**Children’s Rights and Business**

This fact sheet aims to: support national human rights institutions in their work with governments, business and civil society to promote children’s rights in the context of business activities.

**Business respect for children’s rights**

**United Nations Guiding Principles on Business and Human Rights**

The endorsement of the United Nations Guiding Principles on Business and Human Rights\(^1\) in 2011 has resulted in an increased awareness on the role on businesses in supporting and respecting for human rights.

**Children’s Rights and Business Principles (the Principles)**

Recognizing a need for explicit guidance on what it means for business to respect and support children’s rights, the United Nations Global Compact, Save the Children and UNICEF worked together to develop a set of principles, launched as *Children’s Rights and Business Principles*\(^2\) in March 2012. The Principles define what business can do to support children’s rights.

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<th>General Comment No.16</th>
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<td>In 2013, the Committee on the Rights of the Child issued a General Comment on the subject, clarifying the appropriate interpretation of the rights and obligations of State parties under the Convention on the Rights of the Child. General Comment No.16 on State obligations regarding the impact of the business sector on children’s rights(^3) spells out the role of the government in supporting child rights in the context of business activities.</td>
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**The Children’s Rights and Business Principles**

*Children’s Rights and Business Principles* articulate the difference between the responsibility of business to respect – doing the minimum required to avoid infringing on children’s rights; and support – taking voluntary actions that seek to advance the realization of children’s rights.

*Children’s Rights and Business Principles* call on business to put in place appropriate policies and processes, as set out in the Guiding Principles on Business and Human Rights, including a policy commitment and a due diligence process to address potential and actual impacts on human rights.

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\(^1\) United Nations Guiding Principles on Business and Human Rights


\(^2\) Children’s Rights and Business Principles

<http://www.unicef.org/csr/12.htm>

<http://www.unicef.org/css/PRINCIPLES_23_02_12_FINAL_FOR_PRINTER.pdf>

\(^3\) Committee on the Rights of the Child General Comments

<http://www2.ohchr.org/english/bodies/crc/comments.htm>
The *Principles* identify a comprehensive range of actions that all businesses should take to prevent and address risks to child rights and maximize positive business impacts in the workplace, the marketplace and the community.

### Children’s Rights and Business Principles

**All business should:**

1. Meet their responsibility to respect children’s rights and commit to supporting the human rights of children.

2. Contribute to the elimination of child labour, including in all business activities and business relationships.

3. Provide decent work for young workers, parents and caregivers.

4. Ensure the protection and safety of children in all business activities and facilities.

5. Ensure that products and services are safe, and seek to support children’s rights through them.

6. Use marketing and advertising that respect and support children’s rights.

7. Respect and support children’s rights in relation to the environment and to land acquisition and use.

8. Respect and support children’s rights in security arrangements.


10. Reinforce community and government efforts to protect and fulfil children’s rights.

A set of practical tools[^4] is available to help business respect and support children’s rights. These include guidance on implementing relevant policies; conducting impact assessments; integrating appropriate programmes and systems; and monitoring and reporting on children’s rights.

### The role of States

States play an important role in protecting and supporting children’s rights, including in the context of business activities. States are accountable for protecting children against abuses committed by third parties. *General Comment No. 16 on State obligations regarding the impact of the business sector on children’s rights* provides important guidance on the responsibility of national authorities under the Convention on the Rights of the Child.

The Committee on the Rights of the Child General Comment No. 16 outlines the State duty to protect children’s rights from adverse impacts of business activities and operations. It provides measures to support and protect children’s rights through legislation, regulation, enforcement, monitoring and remediation.

[^4]: Integrating children’s rights into your business (<http://www.unicef.org/csr/88.htm>)
National human rights institutions: supporting children’s human rights in business

National human rights institutions play a crucial role in: preventing and remedying violations of human rights under their mandate to serve as relay mechanisms between international human rights norms and States; undertake legislative review and make recommendations to ensure compliance with international human rights norms and standards; and provide access to remedies under the *protect, respect, remedy* framework.

National human rights institutions already play a key role in supporting children’s rights and preventing and responding to business violations of children’s rights by:

- monitoring the effective implementation and enforcement of laws relating to children’s rights and business respect for human rights
- supporting initiatives assessing any direct or indirect impacts of business activities on children
- publishing documents and reports and creating tools to increase awareness of child rights in the business context
- organizing workshops and conferences related to children’s rights in business activities
- advocating with governments on the impact of business on children’s rights
- forming partnerships with other organizations and institutions, including civil society, national, regional or international organizations, and United Nations agencies, to increase impact in supporting and promoting human rights.

National human rights institution actions specific to their monitoring and supporting capacity include:

- issuing advice, position papers and recommendations to eliminate child labour, promote education and protect children’s health and safety
- exercising oversight of business enterprises which provide services that may impact on the enjoyment of the rights of the child
- working with business on promoting respect and support of children’s rights through awareness-raising tools and resources
- facilitating dialogue and collaboration between business, government and civil society actors through multistakeholder platforms
- monitoring and reporting on children’s rights abuses in the business sector and supporting civil society in this work by conducting for example public inquiries and fact-finding missions
- monitoring and promoting domestic legislation regulating the establishment and conduct of corporations to ensure it is in compliance with children’s rights
- building children’s rights capacity of government institutions offering basic health, education or child protection services
ensuring children’s rights and business issues form part of the institutions’ work with international human rights treaties bodies and with existing review mechanisms such as the Universal Periodic Review process.

working with local networks of the United Nations Global Compact to increase knowledge sharing and engage in dialogue on children’s rights issues

proactively raising awareness of grievance and complaints mechanisms among children, and within businesses and communities.

National human rights institution actions specific to their remedial capacity include:

- facilitating access to remedies for violations of children’s rights where national human rights institutions carry out quasi-judicial functions
- promoting access to remedies via judicial and non-judicial mechanisms (e.g., National Contact Points for the OECD Guidelines for Multinational Enterprises\(^5\)), company-level grievance mechanisms and multi-stakeholder initiatives (e.g., ICMM Sustainable Development Framework\(^6\), Ethical Trading Initiative\(^7\), Social Accountability International\(^8\), Fair Wear Foundation\(^9\), Fair Labor Association\(^10\))
- contributing to the provision of remedy for business-related child rights abuses, for example by expanding the mandate of existing non-judicial mechanisms, such as mediation or arbitration
- supporting victims and, where appropriate, undertaking mediation activities and conciliation of complaints
- co-operating with other national human rights institutions where child rights violations extend across borders or jurisdictions

This fact sheet was prepared jointly by the UNICEF Corporate Social Responsibility Unit and the ICC Working Group on Business and Human Rights.

For further information please contact your nearest UNICEF office or National Committee for UNICEF or email the Corporate Social Responsibility Unit at csr@unicef.org
http://www.unicef.org/csr

\(^5\) National Contact Points for the OECD Guidelines for Multinational Enterprises
<http://www.oecd.org/daf/inv/mne/ncps.htm>

\(^6\) International Council of Mining and Metals Sustainable Development Framework

\(^7\) Ethical Trading Initiative
<http://www.ethicaltrade.org/>

\(^8\) Social Accountability International
<http://www.sa-intl.org/>

\(^9\) Fair Wear Foundation
<http://www.fairwear.org/>

\(^10\) Fair Labor Association
<http://www.fairlabor.org/>
UNICEF supporting companies taking action for children’s rights: recent examples

In **Malaysia**, UNICEF worked with the Government to provide guidance on the establishment of childcare facilities by employers in or near business centres. The guidance outlines options for setting up childcare centres and the main principles of care, such as nurturing life skills, providing nutritious food, ensuring proper construction of facilities, and safeguarding adequate health and safety.

In **India**, UNICEF supported the development of the National Corporate Social Responsibility (CSR) Hub for state-owned companies. The CSR Hub is the first of its kind in India, and will serve as a knowledge centre, think tank and network for the business communities in the states of Tamil Nadu and West Bengal. UNICEF is partnering with the Government and the private sector to provide business leaders with guidance on how to consider children’s rights during the normal course of their operations. For one such project, UNICEF is working with the Confederation of Indian Industry to establish Knowledge Management Hubs on corporate social responsibility in the cities of Chennai and Kolkata.

The world’s largest furniture retailer, **IKEA**, has a long standing relationship with UNICEF that was first initiated on the basis of child labour concerns in India. More recently, IKEA committed to respect and support children’s rights by including specific reference to the *Children’s Rights and Business Principles* as part of its Sustainability Direction for 2020.

In September 2012, tourism company **Kuoni** approached UNICEF for input on its impact assessment methodology and to facilitate consultations with children as part of the in-country assessment. As a result, children’s rights considerations were integrated into the assessment process, children were consulted as a relevant stakeholder group and the results of the assessment included specific action points related to ensuring respect for children’s rights in business operations.

In May 2010, **Sansiri**, one of the largest real estate developers in Thailand, approached UNICEF with the intent of making a donation. The ensuing discussion led to the understanding that the company could use its reach to promote key policy changes for children. Sansiri supported a major public campaign to prevent iodine deficiency disorders in children, and subsequently the Thai Ministry of Public Health adopted regulations on mandatory iodization in September 2010. Sansiri is now working on implementing *Children’s Rights and Business Principles*. 
NHRIs engage in promoting and protecting the rights of the child

In India, the National Human Rights Commission (NHRC) was asked by the Supreme Court to monitor the implementation of the Bonded Labour System (Abolition) Act. In September 2000, it constituted a Group of Experts to examine the best ways to implement this legislation, and issued a report to the Court accordingly. Subsequently, the Commission engaged in dialogue with the Government and the Ministry of Labour, and is currently involved in training and awareness-raising of senior government officials. In March 2008, the Special Rapporteur of the National Human Rights Commission called upon the government to actively involve other actors such as NGOs and trade unions in the prevention bonded child labour, and to provide for training and education to those working children.


We strongly encourage additional sharing of good practice examples, whereby NHRIs have supported children’s rights in business and would invite you to send these to us.

Further insightful resources:
NHRIs: Working to the Rights of Women and Children