



THE CHILDREN'S RIGHTS & BUSINESS PRINCIPLES INITIATIVE

Respecting and Supporting Children's Rights while Advancing Business and Promoting a Sustainable Development Agenda

Input Requested on the Draft Principles

Initiative Overview

On 24 June 2010, UNICEF, the United Nations Global Compact and Save the Children launched a process to develop a set of Principles that would seek to outline the full range of actions that business can take to respect and support children's rights. While some excellent initiatives already exist that provide guidance on particular dimensions of the business and children relationship, currently, no comprehensive set of principles exists to contextualize these within an overall coherent framework for businesses and stakeholders on what to do to respect and support children's rights.

The Principles will thus seek to present business, civil society, trade unions, government, National Human Rights Institutions, academia, children, adolescents and other stakeholders with an unprecedented opportunity to join forces in an effort to better enable the private sector to become a more positive force for children. Whether in the workplace, marketplace or community, the Principles on Business and Children's Rights will seek to maximize the positive impacts and minimize the negative ramifications that business activities may have on children.

The objectives of the Principles, once finalized, are to set out a comprehensive range of actions that business can take to respect and support children's rights; inform government engagement with business on children, offer a unifying framework for existing and future initiatives, promote business-multi-stakeholder collaboration, and raise awareness of the positive and negative impact of business on children. The Principles will also be a *call to action* on business and children.

The Children's Rights & Business Principles will be released around the anniversary of the Convention on the Rights of the Child (CRC) which takes place on 20 November 2011 - culminating an extensive multi-market research, consultation, drafting and refinement process.

The Consultation Process

Multi-stakeholder consultations are a critically important component of the process to develop the draft Principles. The consultations aim to engage diverse audiences across all regions - seeking substantive inputs to the draft Principles themselves, the themes on which the Principles are based, building support, encouraging ownership, and fostering long-term commitment to upholding the Principles. In addition, input

is sought on how the Principles might be operationalized, including what business would need in the way of guidance materials and other assistance to support their implementation.

Key components of the consultations include: a public online consultation process hosted via the Business and Human Rights Resource Centre website <http://www.business-humanrights.org/>, in-person consultations in various countries and regions; a consultation with governments; and engagement with UN Global Compact participants, Local Networks and other stakeholders. Online consultations are being conducted in the six official UN languages and in-country consultations will take place in local languages.

Instructions for feedback

Please find following the Draft Principles on Business and Children’s Rights and a set of questions to facilitate your input and feedback on the draft. The partner organizations are looking forward to receiving your responses by **30 June 2011**. Responses can be sent to the following mailbox: childrensprinciples@unglobalcompact.org or via the **Business and Human Rights Resource Centre** at the URL indicated above. This feedback will provide input into the development of the final Principles which will be launched in November 2011.

In the event you wish further background and context prior to responding, please review the documents titled, “Executive Summary of Mapping of Links between Business & Children’s Rights” and “Children’s Rights & Business Principles Initiative (CRBPI) Concept Note”. If you do not already have a copy, you can download them at: <http://www.business-humanrights.org/>

We appreciate your valuable time and support of the Children’s Rights & Business Principles Initiative.

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DRAFT PRINCIPLES ON BUSINESS AND CHILDREN’S RIGHTS

PREAMBLE

Business enterprises should:

1. Make a commitment to children and their families as key stakeholders of business
2. Respect and support children’s rights in the workplace and value chain
3. Make sure products and services are safe and make a positive contribution to children’s lives
4. Use marketing and advertising that advances children’s rights
5. Take care of the environment where children live and grow
6. Help protect children affected by emergencies
7. Reinforce community and government efforts to fulfill children’s rights

All children¹ have rights, everywhere and at all times. All children's rights are equally important and interrelated. The Principles for Business on Children's Rights ('the Principles'), call on business enterprises to respect and support children's rights in the workplace, marketplace and community. They set out a comprehensive range of actions that business can take to respect and support children's rights; inform government engagement with business on children; offer a unifying framework for existing and future initiatives on business and children, promote business-multi-stakeholder collaboration, and raise awareness of the positive and negative impact of business on children.

Integrating children's rights into business culture and management systems makes sound business sense. It can enhance reputation, attract investment, improve the recruitment, retention and motivation of the workforce and contribute to a sustainable and stable future.

States have the primary duty to protect, respect, and fulfill children's rights. However, all societal actors, including business, must comply with applicable national law and respect international standards regarding children's rights. Where national law or its implementation does not provide for adequate safeguards for children's rights, international standards should be respected.

The Principles are based on international standards on children's rights, particularly those contained in the United Nations Convention on the Rights of the Child and its Optional Protocols and International Labour Organisation Conventions No. 182 on the Worst Forms of Child Labour and No. 138 on the Minimum Age for Admission to Employment. They do not create new international law obligations. The Principles elaborate on the implications of existing standards for business such as the United Nation's Global Compact's Ten Principles and the United Nation's 'Protect, Respect and Remedy' Framework. They have been developed by children, youth, business, National Human Rights Institutions, civil society, governments and other stakeholders, interested persons and organizations. Nothing in the Principles should be taken to justify application of standards lower than that in force in a particular country or operating environment.

The four guiding principles of the United Nations Convention on the Rights of the Child underpin them:

- The best interests of the child must always be a primary consideration in all decisions and actions concerning children.
- Children have the right to be protected from discrimination.
- Children's opinions and views – including girls and boys, the most marginalized, vulnerable and those of different ages and abilities – must be respected, heard and taken into account in all decisions and actions affecting children.
- Children have the right to survival and development.

DRAFT PRINCIPLES

1. Make a commitment to children and their families as key stakeholders of business

Understand, prevent and address any negative impacts of business activities on children

- a) Develop a corporate policy on children's rights which includes a commitment to respect² and

¹ Children are defined in the Principles as all those under 18 years of age.

² The term 'corporate responsibility to respect human rights' within the UN Protect-Respect-Remedy Framework means 'avoiding the infringement of the rights of others and addressing adverse impacts that may occur.'

support³ children's rights.

- b) Assess the impact of the business on children's rights, being sure to involve children and other potentially affected groups and stakeholders in the assessment.
- c) Integrate children's rights policies and processes and the findings from the impact assessment into business culture and management systems.
- d) Publicly disclose policies and processes relevant to children's rights.
- e) Track performance to know if the business is keeping up with its commitment to respect and support children's rights.
- f) Measure and publicly communicate progress on respecting and supporting children's rights.
- g) Make grievance mechanisms available and improve their effectiveness so they are accessible for girls and boys, their families and those that may represent their interests.
- h) Ask partners and peers to uphold the business' commitment to children's rights.

Work in cooperation with other stakeholders

- i) Draw on expertise, as required, from credible experts in children's rights such as civil society organisations, governments, National Human Rights Institutions and multi-stakeholder initiatives to ensure that children's rights are respected and supported as effectively as possible.

2. Respect and support children's rights in the workplace and value chain⁴

Eliminate child labour in the workplace

- a) Do not employ children in any manner that results in exploitation or child labour.⁵
- b) Establish age verification mechanisms as part of recruitment processes and ensure that these mechanisms are also used in the supply chain.
- c) Be aware of the presence of all children in the workplace. On discovery of an underage working child, cooperate with a range of stakeholders, including the child concerned, their family, government and civil society to ensure that any action taken is accompanied by supportive measures in the child's best interest and respects the child's right to education.

Respect and support the rights of working children

- d) Offer children who have reached the minimum working age decent work opportunities which are appropriate for their age and experience.

³ For the purposes of the Principles, the term 'support' means to make a positive contribution to the advancement of children's rights through core business activities, social investment or philanthropy, advocacy, and/or working in partnership and other collective action, including with other businesses.

⁴ For the purposes of the Principles, the term 'value chain' means a model of how businesses receive raw materials as input, add value to the raw materials through various processes, and sell finished products to customers.

⁵ This means not hiring children under the minimum working age(s) set by national legislation. In the case of children who have reached that age, it means not employing them in hazardous work (that is work which is likely to harm their health, safety or morals) or other worst forms of child labour, including child trafficking, sexual exploitation, debt bondage, forced labour and the recruitment or use of children for security or military purposes.

- e) Be mindful that girls and boys of working age may face different risks in the workplace from adults. Ensure in particular their right to information and association, protection from all forms of workplace violence (such as physical and other humiliating punishment, bullying and sexual abuse) and protection from hazardous work.

Provide decent working conditions that also support women and men workers in their roles as parents or caregivers.

- f) Pay particular attention to issues such as wage levels, length and flexibility of working hours, accommodations for pregnancy and breastfeeding, need for leave, supporting migrant and seasonal workers with distance parenting and providing access to good quality healthcare and childcare for dependants.

Make sure children affected by business activities are protected

- g) Develop a child protection code of conduct⁶ that applies to all workers with direct contact with children. Recommend the child protection code of conduct to all other stakeholders linked to operations, products or services.
- h) Ensure that workers with direct contact with children have adequate knowledge and ongoing training regarding children's rights.

Take steps to ensure that children's rights are integrated in the value chain

- i) Do not put pressures on suppliers, contractors and sub-contractors that are likely to result in abuses of children's rights; for example, excessively low margins may encourage the use of child labour.
- j) Where possible, develop stable, long-term relationships with suppliers, contractors and sub-contractors and build their motivation and capacity to respect and support children's rights including by the use of dialogue, contract conditions, self-assessment, audit, joint industry initiatives and/or capacity building.

3. Make sure products and services are safe and make a positive contribution to children's lives

- a) Ensure that products and services to which children may be exposed are safe and that testing and research is conducted in the best interests of the child.
- b) Where the business makes products or provides services that are essential for children's survival and development, such as pharmaceuticals, water or electricity, ensure they are made available on a non-discriminatory basis, they are culturally appropriate and of good quality for children.
- c) Minimize the risk that products, services or facilities may be used to traffic children or exploit them in any other way, including sexually. Also consider how products, services and facilities may be used to prevent and help combat trafficking and commercial sexual exploitation, or in other ways to protect children.

⁶ A child protection code of conduct is defined as a statement of intent, based on the UN Convention on the Rights of the Child, which demonstrates a commitment to safeguard children from harm. It makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children and to show that the business is taking its duty and responsibility of care seriously.

4. Use marketing and advertising that advances children's rights

- a) Have in place a responsible marketing policy which applies to all media outlets and which takes into account potential negative impacts on children and children's greater susceptibility to manipulation.
- b) Monitor and measure adherence to this policy across all the markets served.
- c) Do not use sexualised images of children or unrealistic body images in marketing.
- d) Where possible, create marketing which strengthens children's rights for example by promoting healthy lifestyles and children's citizenship.
- e) In collaboration with children, civil society organizations and/or governments, explore opportunities to use social marketing of products and services in ways that respect and support children's rights.

5. Take care of the environment where children live and grow

- a) Give specific consideration to the impact on children when planning and implementing environmental and resource use strategies so that operations do not negatively affect children through damage to the environment or reducing access to scarce resources, such as clean water.
- b) Ensure children are considered in contingency plans for controlling serious environmental and health damage from business operations, including accidents and emergencies.
- c) Recognise that efforts to reduce the emission of greenhouse gases will impact on future generations and identify opportunities to mitigate and prevent disaster risk and adapt to the consequences of climate change.

6. Help protect children affected by emergencies

- a) Re-assess the impact of business practices on boys and girls when operating in the context of emergencies.⁷ Take into account that emergencies can significantly increase the risk of violations of children's rights.
- b) Use conflict-sensitive business practices including not engaging in any activity or business agreement that could fuel and/or prolong conflict.
- c) Help protect children affected by emergencies by raising awareness amongst workers and in the community of increased risks of violence, abuse and exploitation of children and through supporting recovery and reintegration activities for children.
- d) Assist humanitarian agencies in gaining access to affected communities and children.

7. Reinforce community and government efforts to fulfill children's rights

- a) Consider undertaking or supporting social investment programmes that focus on the best interests of the child, assist girls and boys, and are planned and implemented in close

⁷ In this context, emergencies are defined as a situation where lives, physical and mental well-being, or development opportunities for children are threatened as a result of armed conflict, widespread violence, disaster or the breakdown of social or legal order, and where local capacity to cope is exceeded or inadequate.

cooperation with government and community organizations to ensure they are complementary to government and other efforts to fulfill children's rights.

- b) Avoid and/or minimize displacement of communities affected by land acquisition for company purposes wherever feasible and take children's rights – especially to education, protection, health, an adequate standard of living and participation - into account when considering resettlement and compensation.
- c) Where possible, support government's abilities to meet their children's rights obligations by using influence responsibly and helping to build government capacity.
- d) Adhere to ethical operating practices in terms of accountability, transparency, preventing corruption, respect for the rule of law and payment of fair taxation to generate revenues for economic growth and poverty reduction.