enables companies to systematically detect threats to children's rights before implementing concrete measures to address this issue.

Indeed, articles 10 through 13 of the Directive mark the transition from identifying risks to taking concrete action, creating a mandatory framework for companies to address child labour within their operations and chains of activities.

Article 10

Article 10 stipulates that companies must *'take appropriate measures to prevent, or where prevention is not possible or not immediately possible, adequately mitigate, potential adverse impacts that have been, or should have been'* identified under Article 8. When determining measures, companies must consider whether the impact occurs in their own operations or those of a business partner, together with *'the ability of the company to influence the business partner that may cause or jointly cause the potential adverse impact'* (Article 10(1))

Among these measures, businesses must, *'where necessary due to the nature or complexity of the measures required for prevention, without undue delay develop and implement a prevention action plan, with reasonable and clearly defined timelines for the implementation of appropriate measures and qualitative and quantitative indicators for measuring improvement'* (Article 10(2)(a))

Article 11

Article 11 focuses on *'bringing actual adverse impacts to an end'*: it establishes the duty on companies to end actual adverse impacts. This involves companies taking adequate measures to end or at least mitigate violations, that have already occurred and, if possible, offering remediation, as explained by Article 12. In the context of child labour, if child labour is actually found to exist, Article 11 requires companies to take all necessary steps to bring such rights infringement to an end or, at a minimum, to reduce its magnitude. This underscores that stopping such abuses is a priority.

Article 12

Article 12 focuses on remediation of adverse impacts that have already occurred, mandating that *'where a company has caused or jointly caused an actual adverse impact, the company provides remediation'*. It thus expects companies to remediate any harm they have caused or contributed to

in relation to child labour. For minors, such remediation may include providing access to education and rehabilitation, rather than only financial compensation.

Article 13

Finally, Article 13 strengthens due diligence by calling on companies to actively engage with stakeholders throughout the process. It underscores the need to consult them to identify, prevent, and address negative impacts, including child labour in the supply chain. By highlighting the consultation of stakeholders, the provisions contained in this article indicate that companies should involve not only their employees but also local communities, specialized NGOs, and other relevant actors. This collaboration helps develop effective and targeted strategies that safeguard children's rights.

Taken together, Articles 8 to 13 of Directive (EU) 2024/1760 establish a comprehensive framework of due diligence for companies to address child labour. These articles compel companies in scope to identify risks (Article 8), prevent possible damages (Article 10), end, or mitigate, actual violations (Article 11), provide remediation (Article 12), and interact with stakeholders (Article 13). On the basis of the above considerations, it is clear how the European Union, by means of such a powerful instrument, has required large companies to explicitly include children's rights in their due diligence and business practices (Save the Children).

As anticipated above, Directive (EU) 2024/1760 represents a major shift by turning the fight against child labour from a voluntary ethical choice dictated by moral responsibility into a binding legal obligation. In this regard, Vasilka Lalevska (2024), Child Rights and Corporate Sustainability Advisor at Save the Children, stated that the Directive constitutes an important turning point, as it moves sustainability requirements from voluntary commitments to legally binding obligations. She further explained that large companies will now be required to conduct effective human rights and environmental due diligence and may face penalties if they fail to comply. By distinguishing between adverse environmental and human rights impacts, the Directive defines *adverse human rights impacts* as violations of specific rights explicitly listed in the Annex, which refers to the most authoritative international instruments.

UNICEF extensively demonstrates the reflection of children's rights in the EU Corporate Sustainability Due Diligence Directive in the first place by stating that the rights of the child and the UN Convention on the Rights of the Child (UNCRC) provide the legal foundation for the due

diligence obligation. The due diligence duty must be conducted in accordance with the UNCRC, which also applies to the courts or supervisory bodies in assessing the compliance with the due diligence obligation or the violation of the rights of the child. While the Directive explicitly highlights certain rights — such as the rights to health, right to education, right to an adequate standard of living, and protection from economic and sexual exploitation — due diligence is not limited to these rights; as a matter of fact, the UNCRC as a whole applies. Hence, it also refers to International Labour Organization Conventions No. 138 and 182, and recognises that breaches of wider human rights, including those impacting parents and communities, can have detrimental effects on children.

The directive's approach anchors the protection of children in internationally recognised standards, making corporate compliance mandatory. In this regard, it is important to recall that the need to comply with the international standards in the protection of child labour must be implemented at different levels, namely, not only at the level of the Member States, but also at the level of the corporations. UNICEF maintains that another way the Directive reflects children's rights is by ensuring strengthened access to justice: EU Member States must ensure that children, and their representatives, can seek remedies in court for harm caused by companies failing to carry out adequate due diligence, have NGOs or trade unions act on their behalf and receive protection during investigations. Moreover, children can also submit concerns to supervisory authorities, with protections for their identity and the right to be informed of the investigation's outcome. Finally, through this instrument, children are explicitly recognised as stakeholders and rights-holders. This implicitly implies companies to attentively consider their views in stakeholder engagement to better identify risks and implement due diligence and remediation (UNICEF). In addition to this, it has to be noted that the Directive explicitly includes children's rights in its Annex and, reinforced by recital 33, requires companies to pay special attention to vulnerable or marginalised groups. This inclusion creates a clear legal obligation for companies to address adverse impacts on children's rights as part of their sustainability due diligence, covering their own operations, subsidiaries, and business partners (UNICEF). Overall, UNICEF stresses that the EU CSDDD provides a comprehensive framework for systematically integrating child rights protection across corporate operations and relationships.

Believing firmly in the validity of this tool, UNICEF urges the effective implementation of this legal instrument in order to protect children's rights: it calls on companies to take concrete actions, against child labour and encouraging them to consider all rights under the UNCRC, not limited to child labour. Companies are also encouraged to evaluate the entire value chain and focus on risks

according to their severity. In particular, child-sensitive due diligence should address the root causes of violations of children's rights, and to this end, cooperation with governments, communities, and child rights organizations is critical. Importantly, companies should also ask governments to ensure the rapid and ambitious transposition of the Directive into national law, extending the protection of children's rights and providing support measures for third countries (UNICEF).

Considering all the points outlined, the Directive's significance in addressing the issue becomes evident: through it, tackling child exploitation becomes a mandatory, systematic, and accountable corporate responsibility. This emphasis on corporate accountability for child labour and broader human rights issues is strengthened by the Centre for Child Rights: the latter observes that the EU CSDDD promotes a practical approach to human rights due diligence (HRDD), requiring companies to actively recognise and manage negative impacts on human rights. Building on this approach, UNICEF maintains that the Directive can significantly advance the protection of children's rights, as long as it is effectively implemented with a clear and explicit focus on integrating children's rights into corporate due diligence frameworks. Accordingly, for the legislation to be effective, all human right due diligence efforts—both at the strategic and operational level—must aim to prevent violations of basic human rights affecting employees, supplier workers and their families, and affected communities. It follows that if companies prioritize this goal, placing it at the hearth of their sustainability practices, it could lead to meaningful positive change for millions of people (The Centre for Child Rights).

Vasilka Lalevska (2024) underscores that companies are key actors in this scenario: Lalevska asserts that, at present time, with millions of children worldwide affected by extreme weather, poverty, and conflict- factors that endanger their safety, wellbeing, and future perspectives - it is more crucial than ever for companies to actively contribute to protecting and upholding children's rights. As a matter of fact, through responsible corporate conduct and the rigorous implementation of this Directive, companies have the potential to generate meaningful positive outcomes for millions of individuals and their families, who rely on these efforts for improved livelihoods (the Centre for Child Rights).

A final key point concerning the implementation of the Directive under analysis must be noted: the application of Directive (EU) 2024/1760 may be demanding. For this reason, delays in its implementation are possible. Taking this into account, recent regulatory developments have highlighted the need to grant companies additional time to comply with its requirements.

With respect to this, it is necessary to mention Directive (EU) 2025/794, the so-called ‘Stop-the-clock’ Directive. The Directive at issue was formally approved by the European Council on 14 April 2025: Member States must incorporate it into national law by 31 December 2025. The European Council explains in this regard that it ‘postpones the dates of application of certain corporate sustainability reporting and due diligence requirements, as well as the transposition deadline of the due diligence provisions’. In simpler terms, ‘Stop-the-Clock’ Directive delays existing sustainability reporting obligations. At the same time, it postpones specific due diligence requirements. As a result, Member States are granted more time to transpose these rules into national law.

As noted by Latham & Watkins (2025), the Directive constitutes the first step of a broader two-part omnibus package. This package is designed to simplify and streamline corporate compliance with both the Corporate Sustainability Reporting Directive (CSRD) and the Corporate Sustainability Due Diligence Directive (CSDDD). Overall, its aim relies on the simplification of companies’ compliance with CSRD and CSDDD requirements.

Given its significant implications for businesses, both the Council and the European Parliament treated the Directive as a priority. Their goal was to provide greater legal certainty regarding reporting and due diligence obligations. To achieve this, two main measures were adopted: first, the CSRD deadlines were postponed by two years for large companies that have not yet started reporting, as well as for listed SMEs. Second, the transposition deadline and the first phase of the CSDDD, particularly for the largest companies, were delayed by one year. Accordingly, the Directive grants companies additional time to report and carry out due diligence, providing greater flexibility in meeting their obligations.

In this context, Directive (EU) 2025/794 is a useful measure for companies under the CSDDD. It was introduced in response to the challenges of complying with due diligence obligations and provides additional time to implement the required frameworks. Specifically, companies are granted greater implementation flexibility, through grace period to which they are entitled. Importantly, additional time is beneficial in terms of outcomes: extended deadlines will improve the quality of results. In this way, companies are able to conduct due diligence in a more thorough and structured manner. This can lead to more effective identification and management of risks within global value chains. Overall, the Directive contributes to enhancing the quality of compliance: thus, it supports a more effective and consistent implementation of due diligence requirements. At the same time, the need for such a grace period highlights the complexity of the

framework: it shows that the application of due diligence obligations is neither simple nor immediate.

Notwithstanding this, Directive (EU) 2024/1760 signifies the establishment of clear binding obligations for the protection of children's rights and the elimination of child labour. It clearly extends responsibility from States—subject to compliance with international and EU legal standards—to private actors, including companies. From this, it can be inferred that even the smallest contribution by any actor or entity is essential to the protection of these vulnerable people from economic exploitation.

4. CHILD LABOUR IN THE FAST-FASHION INDUSTRY

4.1 The Epidemic of Child Labour in the Fast Fashion Industry

Child labour clearly constitutes a serious issue that continues to affect numerous economic sectors. Importantly, in recent years its incidence has become particularly pronounced and expansive within the fast-fashion industry, which is the focus of the present analysis. The fast-fashion industry is indeed highly affected by exploitative practices, which at a greater extent involves children.

This section will examine the multi-layered inevitable abuses that arose from such an exploitation, illustrating the reasons why children are the preferred victims in the sector. Then regulatory responses, that are mainly represented by disclosure laws, will be discussed. In respect to these latter, weaknesses will be shown.

4.1.1 Fast Fashion and the Violation of Children's Rights in Global Supply Chains

Child exploitation occurs throughout all stages of fast-fashion production and often takes place in hazardous conditions that endanger children's safety and well-being. Without any doubt, child labour exists across many globalized industries and numerous sectors. However, this practice is particularly prevalent in fast fashion due to the so-called *race to the bottom*, the high demand for inexpensive clothing in Western countries, and the complexity of the industry's supply chains (James, 2022). On the basis of these factors, it follows that the great expansion of the fast-fashion industry has driven the widespread proliferation of child exploitation within garment and footwear supply chains. This has created conditions of elevated risk for many children: in modern times child labour in the fast-fashion industry has become a pervasive, almost systematic, practice. Accordingly, the fast-fashion sector's vast reach and complex supply chains make its exploitation worth highlighting.

Crucially, given the highly complex, multi-layered, and globalized nature of fast fashion production, which involves multiple actors operating across different countries and numerous stages, this phenomenon must be analysed within the broader framework of global supply chains. With respect to this, 'a supply chain is a group of linked firms that pass goods and services through a coordinated value chain that results in a final product' (James (2022, p. 257). Still, James (2022) highlights the complexities of global supply chains in fast-fashion. The author argues that supply chains of modern multinational corporations have evolved into opaque globally distributed networks. These networks connect a number of actors across many stages of production. In the process, fast-fashion brands serve as lead firms, coordinating intermediaries who connect them to

multiple suppliers responsible for manufacturing the product, producing textiles, and sourcing raw materials. To illustrate, Figure 1 shows a simplified version of a supply chain in the fast-fashion industry.

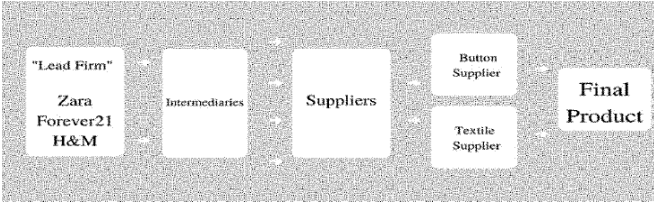


Figure 1 (James, 2022, p.257)

This change brought with supply chain structure reflects the overall transformation of the traditional garment and footwear sector into the fast-fashion industry. In the sector concerned, supply chains have become optimized for speed, cost reduction, and fast seasonal turnover.

Importantly, the phenomenon emerged in the 1990s as part of globalization and growing consumer culture. Fast-fashion—shortly defined by the European Parliament as ‘the constant provision of new styles at very low prices’—has reshaped the clothing industry, by driving massive increases in clothing consumption (James, 2022). As explained by James (2022), fast fashion is a contemporary global phenomenon in which large clothing corporations rapidly replicate the latest styles and trends, cheaply and at minimal prices. Simply put, it is a business model designed to transform the latest fashion trends into affordable clothing, prioritizing speed and cost efficiency (Schirrer, 2024). Not surprisingly, the defining feature of this business model is speed: they produce cheap clothing in large quantities, which is then quickly discarded in favour of new collections. In fact, since the early 2000s, global clothing production has doubled to 100 billion pieces per year, with new collections being launched every week (UNDP, 2019, cited in Humanium). This rapid growth reflects how fast the fashion industry moves today. It also puts pressure on companies to cut production costs and deliver clothes more quickly, sometimes harming labour standards and workers’ rights, including those of children. However, fast fashion itself is not inherently problematic (James, 2022). The issue appears when companies use unfair and unethical practices—such as child labour or human trafficking—to lower costs and produce clothes faster in order to stay competitive. For this study, what is important to highlight is that in order to maximize profits while maintaining prices low, fashion industry often relies on workers’ exploitation. The dynamic at its basis is often referred to as *race to the bottom*: according to Humanium, companies, in order to sustain such high output at minimal cost, reduce costs by

producing in countries with lower wages, weaker labour laws, and fewer environmental rules. As a result, workers in the supply chain often face very low pay, unsafe conditions, and inadequate labour protection. In order to reduce costs, fast fashion businesses often use suppliers who employ children, as they are an extremely cheap workforce. Hence, fast-fashion, by encouraging a culture of hyperconsumption, extensively perpetuates child labour, creating major social and ethical problem across the industry and strengthening the phenomenon. Accordingly, this results in a violation of their rights.

Similarly, DiLonardo (2024) explains that this system has serious negative effects on both the environment and workers' rights, arguing that 'fast fashion refers to the mass production of cheap, stylish clothes, resulting in significant environmental and labour issues.' Indeed, the production of inexpensive clothing also has a strong impact on children's lives and rights, thus demonstrating that the fashion industry is not only about trends and consumption. Fast-fashion brands such as Zara, H&M, Shein, UNIQLO, Primark, and Victoria's Secret raise serious ethical concerns and are therefore linked, directly or indirectly, to violations of children's rights (DiLonardo, 2024).

Also according to Schirrer (2024), the fast-fashion industry, to fulfil its objectives in a fast and inexpensive way, takes advantage of the young workers by exploiting them. It follows that the latter are subjected to long working hours, separation from their families, exposure to unsafe working conditions, and pressure to meet strict deadlines set by the fast fashion industry. This treatment has resulted in harassment as well as health and physical problems to the workers. And these effects are inevitably amplified when it involves children. Similarly, DiLonardo (2024) maintains that the fast-fashion sector systematically exploits vulnerable workers, with children frequently labouring in sweatshops. In sweatshops they face long hours, very low pay, hazardous conditions, and exposure to toxic chemicals, highlighting the harsh and unsafe environment in which they are forced to work. In analysing the incidence of the practice in the sector in question, James (2022) also underscores the shocking prevalence of child labour in the fast-fashion industry. He clarifies also that children's involvement begins at the very beginning of the production: children are subjected to work from the first stages of the textile industry. Yet, it must be noted that, although this issue exists worldwide and concerns the majority of fast-fashion business, it is particularly common in some countries such as India, Bangladesh, Benin, and Uzbekistan. The prevalence of the practice in the countries mentioned is mainly due to poverty and limited enforcement of labour laws (James, 2022). In addition to this, James (2022) offers some reflective insights on the deceptive recruitment strategies employed by some businesses. According to the

author, children are often attracted by false promises of fair wages, food, and shelter. Actually, they are then exposed to hazardous working conditions comparable to modern-day slavery.

James (2022) further illustrates why children are attractive to fast fashion suppliers: they are targeted primarily for their extremely low labour cost. Moreover, their skills and physical characteristics play a key role. Indeed, they are the preferred victims as they are able to perform tasks that are precise, simple and repetitive, like sorting, stitching, and handling delicate materials—which are essential parts to the production process. In addition, they are chosen because of their great manual skills, as well as their dexterity, which is useful for tasks as for threading buttons or doing embroidery. This is highly reinforced by structural poverty in many producing countries: it makes children readily available as cheap labour, enabling companies to reduce costs while perpetuating exploitation (James, 2022).

As a result, the fast-paced mass production of inexpensive garments frequently compromises basic human rights and worker safety, leading to apparent violations (EcoWatch, as cited in DiLonardo, 2024). In this context, child labour becomes a cost-saving strategy, directly violating a multitude of children's rights, as their right to education, safety, and development. Yet, from a broader standpoint, fast-fashion not only exploits children through exploitative labour practices but also threatens their broader well-being through its environmental impact.

In light of the above considerations and the undeniable implications of the business model under consideration for children, it is manifest how child labour constitutes an epidemic within the fast fashion industry, emerging from the earliest stages of production and characterizing the majority of global supply chains (James, 2022). It is clear that the fast fashion industry endangers the safety of workers, with children being the most affected, violating multiple children's rights, such as the right to health and education. More broadly, these violations collectively undermine the fundamental right to life.

Crucially, although this exploitation is highly widespread in the sector under analysis, it remains difficult to monitor. James (2022) illustrates the reasons why the supervision of the practice in this specific sector is an arduous undertaking. Globalization and the complex business models adopted by major fast-fashion brands - often based on long production networks involving numerous layers of subcontractors and outsourced suppliers- make it really hard to identify and address child labour violations within supply chains. Indeed, examining fast fashion through supply chain frameworks underscores how the multi-tiered and geographically dispersed nature of these networks acts as an

impediment in the effective monitoring of exploitative labour practices, including child labour. These elements make it difficult for brands, governments, and consumers to detect such practices. The complexity is mainly due to limited transparency and the physical distance between suppliers and corporate headquarters (James, 2022).

4.1.2 Regulatory Responses: Child Labour Disclosure Laws and Their Limitations

In consideration of the high rate of exploitative labour practices, mainly involving children, concerning most fast-fashion industries it is vital to point out that there have been attempts at regulation. Yet, such laws rely primarily on disclosure frameworks: child labour occurring in fast-fashion supply chains is addressed through mandatory *disclosure laws* adopted in countries such as the US, the UK, and France (James, 2022). Such disclosure measures require companies to ‘disclose’, thus to report, on whether child labour exists in their supply chains. Essentially, their main goal is to encourage transparency by ensuring that businesses disclose this information publicly, as opposed to directly impose an obligation to address child labour. The regulations are based on the assumption that consumers who are aware of these issues, through business reporting, will avoid purchasing products from companies that engage in exploitative labour practices, hence discouraging it. Importantly, these disclosures laws are mandatory in nature as far as reporting, meaning that companies must report about the presence of child labour in their supply chain; yet, they do not impose a legal obligation on companies to mitigate or eradicate the practice.

In light of the above considerations, as revealed by James (2022), this strategy has not proved effective in deterring exploitative labour in fast-fashion supply chains, given the undeniable financial benefits of cheap labour. The aforementioned inadequacy of disclosure-based frameworks, therefore, reveals the governance gap, which in turn calls for instruments that impose due diligence obligations on multinational enterprises. In other words, James (2022) argues that stronger laws are needed to tackle this kind of problems. Companies should be required to carry out strict due diligence. In addition, they should have clear responsibilities and face enforceable financial penalties. Disclosure-based frameworks have inherent limitations; in addition, the fragmented global supply chains make it hard to assign responsibility for child labour in the industry.

This shows the urgency for stronger regulatory tools that are able to prevent, address and remediate abuses of fundamental rights across the fast-fashion entire supply chain, with the ultimate goal of eliminating the practice.

In this context, it should be noted that currently there are no laws specifically addressing child labour in the fast-fashion industry. Nonetheless, preventing and eliminating child labour is clearly part of corporate due diligence obligations: the practice constitutes a clear abuse of human rights. It follows that, the prevention and elimination of child labour clearly fall within the scope of corporate due diligence. Based on this, the present analysis focuses on due diligence measures, highlighting the essential role of businesses, often referred to as economic operators, in tackling child labour across global supply chains.

4.2 Soft Law Responses: Examining the Child Labour Module of The OECD Due Diligence Guidance for Responsible Supply Chains in Garment and Footwear

Acknowledging the urgent need for stronger regulations, several soft law instruments have been created to guide companies toward more responsible and transparent corporate behaviour. These are important to examine, also because they prepared the ground for stricter European hard law in the future.

With respect to this, the Organisation for Economic Co-operation and Development (OECD) developed the *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, which is an important tool for promoting responsible practices in the fast-fashion industry. It must be pointed out that the OECD is an international organisation that promotes policies aimed at prosperity, equality, and well-being. It provides solutions to social, economic, and environmental challenges, serving as a reference point that guides countries toward stronger, fairer, and more sustainable societies.

The Guidance has been approved by OECD bodies in 2016-2017. Following this, the OECD Council has adopted a Recommendation on the Guidance in May 2017. It is essential to reiterate that it is not legally binding, yet important as it reflects the common commitment of OECD Members and Adherents to respect OECD Guidelines for Multinational Enterprises (OECD). The Guidance is intended to offer support to companies in their application of the recommendations contained in the OECD Guidelines for Multinational Enterprises on due diligence. Thus, it is actually an operationalization of the due diligence principles contained in the OECD Guidelines. It encourages enterprises operating in the garment and footwear industry to carry out their operations in a way that is in line with public policies and helps build trust with the community in which they operate.

The main aim of the guidance is to help businesses prevent human rights abuses in their operations and supply chains, ensuring compliance with international standards. Although non-binding, the Guidance provides practical recommendations to support companies prevent child labour globally. It is also key to emphasize that this framework is based and consistent with the United Nations Guiding Principles on Business and Human Rights. In addition, it aligns with core international labour standards established by the International Labour Organization, including the Declaration on Fundamental Principles and Rights at Work as well as relevant ILO Conventions and Recommendations. It should be also noted that, although it mainly focuses on the garment and footwear sector, the Guidance was designed as a broad tool. For this reason, the Organisation for Economic Co-operation and Development also developed sector-specific guidance for other high-risk areas, such as minerals from conflict-affected regions, extractive industries, agriculture, and finance. However, for the garment and footwear industry, the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector provides a detailed framework for responsible sourcing and corporate due diligence. Therefore, analysing this Guidance is essential for the purpose of this study.

It is important to understand the key definitions provided by the document before delving into the overall analysis of the Guidance. First of all, *due diligence* refers to the process through which enterprises identify, prevent, mitigate, and account for actual or potential adverse impacts. While it is part of the company's broader risk management, due diligence must do more than protect the company itself: it should also cover the risks in the Guidelines and provide remedies for any harm caused (OECD Guidelines, II, Commentary 14). Second, *risk* refers specifically to the potential harm to individuals, organizations, and communities in relation to human rights, labour rights, and the environment, rather than risks to the business itself (OECD).

To begin with, the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector describes the situation of the garment and footwear industry. It is stated that the sector in question employs millions of mostly low-skilled workers, many of whom are women, and often represents an entry point into the formal economy in many countries. Although the industry can create employment opportunities and support economic development, it also faces many human rights, labour, and environmental risks across complex supply chains. As mentioned earlier, global production networks, short production times, and temporary relationships between buyers and suppliers make it difficult to monitor supply chains and manage risks.

For this reason, the main aim of the Guidance is to prevent and address negative impacts ('harm') on human rights, labour conditions, and the environment through practical due diligence measures.

Crucially, as reported in the Guidance, due diligence must carefully address such risks, and be applied not only to the company's own activities but also across its supply chain and other business relationships. The Guidance also recognises that risks may evolve over time as operations change.

The first section of the guidance addresses *Core Due Diligence Guidance for the Garment and Footwear Sector*, establishing a six-step due diligence guidance system for the garment and footwear sector, yet applicable to all operational and supply chain risks. Conversely, the second section, addressing *Modules on sector risks*, focuses on the main harms in the industry. Simply put, it turns the general six-step due diligence process into practical actions for addressing issues like child labour, forced labour, wages, hazardous chemicals, or water use. The core due diligence process (section I) consists of six progressive steps. These encompass embedding responsible business conduct into policies and management systems, identifying actual and potential harms, ceasing or preventing harms both in its own operations and in its supply chain, monitoring the effectiveness of actions taken, communicating results publicly, and providing for remediation when appropriate. Building on this foundation, Section II shows how companies can apply Section I due diligence recommendations to specific risks in the garment and footwear sector. Accordingly, Section II complements and deepens the core guidance, by instructing companies on how to apply them to sector-specific issues. For the sake of this study, the module concerning child labour will be examined.

Firstly, the document addresses the policy adoption by enterprises, and establishes that companies must adopt a zero-tolerance policy towards child labour. To this end, they should carefully consider international standards of ILO Conventions 138 and 182, explicitly stating that 'in cases where national legislation is less stringent than international standards, the enterprise should uphold international standards' (p.105). Secondly, it is critical to identify potential and actual harm in the enterprise's own operations and in its supply chain. Regarding risk identification, the Guidance highlights that the garment sector is particularly vulnerable due to the prevalence of informal employment, which is 'particularly prevalent in leather stitching and in intricate handwork, such as embroidery and beading' (p.107). Informal employment is a key sector-specific risk as it is common at most stages of the garment and footwear sector supply chain. Another major risk factor is the issue of governance: it has been observed that in many garment and footwear exporting and producing countries, domestic laws have not been fully compliant with the ILO regulations regarding the minimum age and worst forms of child labour. Even if the government has expressed willingness and commitment towards adhering to the ILO conventions, the issue of child labour still prevails in some countries. In the assessment and monitoring stage, the OECD has observed

that traditional interviews prove to be ineffective in this case, as the child can be coached. Hence, it recommends that companies assess suppliers through worker and stakeholder interviews, using participatory methods in areas with high child labour risks.

Furthermore, enterprises should ‘provide for or co-operate in remediation where appropriate’, ensuring that ‘operational-level grievance mechanisms’ are accessible not only to children but also to those who can act on their behalf, such as ‘committees tasked with monitoring child labour, trade unions, community members, procurement staff, local civil society and government officials’. Determining the appropriate and proper form of remedy is also crucial. With respect to this, for children below the legal working age, remediation should ‘remove the child from the workplace and ensure that alternatives, preferably formal full-time schooling, are in place’, engaging caregivers to avoid harming the child’s or family’s welfare. Children in hazardous work should be ‘immediately removed from hazardous tasks’, with any physical harm ‘appropriately remedied’, and worst forms of child labour ‘may be a crime that needs to be reported to relevant authorities’. Finally, children who are at or above the legal working age can be employed in safe and appropriate work, while the enterprise must ensure that the former child workers are well protected and not exposed to harmful conditions again. Based on the above, the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector is a comprehensive tool for enterprises of the relevant sector to identify, prevent, and address adverse impacts on human rights, particularly child labour, throughout their operations and supply chains, in a systematic and well-structured manner.

Its crucial role as a reference for responsible corporate conduct and for the operationalisation of international human rights and labour standards becomes apparent. Yet, as of 2020, over 100 million children were affected by child labour in the global garment and footwear sector (UNICEF). These figures highlight the ongoing risks and the need for effective corporate accountability. The OECD Guidance offers a valuable framework in guiding enterprises in the garment and footwear sector to tackle child labour. Despite this, it is still a soft law: being non-binding, it mainly depends on companies’ voluntary commitment. This raises the question of whether such voluntary standards are sufficient to combat child labour characterising the industry, or if mandatory regulations are required. Given the increasingly alarming data showing how children themselves serve as the primary workforce driving the fast fashion industry, the limitations of relying solely on soft law measures can be observed.

4.3 National Mandatory Due Diligence Laws in Europe

To overcome the limitations of soft laws and ensure the effective enforcement of corporate accountability, many countries in Europe have started to enact binding laws. The latter complement existing soft laws and require corporations to carefully handle the issue of human rights risks in their supply chains. Notably, the importance of strict binding laws became apparent in 2013, following the collapse of the Rana Plaza factory in Dhaka, Bangladesh. The disaster killed over 1,100 workers and highlighted unsafe conditions in the global textile supply chain. According to Weihrauch et al. (2022), the Rana Plaza tragedy raised concerns over the responsibility of transnational corporations for harms caused by their overseas suppliers. Such responsibility is referred to as Foreign Corporate Accountability (FCA). Hence, in order to overcome the problems posed by voluntary systems and lack of control and transparency, some countries have begun introducing Mandatory Due Diligence (MDD) laws. These instruments make companies responsible for harm caused in foreign countries (Gustafsson et al., 2023, cited in Weihrauch et al., 2022). Thus, some binding national legislations are worth considering, also because they may be considered as precursors to future harmonized European measures, to overcome fragmentation across Member States.

Examples of national legislation on due diligence include the *French Duty of Vigilance Law* and the *German Supply Chain Due Diligence Act*.

However, before analysing the two instruments, it is necessary to point out that, even though the French Duty of Vigilance Law and the German Supply Chain Due Diligence Act were not specifically designed for the fast-fashion industry, they are very relevant since they specifically address multinational companies with global business activities. In fact, they specifically impose a requirement of due diligence on multinational companies, also addressing their supply chains. It follows that they target fast-fashion industries and their global networks, as major fast fashion companies like H&M and Zara are present in France and Germany. Furthermore, both laws impose due diligence obligations regarding child labour. As child labour is widely recognized as a human rights violation, it must be addressed through due diligence, which involves identifying, preventing, and remedying it. For this reason, the two regulatory instruments must be considered.

4.3.1 The French Duty of Vigilance Law

Firstly, French legislation will be considered. France is a country that has received special attention in the framework of the binding human rights and environmental due diligence obligation with the

adoption of the Law on the Corporate Duty of Vigilance in 2017. The French Law on the Corporate Duty of Vigilance is a pioneering legislative measure that introduces mandatory human rights and environmental due diligence for large enterprises (Savourey and Brabant, 2021).

As noted by Savourey and Brabant (2021), it is as of 2021 ‘considered as *the best known and most far reaching* regime of mandatory human rights due diligence’. It was widely acknowledged as the only law of its kind that has been both enacted and implemented, fully introducing due diligence obligations into domestic legislation (Savourey and Brabant, 2021).

The French Law on the Corporate Duty of Vigilance applies to French companies with over 5,000 employees in France, or over 10,000 employees worldwide including subsidiaries (Business and Human Rights Centre). It requires large companies to establish, implement, and publish vigilance plan, to prevent severe impacts on human rights and the environment. As outlined by Savourey and Brabant (2021), this plan must include five specific measures: risk mapping, evaluation procedures for subsidiaries and established commercial partners, mitigation actions, an alert mechanism created with trade unions, and a system for monitoring effectiveness. It is important to point out that beyond mere reporting, the Law mandates the 'effective implementation' of these measures (Savourey and Brabant 2021, p.146). As for enforcement mechanism, The Vigilance Law establishes a two-step enforcement process: a formal compliance notice and a court-ordered injunction with possible periodic penalties, regardless of actual harm. Finally, regarding remediation, the Vigilance Law creates a system where companies can be held civilly liable for damages that could have been avoided by following due diligence rules. Indeed, the Law establishes civil liability, stating ‘under the law, harmed individuals can bring a civil lawsuit [...] to seek damages resulting from a company's failure to comply with its vigilance obligations, where compliance would have prevented the harm’ (Business and Human Rights Centre).

The French Corporate Duty of Vigilance Law (2017) obliges large companies to implement due diligence measures to prevent human rights and environmental violations, with enforceable mechanisms and potential civil liability.

Savourey and Brabant (2021) conclude that the Vigilance Law was a significant first step in addressing human rights violations in supply chains: they marked a paramount milestone in addressing supply chain abuses, including those affecting children. They also note that this also inspired similar initiatives beyond France, including at the EU level. Yet, they implicitly suggest that, because the Law applies only in France, a single EU-wide law would be more effective and comprehensive.

4.3.2 The German Supply Chain Due Diligence Act

Beyond France, Germany has also introduced national laws to tackle abuses occurring in global supply chains. *The German Supply Chain Due Diligence Act (SCDDA)* was passed in 2021 and came into effect in January 2023.

The law requires companies to address human rights issues, including child labour, in their operations and supply chains by putting effective due diligence processes in place.

According to Weihrauch et al. (2022), the act is key as it signals a significant shift from voluntary CSR commitment toward mandatory obligations for large corporations in terms of their approach to human rights and environmental concerns within their global supply networks. It also represents an important step forward in environmental, social, and governance (ESG) accountability, as it is the first time that companies in Germany have been legally required to respect human rights throughout their international supply chains (IBM, 2022). To begin with, it must be highlighted that it is applicable to organizations that have a significant legal or administrative presence in Germany: it is relevant to companies having central administration, headquarters, statutory seat, or a branch in Germany (IMB, 2022). Moreover, a change concerning its scope of application must be pointed out: as explained by IBM (2022), the act initially targets to companies with over 3,000 employees in 2023 and expands in 2024 to those with over 1,000; it is also worthy stating that, SMEs are generally not directly affected, though they may be affected through supply chains.

In essence, companies covered by this law must set up a due diligence system to identify, prevent, and address risks like child labour, forced labour, and environmental harm (Weihrauch et al., 2022). Specifically, to comply with the German SCDDA, companies within the scope need to monitor and consider violations both in their own operations and in the operations of their direct suppliers, from raw materials to final products, whether the activity is performed in Germany or abroad (IBM, 2022). In addition to this, businesses must also assess the risk that indirect suppliers might violate environmental or human rights standards: due diligence obligations cover not only the company's own operations and direct suppliers, but also indirect suppliers (Norton Rose Fulbright, 2024). (Norton Rose Fulbright, 2024). The Supply Chain Act thus requires companies to show that they have carried out proper due diligence: they must make sure that human rights and environmental standards—like fair wages and workplace safety—are respected at every stage of the supply chain, not just the quality of the products (Federal Ministry for Economic Cooperation and Development, 2023). More specifically, as Norton Rose Fulbright (2024)

clarifies, firms must set out effective risk management systems and appoint responsible personnel for monitoring, such as a Human Rights Officer. What is more, they must regularly and actively assess risks in their operations and suppliers, issue policy statements, and take preventive or remedial measures when violations occur, based on the principle *'stay and change instead of cut and run'*. That is to say, the law under consideration requires companies to end business relations with suppliers only in extreme cases, thereby making withdrawal a last resort. In this respect, corporations are expected to support suppliers in enhancing their practices rather than immediately terminating the cooperation, even if the supplier's country has not ratified certain international treaties (Federal Ministry for Economic Cooperation and Development, 2023). Furthermore, under the act, companies must establish, enforce, and publish complaint mechanisms for reporting human rights risks. Finally, they are required to document all due diligence obligations and measures in an annual public report submitted to the German Federal Office for Economic Affairs and Export Control (BAFA). Non-compliance with the SCDDA can result in fines up to €8 million or 2% of annual turnover and a ban from public tenders for up to three years. BAFA is central as it is empowered to monitor companies, inspect records, and request information from companies to enforce compliance (IMB, 2022).

Still, implementing the due diligence requirements under the act poses significant practical challenges for companies. Norton Rose Fulbright (2024) argues that difficulties often arise when coordinating with suppliers and third parties to fulfil these obligations. Firstly, the required risk analysis is broader than the risk assessments typically conducted in standard compliance due diligence, since the company must identify, assess, and prioritize the identified risks based on the scope of the business, severity, likelihood, persons affected, influence, and the company's own contribution. As such, ESG assessments or Human Rights Impact Assessments are often required. Secondly, once the company has identified human rights or environmental risks, the company must take immediate action, acting promptly; then, if a violation has occurred or is imminent, remedial action is required, which may involve costly corrective plans with direct suppliers. Nonetheless, it must be underscored that, as it is difficult for the company to distinguish between identified potential risks and actual violations, remedial measures are often implemented for precautionary reasons. A final obstacle for companies is represented by the reliance on industry standards. Even if suppliers follow recognised standards and obtain certifications, the company is still responsible under the Supply Chain Act. This means that using certifications to check whether suppliers respect human rights does not remove the company's legal obligations. Accordingly, it is the responsibility of the company to verify the adequacy of these standards and to properly manage the associated potential risks.

In conclusion, it is imperative to understand that the German Supply Chain Due Diligence Act is a legislative act that requires organizations to take prompt action by following a specific procedure of due diligence. The act has given organizations specific roles and responsibility in matters of supply chain management, requiring primarily the adoption of preventive measures as well as effective remediation when violations occur (IBM, 2022). Overall, it can be maintained that the act is aimed at improving respect both for human rights—including banning child and forced labour—and environmental standards, such as proper waste and mercury management, across global supply chain networks (Federal Ministry for Economic Cooperation and Development, 2023). Yet, compliance is demanding, as the act requires organizations to systematically monitor supply chains, manage risks, and ensure strict annual reporting. This signals the shift from voluntary corporate commitment toward legally binding obligations for businesses operating in Germany (Federal Ministry for Economic Cooperation and Development, 2023).

Nevertheless, it is clear that, as in the case of France, it is a national law introduced by Germany. Although it applies to all companies in Germany and their global supply chains, it does not operate at the European Union level. As a result, this may represent a limitation of such domestic measures, as it leads to fragmented and inconsistent due diligence systems across countries.

4.4 Towards A Harmonised EU Legal Framework To Combat Child Labour In The Fast-Fashion Industry: Regulation (EU) 2024/3015

Both the French and German instruments provide highly significant national measures. While often complex and demanding to implement, these domestic laws require companies to comply with obligations related to due diligence, human rights, or environmental standards. As anticipated in the previous sections, although they are not specifically designed for the fast-fashion sector industries, they clearly affect them, and therefore falling within their scope. Notably, since these legislative measures target large corporations operating across multiple countries and managing extensive supplier networks, fast fashion companies—such as Shein and others that rely on numerous subcontractors—fall directly within their scope. What is more, as far as child labour is concerned, it is widely recognized as evident human rights abuse under the due diligence principles, thus implying that there is a clear urgency to spot, prevent, and above all remedy such inhumane practices. National due diligence instruments are considered to be of crucial importance to induce major change in this field, especially owing to their legally binding nature that is to say that they are potentially more effective compared to existing soft laws.

Yet, as argued before, these measures are country-specific, which means their legal implications are limited to the country where they are implemented and the supply chains of the companies operating in the respective countries. This factor has major implications for companies operating in different countries in Europe, which may face differing legal requirements, such as binding supply chain laws in France and Germany while other EU states have no equivalent regulations. This fragmented legal scenario might cause inconsistencies and might also result in uneven application of the laws. It is evident that a measure is needed which will help in the compliance of the laws by the companies and at the same time provide consistent human rights and environmental laws in all the Member States of the European Union. Accordingly, the European Union is critical in providing a harmonized framework that would establish consistent laws and due diligence conditions for all the Member States, with the aim of preventing and eliminating child forced labour. To this end, the EU has introduced Regulation (EU) 2024/3015.

First of all, it is vital to underscore that also this law is not specifically designed for the sector under analysis; instead, it is a comprehensive tool, applying to all sectors.

Nevertheless, the regulation is particularly important to the fast fashion industry. The industry indeed relies on very complex and highly globalised supply chains, while at the same time it continues to sell products in the same European market. Based on this, unified rules become necessary to ensure companies comply and are accountable across borders.

Regulation (EU) 2024/3015 was published in the Official Journal in December 2024 and is based on a Commission proposal from September 2022. Of central importance, the Regulation under analysis is not currently in force: it will take effect on 14 December 2027.

In general terms, it establishes a legal framework prohibiting the placement, sale, and export of products made with forced labour in the EU, including online sales. As Riehle points out (2025), ‘the initiative aims to effectively ban the placement on the EU market and the export from the EU of products made with forced labour, including forced child labour, and thus to improve the functioning of the internal market’. The regulatory aim is clearly outlined in the Preamble, where it is stipulated that ‘the placing and making available on the Union market of products made with forced labour... should be prohibited’; furthermore, the export of products made with forced labour- both domestically made and imported- is forbidden, and any existing products must be removed from the EU market.

The concept of forced labour is thus central in the regulation: more specifically, the notion of *forced labour* is defined within the regulation based on the explanation provided by the

International Labour Organization (ILO) (Eshak, 2025). As far as the definition of the term forced labour, as referenced in the Regulation, it is defined based on Article 2 of the ILO's Forced Labour Convention No. 29, as *'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'*. Through this alignment, it is clear that the ban is grounded in internationally recognised standards, thereby enhancing its significance.

Eshak (2025) examines the impact of the Regulation, noting that it will affect both trade between the EU and non-EU countries and trade within the internal market. Not surprisingly, the Regulation at issue is based on two legal foundations: Article 114 TFEU, which focuses on harmonising the EU's internal market, and Article 207 TFEU, which deals with trade with non-EU countries.

The following section thus takes a closer look at the EU Regulation, by highlighting its relevance to fast-fashion sector. Thus, an in-depth examination of the instrument follows.

The regulation is composed of several chapters. Chapter I contains the general provisions, while Chapter II addresses governance and the responsibilities of authorities. Chapters III to V concern investigation, decisions and enforcement mechanisms. Finally, Chapter VI includes the final provisions related to implementation and entry into force. As regards the application of the Regulation, in the final part of the Regulation (EU) 2024/3015, the entry into force, as well as the application date, are specified, according to which the regulation shall apply from 14 December 2027. However, some of the provisions- as those contained in Articles 5(3), 8, 9(2), 11, 37(3)- shall apply from December 2024.

The document opens with the Preamble that contains numerous recitals. It specifies the objectives of the regulation and the legal basis of the regulation, also highlighting the existing deficiencies in the existing EU law in the subject matter. The preamble of Regulation (EU) 2024/3015 immediately emphasises the scale of forced labour, noting that it affected an estimated 27.6 million people in 2021. It also states that forced labour is widespread worldwide and disproportionately impacts vulnerable and marginalized groups, including children. It is argued that it often results from weak governance, lack of enforcement of labour rights, or authorities' tacit consent (recital 2). It is key to highlight that the Preamble links the ban on products made with forced labour to human rights and international obligations, by recognising that *'forced labour constitutes a serious violation of human dignity and fundamental human rights'* (Recital 1) and contributes to poverty, reflecting the ILO's core tenets. With regard to this, it specifies that all Member States have ratified the fundamental ILO conventions, creating a legal duty *'to prevent and eliminate the use of forced*

labour' and that the Union must eliminate forced labour and promote decent work worldwide (recital 4). Then, by acknowledging, that 'currently there is no Union law that empowers Member States' authorities to directly detain, seize, or order the withdrawal of a product on the basis of a finding that it was made, whether in whole or in part, with forced labour' (recital 17), the absence of legal tools for Member States to act against products produced with forced labour is highlighted. In the preamble, the role of supply chain responsibility is also emphasised, as stipulated in recital 5: 'The Union promotes due diligence [...], to ensure that forced labour does not have a place in the supply chains of undertakings established in the Union'. Finally, it is important to focus on recital 18, that sets out that this applies to all products and economic operators, regardless of product type, sector, origin, or whether they are domestic, imported, on the EU market, or exported. Thus, it has a really extensive reach.

Overall, the Preamble sets out the objectives, the legal framework on which this instrument is based and highlights the urgent need for binding measures to address products made with forced labour, thereby addressing the existing gap in EU law.

The Regulation works in three main stages, as clearly explained by the European Commission. First, authorities carry out a preliminary assessment using reports and risk indicators. Second, an investigation is conducted. Companies can submit documents, and inspections may occur. Third, in the decision and enforcement stage, products made with forced labour are banned, removed from the market, and other authorities are notified to ensure compliance (European Commission).

These stages provided for in the regulation will be discussed in greater detail in the following section. Yet, as the document is quite extensive, only the main and most relevant articles relevant for the subject of the study will be examined.

To begin with, Article 1 is worth considering, defining the subject matter and the aim of the present instrument.

Article 1- Subject matter, objective and scope

1. This Regulation lays down rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour in order to improve the functioning of the internal market, while contributing to the fight against forced labour.

2. This Regulation does not cover the withdrawal of products which have reached end users in the Union market.

3. This Regulation does not create additional due diligence obligations for economic operators other than those already provided for in Union or national law.

Article 1 mandates that this Regulation prohibits selling or exporting products made with forced labour, mainly for two purposes: to strengthen the internal market and to support the fight against forced labour (paragraph 1). Paragraphs 2 and 3 clarify that this does not apply to products already in the hands of consumers within the Union and does not impose additional due diligence obligations beyond existing EU or national law.

Article 2 – Definitions

Article 2 is crucial as it contains legal definitions of key terms recurrent in the document.

Given the highly fragmented and globalized nature of fast fashion production, the phenomenon must be understood within the broader framework of supply chains. In this regard, Regulation (EU) 2024/3015 defines supply chains as follows:

(8) Supply chain means the system of activities, processes and actors involved at all stages upstream of a product being made available on the market, namely the extraction, harvesting, production and manufacturing of a product in whole or in part, including any working or processing related to the product at those stages

Alongside the definitions of supply chain and of forced labour, already explained, the notion of due diligence is provided, as follows:

(3) ‘due diligence in relation to forced labour’ means efforts by economic operators to implement mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, mitigate or bring to an end the use of forced labour with respect to products that are to be placed or to be made available on the Union market or to be exported;

Taking this into consideration, Regulation (EU) 2024/3015 defines due diligence regarding forced labour in Article 2(3) as all actions companies (in the regulation referred to as ‘economic operators’) take to identify, prevent, reduce, or stop the distribution of products made with forced labour in the EU market. Article 11 is closely related to due diligence practice. Article 11 sets out that, by 14 June 2026, the European Commission must issue and update guidelines for companies, competent authorities, and customs on forced labour due diligence, including forced child labour,

with special assistance for SMEs and alignment with other EU law. The Regulation thus requires the Commission to provide due diligence guidance to help implement due diligence and enforce rules on forced labour, while clarifying in Article 1(3) that it does not create new due diligence obligations beyond existing EU or national law, as previously observed.

Attention must be also placed on ‘product made with forced labour’, which is explained as:

7) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including in the working or processing related to a product at any stage of its supply chain;

In light of this explanation, a product can be considered as made with forced labour even if forced labour is used only in part of its extraction, harvest, production, manufacture, or processing at any stage of its supply chain. This definition is particularly important for some sectors, such as fast-fashion: it covers every stage of the supply chain and enables the regulation to address labour exploitation even when it occurs outside Europe.

Article 3- Prohibition of products made with forced labour

The key provision of the regulation is laid out in Article 3 which stipulates that:

Economic operators shall not place or make available on the Union market products that are made with forced labour; nor shall they export such products.

The core regulation thus mandates that businesses cannot sell, offer on the EU Market or export products made with forced labour.

In this context, and considering the present booming in online sales, it must be highlighted that this also refers to the online market, as indicated in Article 4, which prohibits the sale of products obtained with forced labour also in the online market. This specification is especially pertinent for fast-fashion brands that sell mostly online: this provision will stop them from bypassing the rules through online sales.

Strong enforcement is also necessary to effectively address the issue. To ensure proper enforcement, each Member State must designate competent authorities empowered to investigate potential violations, prohibit, and remove products suspected of being produced with forced labour, as set out in article 5, in paragraphs 1, 5, 7

Article 5 - Competent authorities

1. Each Member State shall designate one or more competent authorities to be responsible for carrying out the obligations set out in this Regulation. Member State competent authorities and the Commission shall work in close cooperation and be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.

5. Member States shall ensure that their competent authorities exercise their powers impartially, transparently and with due respect for the obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers, expertise, and resources to carry out investigations, including sufficient budgetary resources.

7. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 37, either directly, in cooperation with other authorities, or by way of an application to the competent judicial authorities.

Article 5 of Regulation (EU) 2024/3015 requires the designation by Member States of competent authorities. The latter must possess the necessary expertise, resources, and cooperation with labour inspectors and law enforcement, as required by in paragraphs 5-7. Thus, the role of competent authorities is paramount in the process.

Proceeding with the analysis of the document, Chapters III–V of the Regulation cover investigations and enforcement: they explain how authorities identify and remove products made with forced labour from the market. Notably, chapter III describes how authorities investigate suspected forced labour in products. Investigations follow a risk-based approach, focusing on the parts of the supply chain most likely to involve forced labour. With respect to this, both Eshak (2025) and Riehle (2025) highlights that the Commission and Member State authorities must use a risk-based approach to assess potential violations, guide preliminary investigations, and identify affected products and companies.

Article 14- Risk-based approach

1. The Commission and the competent authorities of Member States shall follow a risk-based approach when assessing the likelihood of a violation of Article 3, when initiating and conducting the preliminary phase of the investigations and when identifying the products and economic operators concerned.

2. In their assessment of the likelihood of a violation of Article 3, the Commission and the competent authorities shall use the following criteria, as appropriate, in order to prioritise products suspected to have been made with forced labour:

(a) the scale and severity of the suspected forced labour, including whether forced labour imposed by state authorities could be a concern;

(b) the quantity or volume of products placed or made available on the Union market;

(c) the share of the part of the product suspected to have been made with forced labour in the final product.

The Commission and Member States' authorities must adopt a risk-based approach. They must resort to this approach firstly when checking for violations, thus following it in the preliminary assessment. In reality, they also apply this strategy when starting investigations and also when identifying affected products and companies.

Therefore, under Article 14, when checking if a product may involve forced labour (Art 3), authorities consider specific criteria. These criteria help determine whether products were made with forced labour and, consequently, whether they may be placed on or exported from the Union market. They include how serious and widespread the forced labour is, including the concern of state-imposed forced labour, the amount of the product placed on the EU market, and the part of the product actually made with suspected forced labour.

Furthermore, it is important to highlight that the Regulation provides for a precise allocation of investigations: national authorities lead for cases within the EU, the European Commission for cases outside EU (art 15, 'allocation of investigations').

As Eshak (2025) explains, Article 17 outlines the preliminary investigation phase. In this phase, the 'lead competent authority' collects information from companies or relevant stakeholders on their due diligence to prevent forced labour, assesses the risk of violations, and decides whether to proceed with a full investigation.

Article 18 further mandates that if the lead authority finds a substantiated concern of a forced labour violation under Article 17, it must initiate an investigation into the relevant products and

companies and also communicate the investigation to the affected companies within three working days. Authorities may also conduct inspections or interviews to gather more information (art 19).

If authorities find that a product was made using forced labour, they must remove it from the market or require the company to fix the problem (art 20). Yet, for critical products for EU supply chain, authorities may allow a short delay before action (art 20). In other words, if a violation is confirmed, affected products must be banned, withdrawn, or partially replaced. Temporary delays are allowed only for strategic critical supply chain items, and decisions outside the EU are adopted by the Commission as implementing acts (Eshak, 2025).

In Section I of Chapter V, which deals with Enforcement, it is explained that competent authorities must make sure companies follow Article 20: they have to stop sales, remove products, and impose sanctions if necessary. Instead, under Section II of Chapter V, which addresses customs authorities, custom authorities are required to suspend imports of suspicious products and prevent the entry or export of products banned by Article 3, by blocking these practices.

Chapter VI sets out the Final Provisions of the Regulation. Article 37 gives competent authorities the power to impose penalties on companies that fail to comply with the Regulation's rules, by mandating that:

Article 37- Penalties

1. Member States shall lay down the rules on penalties applicable to economic operators for non-compliance with a decision referred to in Article 20 and shall take all measures necessary to ensure that they are implemented in accordance with national law.

[...]

Member States must guarantee that penalties they establish are '*effective, proportionate and dissuasive*' (Article 37.2). In determining such penalties, competent authorities are obliged to take into account certain factors. These include the severity and duration of non-compliance, previous violations, cooperation with competent authorities, and other factors such as financial gains or losses avoided due to non-compliance. In addition, Eshak (2025) indicates that Member States are obliged to notify the Commission regarding such rules and measures by 14 December 2026. They must also inform it, without delay, of any future changes to these rules, as provided for in paragraph 3 of the article under analysis.

The Regulation also provides for ongoing evaluation and review (Article 38) to assess how effectively the rules are enforced and their impact.

Article 38- Evaluation and review

1. By 14 December 2029 and every 5 years thereafter, the Commission shall carry out an evaluation of the enforcement and the implementation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and to the European Economic and Social Committee [...]

Paragraph 1 stipulates that, by 14 December 2029, and every five years after, the Commission must evaluate how the Regulation is enforced and implemented. It must present a report on its main findings to the European Parliament, the Council, and the European Economic and Social Committee. Importantly, the review must also assess the effects on victims of forced labour, with special attention to children and women. It is stated that ‘the report shall cover the impact of this Regulation on victims of forced labour, with particular regard to the situation of women and children’ (Article 38.3) and amendments or new measures may be proposed. The explicit reference to children protection confirms that the regulation considers the impact of forced labour on minors.

In light of the above analysis, some considerations concerning the relevance of the regulation at issue can be made.

First and foremost, Regulation (EU) 2024/3015 includes all products containing forced labour at any stage of production, no matter the type of product, sector, country of origin, and whether it is placed in the EU or exported (recital 18), in contrast to the above-mentioned national regulations, which only address particular companies. Therefore, it is considered to be highly comprehensive in its approach. Its importance lies in two main aspects. First, it harmonizes national due diligence rules across EU Member States, by standardizing them. Second, it is a regulation and thus binding in nature. As such, it is also directly applicable. With this, it is ensured that all products sold in the European Union are free from forced child labour. The main aim of Regulation (EU) 2024/3015 is to promote the elimination of forced labour. It also seeks to ensure that the European Union’s internal market functions in a fairer and more efficient way. A key aspect for this analysis is that the Regulation promotes the protection of vulnerable and marginalised groups: these are the people most affected by forced labour, such as children, in the European Union’s market. In this sense, it represents a strong means of protecting their fundamental rights. In essence, the Regulation at issue strengthens the EU’s ability to fight forced labour across global supply chains. By implication, the pressing need of addressing human rights violations is acknowledged. In addition,

Regulation (EU) 2024/3015 is a highly tailored and targeted law in this respect, in that it is focused specifically on products produced with forced labour. This last factor distinguishes itself from many other due diligence measures that are generic in their approach to this issue. In this sense, it is not simply a matter of urging a generic awareness of human rights risks, but of laying down rules that are necessary applied to this type of products, thus facilitating child labour prevention and regulation.

With respect to the sector under analysis, it is clear that the regulation is important for tackling child forced labour in fast-fashion: it is an industry that systematically uses children for their skills and low pay to produce clothes. Forced labour is, in fact, highly present in its complex global supply chains. For this reason, fast-fashion can be considered one of the sectors most affected by this law.

The law's impact will largely depend on the active oversight and enforcement by Member States. The role of Member States is central in the mitigation of child labour, as they have a positive obligation under international law to protect human rights. This obligation extends to conduct not directly attributable to Member States (Eshak, 2025): they are responsible for ensuring that businesses within their jurisdiction carry out the required human rights due diligence. Effective prevention, however, heavily relies on businesses fully implementing these obligations through rigorous due diligence. As this paper has rapidly shown, business actors play a key role in preventing and eventually stopping exploitative practices. To this end, transparent and robust corporate due diligence is required.

Overall, responsible corporate behaviour, guided by a unified EU framework, is paramount to reduce, and ideally eradicate, child labour. Strict compliance with the Regulation and systematic due diligence process can lead to significant positive change. Taken together, these measures have the potential to radically transform the lives of many children and, consequently, ensure respect for their rights.

Nevertheless, despite its apparent significance, it is not possible to assess the weight of the Regulation (EU) 2024/2015 at present, since it is set to come into force only in 2027. As such, it is too early to assess the Regulation's effectiveness or its potential improvements, as its implementation is still forthcoming. Despite this, the hope is that this instrument will mark a decisive turning point: it is expected to contribute to putting an end to the exploitation of millions of children forced to work in the relevant industry.

CONCLUSIONS

In conclusion, the thesis has examined the global phenomenon of child labour, that represents one of the most critical and urgent social issues of our time. The analysis has clearly demonstrated that child labour entails multiple violations of children's fundamental rights. Importantly, these direct violations also give rise to numerous indirect infringements, as they affect children's right to health and, above all, hamper their access to education.

Although the practice affects various economic sectors, particular attention has been devoted to the fast-fashion industry. This latter is characterized by multi-layered and opaque globally distributed supply chains, where the pressure for speed and low production costs results in the systematic exploitation of the most vulnerable. Children are widely exploited in this sector for various reasons, including their low labour cost, dexterity and, overall, manual skills. Such exploitation results in a number of abuses of their fundamental human rights, as it compromises their safety, limits their access to education, and undermines their health.

The examination of international instruments—as the 1989 UN Convention on the Rights of the Child and the main ILO Conventions—together with European standards on the topic, has shown the existence of a structured, yet still insufficient, legal framework, especially in the absence of sector-specific regulation for fast-fashion. In this context, embedding child labour prevention within corporate due diligence emerges as a crucial step, reflecting a broader shift of responsibility from States to economic operators: this highlights the undeniable responsibility of businesses in combating child labour, as State action alone is insufficient without proactive business compliance with ethical labour standards.

The research ultimately demonstrates that binding measures -hard laws- are necessary to address a challenge of such scale. Soft law instruments, corporate social responsibility policies, and voluntary initiatives have proven to be undoubtedly supportive in mitigating the problem, but they are not sufficient on their own to effectively tackle such a widespread and deeply rooted phenomenon. By contrast, the mandatory nature of European regulations and directives proves more effective: this would ensure the concrete protection of children's rights.

Although no specific legislation exists for the fast-fashion sector, Regulation (EU) 2024/3015 is particularly significant. This prohibits the placing on the European market of products made with forced labour. The Regulation marks a decisive advancement in combating exploitation: by regulating the market mechanisms that sustain exploitation, it contributes by implication to preventing forced labour, affecting children to a greater extent in the industry. Looking forward, it

is hoped that, starting from 2027—the year the Regulation will become applicable—tangible improvements will be achieved.

Ultimately, the complete eradication of child labour is imperative: this would represent not only a key legal achievement, but most importantly, a profound human triumph. Its abolition would mean restoring to children not only their *right to childhood* but also their broader fundamental *right to life*, a right to which all individuals must be entitled.

BIBLIOGRAPHY

- Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge*. Penguin Books.
- Berlan, A. (2016). Whose business is it anyway: Children and corporate social responsibility in the international business agenda. *Children & Society*, 30(2), 159–168
- Betcherman, G., Fares, J., Luinstra, A., & Prouty, R. (2004). *Child labor, education, and children's rights* (Social Protection Discussion Paper Series). Social Protection Unit, Human Development Network, The World Bank.
- Borzaga, M. (2018). *Contrasto al lavoro infantile e decent work*. Università degli Studi di Trento-Editoriale Scientifica.
- Boutin, D., & Jouvin, M. (2022). *Child labour consequences on education and health: A review of evidence and knowledge gaps* (Bordeaux Economics Working Papers No. BxWP2022-14). Bordeaux School of Economics, University of Bordeaux & CNRS.
- Cullen, H. (2007). *The role of international law in the elimination of child labor* (Procedural Aspects of International Law Monograph Series, Vol. 28). Martinus Nijhoff Publishers.
- Dahlén, M. (2007). *The negotiable child: The ILO child labour campaign, 1919–1973*. Stockholm University.
- Dennis, M. J. (1999). The ILO Convention on the worst forms of child labor. *The American Journal of International Law*, 93(4), 943–948.
- Di Blasi, A. (2006). *Il caso Siliadin contro la Francia: La decisione della Corte Europea dei Diritti dell'Uomo alla luce della nuova normativa italiana in materia di tratta di persone*. *Costituzionalismo.it*.
- DiLonardo, M. J. (2024). *What Is Fast Fashion—and Why Is It a Problem?* Treehugger. <https://www.treehugger.com/fast-fashion-environmental-ethical-issues-4869800>
- Egan, S. (2015). Tackling the rise of child labour in Europe: Homework for the European Court of Human Rights. *International and Comparative Law Quarterly*, 64(3), 601–630.
- Eshak, J. (2025). *Forced labour in the EU supply chain: An analyse on EU Regulation 2024/3015 and the concept of due diligence in relation to forced labour*, Örebro University.
- Federal Ministry for Economic Cooperation and Development (BMZ), (2023). *The German Act on Corporate Due Diligence Obligations in Supply Chains: Implications for businesses in partner countries and support from the German government*.
- Foua, A., & Diriwari, W. (2019). New perspectives in combating child trafficking and the shift to an effective child protection in Nigeria. *Beijing Law Review*.

Halonen, T., & Liukkunen, U. (Eds.). (2021). *International Labour Organization and global social governance*. Springer.

IBM Envizi. (2022). *German Supply Chain Due Diligence Act (SCDDA) explained*. IBM. <https://www.ibm.com/think/topics/scdda>

International Labour Office. (2001). *International labour standards: A global approach: 75th anniversary of the Committee of Experts on the Application of Conventions and Recommendations*. International Labour Office.

International Labour Organization & UNICEF. (2025). *Global estimates 2024, trends and the road forward*. ILO & UNICEF.

International Labour Organization (1996). *Child labour: Targeting the intolerable*. International Labour Office.

James, M. A. (2022). *Child labor in your closet: Efficacy of disclosure legislation and a new way forward to fight child labor in fast fashion supply chains*. *Journal of Gender, Race & Justice*, 25(1), 245–278.

Klampfl, G. A. (2025). Child labor prevention and supply chain sustainability: Evidence from German outdoor textile companies. *European Journal of Sustainable Development*, 14(1), 39–59.

Kolk, A., & Van Tulder, R. (2004). Ethics in international business: Multinational approaches to child labor. *Journal of World Business*, 39(1), 49–60.

Kolk, A., Van Tulder, R., & Welters, C. (1999). International codes of conduct and corporate social responsibility: Can transnational corporations regulate themselves? *Transnational Corporations*, 8(1).

Lukas, K. (2021). *The revised European Social Charter: An article by article commentary* (Elgar Commentaries in Human Rights series). Edward Elgar Publishing.

Mavunga, R. A. (2013). A critical assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999. *Potchefstroom Electronic Law Journal*, 16(5).

Mennim, S. (2021). *The non-punishment principle and the obligations of the state under Article 4 of the European Convention of Human Rights: V.C.L. and A.N. v the United Kingdom*. *Journal of Criminal Law*, 85(4), 311–319.

Murshed, M. (2001). Unraveling child labor and labor legislation. *Journal of International Affairs*, 55(1), 169–189.

Nesi, G., Nogler, L., & Pertile, M. (Eds.). (2016). *Child labour in a globalized world: A legal analysis of ILO action*. Routledge.

- Riehle, C. (2025). *New regulation will ban products made with forced labour from Union market*. ERA Forum. <https://eucrim.eu/news/new-regulation-will-ban-products-made-with-forced-labour-from-union-market/>
- Rodríguez, R., Hägele, H., Katteler, H., Paone, G., & Pond, R. (2007). *Study on child labour and protection of young workers in the European Union: Final report*. European Commission.
- Savourey, E., & Brabant, S. (2021). *The French law on the duty of vigilance: Theoretical and practical challenges since its adoption*. *Business and Human Rights Journal*, 6(1), 141–152.
- Schirrer, S. (2025). *What is fast fashion? Fabric of Change* <https://www.fabricofchange.ie/articles/what-is-fast-fashion-2>
- Standing, G. (2008). The ILO: An agency for globalization? *International Labour Review*, 147(3), 355–384.
- Strozzi, G., & Mastroianni, R. (2023). *Diritto dell'Unione Europea: Parte istituzionale. Aggiornato alle azioni dell'Unione nelle crisi della pandemia e della guerra in Ucraina*. Giappichelli.
- Thévenon, O., & Edmonds, E. (2019). *Child labour: Causes, consequences and policies to tackle it* (OECD Social, Employment and Migration Working Papers, No. 235). Directorate for Employment, Labour and Social Affairs, OECD.
- Tobin, J., & Cashmore, J. (2020). Thirty years of the CRC: Child protection progress, challenges and opportunities. *Child Abuse & Neglect*, 110 (Part 1).
- Usman, M., & Rashid, M. U. (2024). The role of corporate social responsibility (CSR) in promoting labour welfare. *International Journal of Modern Engineering Research*, 13(10(3)). Sucharitha Publication.
- Vaghri, Z., Zermatten, J., Lansdown, G., & Ruggiero, R. (Eds.). (2022). *Children's well-being: Indicators and research: Monitoring state compliance with the UN Convention on the Rights of the Child—An analysis of attributes* (Vol. 25). Springer.
- Van Daele, J. (2008). The International Labour Organization (ILO) in past and present research. *International Review of Social History*, 53, 485–511.
- Vandenhoele, W., Erdem Türkelli, G., & Lembrechts, S. (2019). *Children's rights: A commentary on the Convention on the Rights of the Child and its Protocols* (2nd ed.). Edward Elgar.
- Weihrauch, D., Carodenuto, S., & Leipold, S. (2022). From voluntary to mandatory corporate accountability: The politics of the German Supply Chain Due Diligence Act. *Regulation & Governance*.
- Weston, B. H. (Ed.). (2005). *Child labor and human rights: Making children matter*. Lynne Rienner Publishers

Youth Justice Legal Centre. (2021). *V.C.L. and A.N. v the United Kingdom: A positive step forward for victims of modern day slavery.*

WEBSITES

- <https://www.ilo.org/about-ilo> - Retrieved on 12/12/2025
- <https://www.ilo.org/about-ilo#history> - Retrieved on 12/12/2025
- <https://www.ilo.org/topics-and-sectors/child-labour> - Retrieved on 10/12/2025
- <https://www.unicef.org/child-rights-convention> - Retrieved on 22/12/2025
- <https://www.ilo.org/node/649206> - Retrieved on 10/12/2025
- <https://www.ilo.org/resource/hazardous-child-labour> - Retrieved on 20/12/2025
- <https://www.ilo.org/international-programme-elimination-child-labour-ipecc> - Retrieved on 27/12/2025
- <https://www.ilo.org/about-ilo/how-ilo-works/flagship-programmes/international-programme-elimination-child-labour-and-forced-labour-ipecc> - Retrieved on 27/12/2025
- https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11310:0::NO::P11310_INSTRUMENT_ID:312327 - Retrieved on 16/01/2026
- https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312283:NO - Retrieved on 04/01/2026
- <https://www.ilo.org/resource/news/ilo-child-labour-convention-achieves-universal-ratification> - Retrieved on 15/01/2026
- https://international-partnerships.ec.europa.eu/policies/human-development/child-labour_en?prefLang=it Retrieved on 30/01/2026
- <https://www.coe.int/en/web/european-social-charter> - Retrieved on 31/01/2026
- <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=163> Retrieved on 31/01/2026
- <https://eur-lex.europa.eu/EN/legal-content/summary/european-union-directives.html> - Retrieved on 01/02/2026
- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31994L0033&qid=1769784991395> - Retrieved on 03/02/2026
- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52004DC0105> - Retrieved on 03/02/2026
- <https://eur-lex.europa.eu/EN/legal-content/summary/protection-of-young-people-at-work.html> - Retrieved on 03/02/2026
- <https://www.europarl.europa.eu/topics/it/article/20231109STO09921/strategia-ue-sui-diritti-dei-minori-l-azione-europea-a-tutela-dei-minori> - Retrieved on 01/02/2026
- <https://osservatoriointerventitratta.it/siliadin-vs-france/> - Retrieved on 05/02/2026
- <https://eur-lex.europa.eu/eli/reg/2024/3015/oj/eng> - Retrieved on 04/02/2026
- <https://www.asylumlawdatabase.eu/en/content/ecthr-%E2%80%93-vcl-and-v-united-kingdom-applications-nos-7758712-and-7460312-16-february-2021> - Retrieved on 06/02/2026
- <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-207927%22%7D> - Retrieved on 06/02/2026

<https://www.echrcaselaw.com/en/echr-decisions/prosecution-and-conviction-of-juvenile-victims-of-human-trafficking-who-were-forced-to-work-in-drug-plantations-violation-of-the-echr-first-decision-for-criminal-prosecution-and-conviction-of-a-vic/> - Retrieved on 08/02/2026

<https://www.hec.edu/en/what-corporate-social-responsability-csr> - Retrieved on 13/02/2026

<https://www.barabino.it/en/corporate-social-responsibility-cose-e-l-importanza-per-lazienda-> - Retrieved on 13/02/2026

<https://unglobalcompact.org/compactjournal/safeguarding-childrens-rights-role-business-ending-child-labour> - Retrieved on 16/02/2026

<https://www.business-humanrights.org/en/big-issues/governing-business-human-rights/un-guiding-principles/> - Retrieved on 18/02/2026

<https://www.ilo.org/bureau-employers-activities/business-networks> - Retrieved on 18/02/2026

<https://flbusiness.network/> - Retrieved on 19/02/2026

<https://esthinktank.com/2025/12/01/exploited-childhoods-the-role-of-global-corporations-in-perpetuating-and-mitigating-child-labour/> - Retrieved on 19/02/2026

<https://www.ilo.org/projects-and-partnerships/projects/child-labour-platform-clp> - Retrieved on 21/02/2026

<https://flbusiness.network/> - Retrieved on 20/02/2026

https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en - Retrieved on 22/02/2026

<https://normative.io/insight/csddd/> - Retrieved on 23/02/2026

<https://www.unicef.org/childrightsandbusiness/human-rights/eu-corporate-sustainability> - Retrieved on 22/02/2026

<https://childrights-business.org/news-and-events/eu-csddd-diluted-but-still-packs-a-punch> - Retrieved on 24/02/2026

<https://www.savethechildren.net/news/eu-adopts-historic-directive-requiring-large-companies-focus-children-s-rights> - Retrieved on 25/02/2026

<https://www.consilium.europa.eu/en/press/press-releases/2025/04/14/simplification-council-gives-final-green-light-on-the-stop-the-clock-mechanism-to-boost-eu-competitiveness-and-provide-legal-certainty-to-businesses/> - Retrieved on 13/03/2026

<https://www.lw.com/en/insights/2025/04/stop-the-clock-directive-grants-delays-in-corporate-sustainability-reporting-and-due-diligence> - Retrieved on 14/03/2026

<https://www.humanium.org/en/the-detrimental-effects-of-fast-fashion-on-childrens-rights/> - Retrieved on 01/03/2026

<https://www.oecd.org/en.html> - Retrieved on 03/03/2026

https://www.oecd.org/en/publications/oecd-due-diligence-guidance-for-responsible-supply-chains-in-the-garment-and-footwear-sector_9789264290587-en.html - Retrieved on 06/03/2026

<https://www.unicef.org/reports/childrens-rights-in-garment-and-footwear-supply-chain-2020> - Retrieved on 07/03/2026

<https://www.nortonrosefulbright.com/en/knowledge/publications/ff7c1d04/the-german-supply-chain-act> - Retrieved on 08/03/2026

https://single-market-economy.ec.europa.eu/single-market/goods/forced-labour-regulation_en#what-is-forced-labour - Retrieved on 11/03/2026