

Submission to the Department of Foreign Affairs & Trade- Human Rights & Business Principle

‘Children’s Rights are Everyone’s Business’

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Introduction

UNICEF is the world’s leading organisation working for children. We work with families, communities, partners and governments in more than 190 countries worldwide to protect and promote the rights of all children.

UNICEF is the driving force that helps build a world where the rights of every child are realized. We have the global authority to influence decision-makers, and the variety of partners at grassroots level to turn the most innovative ideas into reality.

We believe that nurturing and caring for children are the cornerstones of human progress. UNICEF was created with this purpose in mind – to work with others to overcome the obstacles that poverty, violence, disease and discrimination place in a child’s path. We believe that we can, together, advance the cause of humanity.

UNICEF’s Expertise & Area of Interest

In 2011 the Committee on the Rights of the Child decided to begin drafting a General Comment on child rights and the business sector. It is the first UN human rights treaty body to prepare a General Comment on this issue and the main objective is to assist States parties in meeting their obligations under the Convention on the Rights of the Child (CRC) by:

- Providing them with conceptual guidance on the nature of their obligations under the Convention with regards to the business sector - for example what does the State duty to protect child rights from violations by business enterprises mean? What are the obligations of State-owned enterprises?;
- Elaborating on how the four guiding principles of the CRC are relevant in this context; and
- Proposing practical guidance on the measures of implementation States parties should have in place to respect, protect and fulfil child rights with regards to business - these include legislation, regulation and policy but also administrative measures as well as awareness-raising and collaboration.

Following several exchanges with the Committee, it was decided that UNICEF would support the research on the topic of the state obligations to prevent and remedy violations of children’s rights by business.

Children comprise a diverse population that mirrors the diversity of society in language, culture, religion and economic status, ranging from the wealthy to the poorest of the poor. They are infants, young children, adolescents and young adults, as the Convention on the Rights of the Child and other international treaties define a ‘child’ to be any person below age 18. When businesses respect and value all stages of childhood, they foster the strength of future generations. Yet children’s issues are often not explicitly considered by businesses and other powerful actors in society.

Pillars of the UN Guiding Principles:

i. State duty to protect human rights

It is important for States to have in place well-functioning child-focused governance structures and mechanisms which ensure that children's rights are not 'left behind' and over shadowed by consideration of business interests. In February 2013, the Committee on the Rights of the Child adopted [General Comment 16](#) on State obligations regarding the impact of the business sector on children's rights, to which countries will be held accountable for ensuring that children's rights are protected in business activities.

It is one of the most recent pieces of international law available on business and children’s rights. It includes guidance on the measures of implementation that are required to prevent and remedy violations of child rights by business actors, and ensure business enterprises carry out their responsibilities in the realisation of the rights of the child and encourage business to positively contribute to the realisation of these rights. The General Comment is guided by the principles of the CRC throughout: the best interests of the child (article 3(1)); the right to non-discrimination (article 2); the right of the child to be heard (article 12) and the right to life, survival and development (article 6).

ii. The corporate responsibility to protect human rights

Developed by UNICEF, the UN Global Compact and Save the Children – [the Children’s Rights and Business Principles](#) (the Principles) are the first comprehensive set of principles to guide companies on the full range of actions they can take in the workplace, marketplace and community to respect and support children’s rights.

The United Nations Guiding Principles on Business and Human Rights provide a broad framework through which companies can operationalize their respect for human rights, and they call on all businesses to pay particular attention to groups or populations that may be more vulnerable or marginalized. Although they are considered to be a vulnerable group, children can also be priority stakeholders as companies interact with children on a daily basis, as workers, consumers and

community members. While the business and human rights agenda has evolved significantly in recent years, a child rights perspective has not yet been explicitly addressed.

The Principles are built on existing standards, initiatives and best practices related to business and children, and seek to fill gaps to present a coherent vision for business to maximize the positive impacts and minimize negative impacts on children. In doing so, the Principles help to elaborate both expectations of, and opportunities for business, in relation to children; who are often overlooked as stakeholders of business.

Business policy and action can have a very significant impact - both positive and negative - on children's rights whether they are acting alone, through business partners or in concert with government agencies.

This impact can be for example, through:

- the use of child labour whether directly or within supply chains;
- making sure that the rights of working children are respected;
- ensuring parents have good working conditions and benefits so they can properly care for their children;
- respecting the rights of children, particularly indigenous children, who are being compelled to relocate following a land acquisition for business purposes;
- the use of aggressive marketing which exploits children's vulnerability; enduring products are safe for children to use;
- ensuring essential services such as water are provided safely and fairly to children;
- and taking the specific needs of children into account when planning and implementing environmental and resource strategies.

The CRC can serve as a valuable resource for companies seeking for information beyond the Children's Rights and Business Principles. Notably, the CRC:

- Is universally supported.
- Provides a common framework for navigating diverse cultures and legal systems.
- Fits into the established framework of corporate responsibility to respect all human rights.
- Offers a vision of the world fit for children that business can support.

There are many aspects of respecting and supporting children's rights that simultaneously generate benefits for business. Among the most significant advantages a company can gain by implementing child rights policies and practices is the potential to:

Achieve better risk management through an expanded definition of risk that incorporates environmental and social issues, including human rights, and by ensuring that health, safety and product responsibilities safeguard children's interests and address their vulnerabilities.

Build reputation and help secure the 'social licence to operate' by demonstrating that the beneficial impacts of companies' products, responsible marketing and good relationships with local communities can meet the needs of parents and children.

Recruit and retain a motivated workforce through fair wages and decent working conditions, enabling employees who are parents or caregivers to combine their family responsibilities with a productive work life, thereby increasing production capacities and reducing absenteeism.

Develop the next generation of talent by supporting apprenticeship programmes and education initiatives that will equip young people with workplace skills such as decision making and leadership.

Contribute to a stable and sustainable business environment by working for the good of children and helping to build strong, well-educated communities, robust businesses and healthy economies.

The Children's Rights and Business Principles

The [Children's Rights and Business Principles](#) call on businesses to:

1. Meet their responsibility to respect children's rights and commit to supporting the human rights of children.
2. Contribute towards 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.
9. Help protect children affected by emergencies.
10. Reinforce community and government efforts to protect and fulfil children's rights.

The Principles call on businesses to identify and assess any actual or potential adverse child rights impacts they may be involved in either directly or indirectly, either through their own activities or as a result of business relationships. This is a key element of implementing their corporate responsibility to respect. The assessment process can also help companies to identify important opportunities to support children's rights, enabling the business to go beyond the avoidance of adverse impacts and take additional steps that may involve collaboration with governments, local communities, civil society and young people on urgent actions needed to fulfil the rights of children.

This tool provides guidance for companies on assessing their policies and processes as they relate to the responsibility to respect and commitment to support children's rights. It can be used to integrate

child rights considerations into ongoing assessments of overall human rights impacts, as outlined in the United Nations Guiding Principles on Business and Human Rights. Specifically, it offers a number of criteria that companies can use both to review critical areas of potential or actual impact on children's rights, and identify actions for improvement.

Recommendations

1. Act in accordance with the United Nations Convention on the Rights of the Child and [General Comment 16 \(2013\) on State Obligations regarding the impact of business on children's rights](#)

UNICEF Ireland is calling for the Government of Ireland to act in full accordance with the CRC and its protocols in their decision-making and operations, as well as when entering into agreements or establishing guidelines relevant to the business sector, specifically as they relate to international development, finance and trade organisations. As outlined in the General Comment 16, "such actions and measures should go beyond the eradication of child labour and include the full realisation of all children's rights."

2. [Include Children's Rights in Impact Assessments](#)

Address the identified risks to children by

- examine company policies and processes to determine whether they effectively address potential or actual impacts on children's rights
- Integrate children's rights criteria into wider social, environmental and human rights impact assessments.
- Carry out a stand-alone child rights impact assessment.
- Find guidance on specific actions a company can take to address identified risks or opportunities

3. Encourage the use the of [Child Rights and Business Principles](#) and make a firm commitment to support the human rights of children