

Statement of interpretation on Article 7

Article 7 contains ten paragraphs on the various aspects of the right of children and young persons to protection. These may be grouped as follows:

- minimum age of admission to employment (Paragraph 1 and 2)
- working hours (Paragraph 4 and 6)
- exclusions from employment in certain kinds of work (Paragraph 3 and 8)
- right to fair remuneration (Paragraph 5)
- length of paid annual holidays (Paragraph 7)
- the right to regular medical control in certain cases (Paragraph 9)
- protection against physical and moral dangers (Paragraph 10).

Only one government (Italy) felt able to accept the provisions of Article 7 in their entirety whilst the other governments all excluded one or more of the paragraphs. Only the Danish Government, on the other hand, found it impossible to accept any of the provisions of Article 7.

In arriving at an interpretation of this article, the Committee found it necessary to clarify the following two points.

In the first place, the Committee noted that Paragraph 10 of this article is far broader in scope than the first nine paragraphs. In fact, Paragraphs 1 to 9 cover the protection of children and young people against the dangers of a working life, whereas Paragraph 10 places an obligation upon the states who accept it to protect young people against any dangers which threaten them, even if these dangers are not connected with their work.

This distinction was not pointed out in the "form" according to which the governments of the Contracting States submitted their reports in accordance with Article 21 of the Charter and, consequently, escaped the notice of the governments; the Committee, however, while drawing the attention of the governments to the general scope of Article 7, Paragraph 10, felt it unnecessary at this stage to point out the partial nature of the information submitted to it in connection with this provision.

Secondly, the Committee found it necessary to direct its attention to the problem of a possible overlapping between Article 7 and other provisions of the Charter, especially Article 17. In fact, both these articles of the Charter are particularly concerned with providing "protection" for children. The Committee admitted that two or more provisions in the Charter might well have the same content in part, since the Contracting Parties were free to accept the Charter only in part. In the particular case in point (Articles 7 and 17), the Committee took the view that, when the Charter was drawn up, it had not been intended that these two articles should overlap and that the two provisions in question were different in scope. According to the Committee, the provisions of Article 17 applied to children of pre-school age, while children and young people were covered by Article 7 once they had reached school age.

From a study of the governmental reports submitted, the Committee found that the level of protection achieved in the various countries was still uneven. In certain countries, it was found that governments had not enacted all the legislation necessary for the implementation of the provisions of Article 7; an example of this was the important undertaking in respect of the development of young people and their need for vocational training as contained in Paragraph 4. In other cases, governments had omitted to inform the Committee on the application of existing legislation; this was the case, for example, in the no less important undertaking in Paragraph 3 regarding compulsory education. Finally, there was a third group of states that had not supplied any statistics with their information, which would have enabled the Committee to assess the actual situation in the country in question.

The Committee made the following observations on the ten paragraphs of Article 7: