

csr

corporate social  
responsibility  
advancing children's  
rights in business



© UNICEF/HQ/2010-01/19/MOORANI

# Children are Everyone's Business

A practical workbook to help companies understand and address their  
impact on children's rights

Pilot workbook

unite for children

unicef 



# Children are Everyone's Business

A practical workbook to help companies understand and address their  
impact on children's rights

Pilot workbook



# Children are Everyone's Business

UNICEF developed this Workbook to support your company's efforts to better understand and address its impact on children – in the workplace, marketplace, community and the environment.

Your company might be in full compliance with relevant national legislation and regulations, and actively pursuing a corporate social responsibility strategy. But your business decisions, activities and relationships still affect the lives of children in many ways, including some that you may not recognize: Your company employs their parents; you produce or market products used by children; your production facility or business premises are situated close to schools or playgrounds; or your suppliers may use child labour without your knowledge.

By picking up this Workbook, your company is taking a decisive step towards assessing its footprint on child-related issues, and setting a direction for positive action to respect and support children's rights. Please read it carefully. Learn from it. And refer back to it as often as it continues to be helpful.

unicef 

# Contents

<b>Acknowledgments</b> _____	<b>8</b>
<b>Foreword</b> _____	<b>9</b>
<b>Acronyms</b> _____	<b>10</b>

## Part One: Introduction and Background

<b>Introduction</b> _____	<b>14</b>
The time for children is now _____	14
Children are everyone's business _____	15
What is good for children is good for business _____	16
<b>Introducing the Children's Rights Framework of the Workbook</b> _____	<b>18</b>
The Children's Rights and Business Principles _____	18
The Convention on the Rights of the Child (CRC) and what it means for business _____	20
The Guiding Principles on Business and Human Rights and other standards _____	22
<b>How to use the Workbook</b> _____	<b>23</b>
Who is it for? _____	23
What it covers _____	24
How to use the workbook: start anywhere and go everywhere _____	25
How you can help us _____	25

# Part Two: Taking Action

## Integrating children’s rights into core business practices

<b>Chapter 1</b>	Integrating Children’s rights into core business practices	29
	1. Policy commitment to respect and support children’s rights	31
	2. Assessing impacts on children’s rights	32
	3. Integration and action for children	35
	4. Tracking performance and reporting on results	36
	5. Remediation for children	36

## Children’s rights in the workplace

<b>Chapter 2</b>	Children’s rights and the workplace	40
	Establishing a family friendly workplace	42
	Addressing and eliminating child labour	46
	Respecting the rights of young workers	52
	Use of business premises and property	55

## Children’s rights in the marketplace

<b>Chapter 3</b>	Safe products and services	59
<b>Chapter 4</b>	Responsible marketing and advertising	69

## Children’s rights in the community and environment

<b>Chapter 5</b>	Ensuring sustainable and child-friendly business operations	77
	Respecting the environment where children live and grow	79
	Land acquisition	81
	Managing security arrangements	83
<b>Chapter 6</b>	Helping protect children affected by emergencies	89
<b>Chapter 7</b>	Reinforcing government and community efforts to fulfil children’s rights	97
	Reinforcing government taxation and corruption-free practices	98
	Providing essential services	101
	Investing in community programmes for children	103

<b>Annexes</b>		110
----------------	--	-----

<b>References</b>		116
-------------------	--	-----

# Acknowledgements

This publication was developed through a consultative process and benefited from the expertise of a wide range of contributors. Without the guidance, support and contribution provided by the individuals listed below, this publication would not have been possible.

A first draft Workbook was developed by Margaret Wachenfeld and Joanne Dunn (UNICEF), as well as by Maya Forstater and Simon Zadek.

Contributions, input and review:

**UNICEF:**

Carlotta Barcaro, Rania Al Baroudi, David Bull, David Clark, Rika Dunder, Michele Ferenz, Colleen Galbraith, Gianluca Galdenzi, Rina Gill, David Girling, Eija Hietavuo, Ida Margarita Hyllested, Subajini Jayasekaran, Bettina Kaltenhaeuser, Ravi Karkara, Theresa Kilbane, Lesley Miller, Rada Noeva, Bo Viktor Nylund, Erik Nyman, Isabel Ortiz, Ludmila Palazzo, Judita Reichenberg, Verity Rowles, Vesna Savic and Clara Sommarin.

**External:**

Desiree Abrahams, Chris Avery, Malena Bengtsson, Sara Damber, Aidan Davy, Rachel Davis, Adrienne Gardaz, Halshka Graczyk, John E. Grova, Marie Guibreteau, Susan Gunn, Julia Hawkins, Adrian Henriques, Alison Holder, Konrad Huber, Eileen Hutchinson, Harpreet Kaur, Gerison Lansdown, Mauricio Lazala, Larissa Luy, Purwaningrum Maelanny, John Morrison, Yoshie Noguchi, Clare O'Brien, Laura Jane Power, Camilla Ravnboel, Rita Roca, Frances Sheahan, Ben Smith, Simon Steye, Camelia Tepelus, Elizabeth Umlas, Berit Wirths and Ursula Wynhoven.

**Editor:**

Sara Ann Friedman

**Copy-editor:**

Natalie Leston

**Design:**

James Elrington, Bruno Rocha



# Foreword

**By Christopher Avery,**

*Director, Business & Human Rights Resource Centre*

Business everywhere has significant impacts on children. Those impacts can be purposeful or unintended, direct or indirect, positive or negative. Companies in all regions and for decades have made important contributions to the rights and well-being of children – often in the form of philanthropic initiatives that support, for example, education and health. At the same time, grave abuses of children’s rights by business continue in all countries.

Times have changed and philanthropy is no longer enough. Now that the United Nations has explicitly recognized corporate responsibility to respect human rights, companies must take steps to ensure that they are also respecting children’s rights in their direct operations, in their supply chain and in communities they impact.

Published at an ideal time, this practical Workbook will help companies in all sectors to understand and take action on their responsibilities to respect and support children’s rights. In June 2011, the UN Human Rights Council endorsed the ‘Guiding Principles on Business and Human Rights’. UNICEF, Save the Children and the UN Global Compact launched the ‘Children’s Rights and Business Principles’ in March 2012. The Committee on the Rights of the Child, which monitors implementation of the UN Convention on the Rights of the Child, has begun drafting a ‘General Comment’ explaining the responsibilities of the private sector to respect the rights of children as defined in the Convention.

Companies are seeking straightforward, practical guidance about how to incorporate these developments in their policies and practices – and that is exactly what this Workbook provides. It demystifies the connection between business and children’s rights. It explains in plain language what children’s rights mean for business, and how companies can move forward in ways that respect the rights and dignity of children and reduce their own risk of committing abuses. UNICEF’s expertise and experience contribute to the quality of the guidance.

This Workbook can help companies become leaders, rather than laggards, in respecting children’s rights. From 2012 onward, any company lagging in its respect for children’s rights faces a significant risk to its reputation.

But this Workbook is about more than complying with international standards and reducing risk. It will also help companies take advantage of new opportunities to promote children’s rights inside and outside the company gates, locally and globally – through initiatives that will be recognized by all of the company’s stakeholders, including employees, investors and consumers.

At Business & Human Rights Resource Centre, the non-profit organization that I direct, we draw attention on our website to the human rights impacts, positive and negative, of more than 5,000 companies worldwide. Our Business & Children Portal highlights the impacts of companies on children’s rights. We look forward to drawing global attention to future initiatives by businesses that promote and protect children’s rights, and we expect that this Workbook will play an important role in inspiring and guiding many of those initiatives.

My colleagues and I congratulate UNICEF on the publication of this Workbook.

# Acronyms

AIDS	acquired immune deficiency syndrome
BLIHR	Business Leaders Initiative on Human Rights
CEO	Chief Executive Officer
CEOP	Child Exploitation and Online Protection Centre
CIOMS	Council for the International Organizations of Medical Sciences
CRC	Convention on the Rights of the Child
CSR	corporate social responsibility
EASA	European Advertising Standards Alliance
EPCAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
FCACP	Financial Coalition Against Child Pornography
FCPA	Foreign Corrupt Practices Act
GRI	Global Reporting Initiative
HIV	human immunodeficiency virus
IBLF	International Business Leaders Forum
IBFAN	International Baby Food Action Network
ICRA	Internet Content Rating Association
ICT	information and communication technology
IEC	International Electrotechnical Commission
IFC	International Finance Corporation
INHOPE	International Association of Internet Hotlines
ILO	International Labour Organization
ISO	International Organization for Standardization
ISP	Internet service providers
NGO	non-governmental organization
OECD	Organisation for Economic Co-operation and Development
UN	United Nations
UNEP	United Nations Environmental Programme
UNGC	United Nations Global Compact
UNGIFT	United Nations Global Initiative to Fight Human Trafficking
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNPRI	United Nations Principles for Responsible Investment
USAID	United States Agency for International Development
WHO	World Health Organization



# Part One:

## Introduction and Background



# Introduction

## The time for children is now

Children have enormous energy, curiosity, an innate sense of justice, and an insatiable appetite for learning. They are determined, adventurous and resilient. Given the opportunity, children are the doctors, teachers, inventors and leaders of tomorrow. Today's children will one day run successful businesses and lead countries. Yet at the same time, children can also be among the most marginalized and vulnerable global citizens. It is essential that all global actors, governments, civil society, communities and the private sector join hands in protecting children and ensuring they are able to survive and thrive.

Children are a diverse population that mirrors the diversity of society in language, culture, religion and status, ranging from wealthy to the poorest of the poor. They are infants, young children, adolescents and young adults, defined by the Convention on the Rights of the Child (CRC) and other international treaties as all persons below the age of 18. When businesses respect and value all stages of childhood, they foster the strength of future generations, but children's issues are often not explicitly considered by businesses and other powerful players in society.

Companies interact with children on a daily basis, although often neither directly nor purposefully. Children are workers in their factories and fields, family members of their employees, and community members in the neighbourhoods where they operate. In many countries, children are increasingly recognized as a consumer group themselves, with discretionary income to spend and increased influence on family purchases. They are a market force to be reckoned with, but nonetheless need protection from inappropriate advertising and from unhealthy or unsafe products and services.

Business has enormous power to protect these children from harm and to improve their lives through the way in which they operate their facilities, develop and market their products, provide their services, and exert their influence on economic and social development. Conversely, business also has the power to disregard or even imperil the interests of children, so many of whom find themselves invisible and voiceless. Some corporate policies or practices may unintentionally inflict lifelong damage to children, threatening their development and even survival.

Globally, there has yet to be a concentrated focus on the positive role businesses can have on children, or on the considerable negative impact that business strategy and operations can have on children's lives. As increasingly more companies assert strong and public positions on corporate social responsibility, it is essential that children are at the centre of the conversation and that their protection is seen as a relevant business mandate.

The Children's Rights and Business Principles and this Workbook are an opportunity for your company to put in to action a strong and lasting commitment to children's rights.

# Children are everyone's business

A company concerned with human rights should actively consider child-specific issues for the following reasons:

- **Childhood is a unique period of rapid development in which young people's physical, mental and emotional health and well-being can be permanently influenced for better or worse.** The growth period from birth to adulthood is crucial, as children go through rapid physical and psychological development. Deprivations of food, clean water, care and affection in these developing years can have an irreversible impact on children. For example, nutritional deficit in the early years can impede children's growth, health and behavioural development for the rest of their lives. Children who do not go to school with peers of their age group often will not go to school at all. Children who are abused and exploited may suffer from psychological damage for the remainder of the lives.
- **Everyday harms impact children differently and more severely than adults.** Due to their higher ratio of skin surface area to body weight, children absorb a higher percentage of pollutants to which they are exposed than do adults. Furthermore, children often spend more time outside playing on the ground and are therefore more susceptible to harm from soil and other outdoor pollution. Their immune systems are less able to expel contaminants, and their kidneys, livers and other organs are slower to eliminate toxins and foreign substances. Economic, social and physical disruptions that adults readily cope with can be defining events in a child's life. Missing one or two years of school due to migration or displacement may end a child's educational opportunities. Lack of adequate nutritional food may leave children permanently stunted in their growth and development.
- **Children employed or affected by business are often unseen and uncounted.** Children working illicitly in the supply chain, children employed as domestic workers in employee housing, children arrested and detained by security services and children of migrant workers left at home, to name a few examples, are generally invisible in a 'headcount' of children impacted by a business. Children who are not in school, and children who are discriminated against – such as ethnic minorities or girls and children who are disabled – are particularly likely to be overlooked. In some cases, children may purposefully make themselves less visible; for example, underage workers afraid of dismissal will often not use occupational health services provided to protect worker health.
- **Children lack a public voice.** Children are unable to vote or form trade unions, and they do not own stock in companies, attend annual shareholder meetings, or sit on investment committees. They are rarely given a say in how communities organize or make decisions, even as related to child-specific issues such as schools and playgrounds. In many areas, children are expected to be seen, but not heard within their families, schools, communities and workplaces.
- **Children are not consulted.** Companies should ensure that stakeholder consultation processes consider the rights of the child. Companies should assess the feedback from adults during the consultation process and be mindful that any proposed plans will not adversely harm the rights of the child. Where relevant, companies may wish to consider consulting directly with children, to ensure that any proposed plans will not adversely affect their rights.
- **Children's rights in the workplace extend beyond labour issues.** In the past, corporate responsibility towards children has often focused on preventing or eliminating child labour. This Workbook intends to help businesses look beyond child labour and assess other direct and indirect impacts. Companies should examine the effects on children of their overall business operations, their products and services, their marketing methods, their relationship with local and national governments, their investment in local communities, etc. This Workbook is a tool for embarking on that investigation.

# What is good for children is good for business

Respecting children's rights enables business to not only prevent harm, but to do good. As ever more attention is paid to corporations' roles in society, children's rights should be central to the conversation. Becoming a child-friendly business that merges corporate strategy with an abiding respect for children's rights can build on current corporate social responsibility efforts, leverage corporate influence to benefit and protect children, and generate real benefits for your business.

Child-friendly policies help a business to improve its reputation, build a trusted brand, foster solid relationships with employees and customers, meet the needs of parents and children and create stable, sustainable business environments. Furthermore, such policies can lead to:

- **Achieving 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 responsibility safeguards address children's interests and vulnerabilities. Such due diligence can also enable your company to anticipate and reduce fines related to accidents, expensive lawsuits, product recalls and insurance costs.
- **Building your reputation and enhancing your 'social license to operate'** by demonstrating that the beneficial impacts of your products, responsible marketing and good relationships with local communities can meet the needs of parents and children. Philanthropic investments that focus on improving outcomes for children will associate your company's actions with your product.
- **Recruiting and retaining a motivated workforce** through fair wages and decent working conditions, enabling your employees who are parents or caregivers to combine their family responsibilities with a productive work life, thereby increasing production capacity and reducing absenteeism. Reducing the hours of young workers, enforcing policies to eliminate sexual and physical abuse in the workplace and providing opportunities for the education of young workers will also improve their loyalty and effectiveness.
- **Developing the next generation of talent** through apprenticeship programmes, as well as collaboration and support for education programmes that will equip the next generation with workplace skills, including decision-making and leadership.
- **Contributing to a stable and sustainable business environment** by working for the good of children helps to build strong, well-educated communities, healthy economies and strong businesses. Understanding and expressing sustainability in terms of its impact on children can help to galvanize company support for concrete actions that otherwise seem intangible or out of reach.



© UNICEF/NYHQ2006-2918/Photozi





© UNICEF/NYHQ2008-1796/Pirozzi

## CASE STUDY

### Aviva: The case for children

Aviva is the world's sixth-largest insurance company. In 2009, Aviva launched Street to School, a charity partnership programme aimed at supporting a single cause worldwide: street children and their education needs. Aviva made a five-year commitment to the programme, with the aim of helping 500,000 street children get access to school or training through partnerships with leading charities and experts whose work focuses on meeting the needs of children living and working on the streets. Street to School is explicitly based on the Convention of the Rights of the Child. At least 50 per cent of the company's global charitable donations budget is dedicated to the programme, and it has been taken on by the Chief Executive Officer (CEO) and presented at shareholder meetings.

In 2011, Aviva co-funded the first International Day for Street Children, took part in the Human Rights Council session on Street Children and sponsored a study on street children commissioned by the Human Rights Council and prepared by the Office of the High Commissioner for Human Rights. Aviva also started implementing its first Child Safeguarding Guidance and a Code of Conduct that provide guidance to Aviva volunteers involved in Aviva-supported volunteering activities.

The programme aims to make a long-term sustainable difference for children, while at the same time producing benefits for the company: providing positive brand differentiation and employee engagement. By July 2011, Aviva had made donations of £2.4million in cash helping more than 250,000 children and achieving an 8 per cent increase in employees who believe the company's commitment to corporate responsibility is genuine and a 14 per cent increase in those who believe it acts responsibly in communities. Pilots of cause-related marketing, linking customer policies directly to donations, showed a positive impact on sales and renewals, and customer research indicated a perception shift among the public. The company also garnered press coverage, which it estimates at a value of more than £4.5 million.

[www.aviva-street-to-school.com](http://www.aviva-street-to-school.com), accessed 10 April 2012

# Introducing the Children’s Rights Framework of the Workbook

*This section introduces and explains the legal and ethical framework and precedents of the Workbook. It focuses on the Children’s Rights and Business Principles, and on the UN Convention on the Rights of the Child and its meaning for business. The section also refers to the Guiding Principles on Business and Human Rights and other relevant instruments.*

## The Children’s Rights and Business Principles

As businesses express increasing interest in incorporating a human rights approach in their policies, strategies and operations, UNICEF partners and business leaders have pointed out that existing guidance on corporate social responsibility (CSR) does not pay sufficient attention to the full spectrum of children’s rights, including and beyond child labour.

Recognizing a need for explicit guidance about what exactly it means to respect and support children’s rights, a joint initiative by the UN Global Compact, UNICEF and Save the Children developed a set of 10 Principles on Children’s Rights and Business (‘The Principles’). The Principles set the standard for child-friendly businesses everywhere and guide companies on a full range of actions to respect and support children’s rights in the workplace, marketplace and community. The Principles are proactive, not reactive, and call on businesses everywhere to respect and support children’s rights.

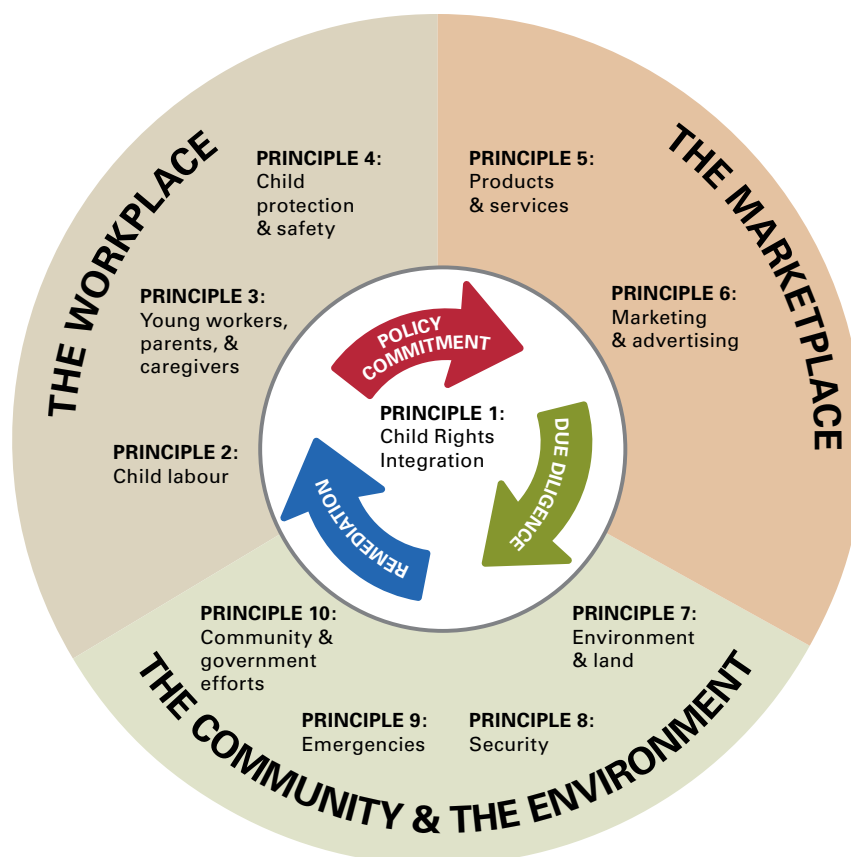
**All businesses should:**

- 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**
- 9 Help protect children affected by **emergencies**
- 10 Reinforce **community and government** efforts to protect and fulfil children’s rights



This Workbook follows and elaborates on the 10 Principles, providing practical guidance to business and serving as a tool for their implementation. It includes continued efforts to eliminate child labour and expands to many other areas where business impacts children both directly and indirectly: in the products and services it provides and markets; in how it affects a child’s home and community; in how a responsible business operates in emergency situations; and in how it leverages partnerships with governments and communities to best enable the current and future well-being of children.

## The principles can be mapped for action in:



# The Convention on the Rights of the Child (CRC) and what it means for business

This Workbook is firmly rooted in international human rights instruments and guidelines, including those that specifically address business, such as the UN Global Compact, the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, International Organization for Standardization (ISO) 26000, and the sustainability reporting under the Global Reporting Initiative as well as the Guiding Principles on Business and Human Rights: Implementing the United Nations Protect, Respect and Remedy Framework.

It is most significantly rooted in the CRC, which is the most widely ratified UN human rights treaty. The CRC contains a broad range of rights for all children (defined as persons under the age of 18) and is the first legally binding international instrument to incorporate the full range of human rights – civil and political, and economic, social and cultural rights. The CRC spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life.

The CRC is a unique and forward-looking document, visionary and practical. More than 10 years in the making, it was adopted by the UN General Assembly in 1989 and has since been ratified by 193 states, achieving near universal coverage.<sup>1</sup> Its realization requires the implementation of legislation, including the regulation of corporate conduct with relation to children, adoption of public policy and allocation of adequate budgetary resources by all ratifying states. The CRC places primary responsibility on states, but it also acknowledges that other actors with a role in the lives of children – including parents, teachers, institutions and business – are accountable to children for protecting their rights.

Spelled out in 54 articles, the CRC comprises a set of minimum and legally binding standards for all children everywhere that apply equally to all children, from the most privileged to the most excluded and poverty stricken, including stateless children and others denied birth registration and access to citizenship. Reaching the most marginalized, invisible and out-of-reach children is one of the Convention's critical tenets. Moreover, all rights in the CRC have the same value; no right is more important than any other.

The CRC is complemented by two optional protocols – the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol on the Involvement of Children in Armed Conflict (see Annex 1).

## HIGHLIGHT

### **The four core principles of the CRC should be kept in mind at all times. They are:**

- The right to life, survival and development;
- Non-discrimination (all children should enjoy their rights without discrimination of any kind, irrespective of sex, race, language, religion, disability, nationality, ethnic or social origin, etc.);
- The best interests of the individual child should be a primary consideration in all decisions and actions that affect the child (rather than the convenience or best interests of adults, including business); and
- The right of children to express and have their views heard, as well as to participate in decisions and activities that affect their lives, depending on age and level of maturity.

The CRC can serve as a valuable resource for companies seeking to implement child-friendly practices. Notably, the CRC:

- **Is universally supported.** As the most widely ratified UN human rights convention, the CRC provides common ground for businesses and governments to work together in pursuit of social aims. It is also a legitimate basis from which to challenge governments when they are not meeting their own commitments and expectations.
- **Provides a common framework for navigating diverse cultures and legal systems.** Although traditions and systems vary from country to country, all ratifying states have accepted the same underpinning obligations of the CRC as both aspirational and legally binding commitments for which they can be held accountable. Adopting the CRC as a business commitment therefore helps to ensure regulatory compliance with a country's legal and moral obligations.
- **Fits into the established framework of corporate responsibility to respect all human rights.** The responsibility of businesses to respect human rights, as outlined in the Guiding Principles on Business and Human Rights, has become an institutionalized social norm. The Guiding Principles make clear that regardless of the duties or capacities of states, respecting human rights, including children's rights, is a universal responsibility for all companies. Other well-known multi-stakeholder codes of conduct or guiding principles, such as the UN Global Compact's 10 principles and the OECD Guidelines for Multinational Enterprises, also codify a societal expectation that businesses will respect human rights.
- **Offers a vision of the world fit for children that business can support.** The CRC offers a vision of a world in which all children survive and thrive, and are protected, respected and encouraged to participate in the decisions that affect them. Each company has an important role to play in the broader process of achieving all rights for all children around the world.



© UNICEF/NYHQ2008-1781/Pirozzi

# The Guiding Principles on Business and Human Rights and other standards

In 2011, the UN Human Rights Council unanimously endorsed the 'Guiding Principles on Business and Human Rights: Implementing the United Nations Protect, Respect and Remedy Framework', proposed by the Special Representative of the UN Secretary-General on Business and Human Rights, Professor John Ruggie. The Guiding Principles outline how states and businesses should implement the UN Framework in order to better manage the human rights challenges to business. They provide a road map for companies to demonstrate that they are respecting human rights. The corporate responsibility to respect human rights, including children's rights, does not replace a state's duty to protect human rights; it exists independently of states' abilities and willingness to fulfil their obligations.

Responsible companies are already accustomed to operating according to certain standards: both internal standards and those specific to a sector or industry, particularly related to safety, health and environmental standards. Some sectors have developed certification criteria and processes for companies to demonstrate to consumers, regulators or other stakeholders that they recognize and apply sustainable principles.

In order to meet their responsibility to respect human rights, the Guiding Principles require businesses to have in place policies and processes appropriate to their size and circumstances. These include: a policy commitment; a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; and processes to enable the remediation of any adverse impacts they cause or to which they contribute (Guiding Principle 15). This Workbook provides specific content that will help a company apply the Guiding Principles to the rights of children.

Where company policies and practices may cause or contribute to a negative impact, those policies and practices should be stopped or avoided in the first place and the company should use its leverage to mitigate any remaining impact. Moreover, a company's responsibility to respect human rights extends beyond its own activities. Where a business has not contributed to a negative impact, but the impact is directly linked to its products, operations or services by a business relationship, the situation is more complex, and the business will need to consider a number of factors to determine the appropriate action (Guiding Principle 19).

In addition to the Guiding Principles, companies may already use critical standards and guidance on corporate responsibility. This might include your company's participation in a business association with sustainability criteria or abiding by a certification process specific to your industry or sector. Likewise, your company might be applying the principles of initiatives such as the UN Global Compact, OECD Guidelines for Multinational Enterprises, the Global Reporting Initiative Guidelines or the Ethical Trading Initiative. Underlying these guidance standards for business are key international declarations and agreements that enjoy widespread consensus, such as the Universal Declaration of Human Rights, the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, which covers child labour issues, the Rio Declaration on Environment and Development and the United Nations Convention against Corruption.

Both ISO 26000 and the Guiding Principles highlight the need for special attention to vulnerable groups, including women, people with disabilities, children, indigenous peoples and migrant workers. In relation to a company's impacts on children, these guidelines highlight the need to actively address the full range of the company's impacts, rather than limiting its attention to one issue. This approach is fully consistent with that of the CRC.

The Global Reporting Initiative Guidelines include a number of child-focused indicators, such as reporting on and steps taken to abolish child labour in operations and supply chain, social impacts on vulnerable groups including children and youth, and reporting on product marketing responsibility, including attempts to influence vulnerable audiences like children. The UN Global Compact Principles calls on companies to both respect and support human rights and labour rights, in particular by combating child labour. These initiatives and numerous other well-known codes concur with the principle that human rights include children's rights, but they tend to limit specific guidance in relation to children to the issue of child labour. The Children's Rights and Business Principles and this Workbook are your tools to move beyond child labour.

# How to use the Workbook

## Who is it for?

This Workbook is for businesses that see gains for children as gains for business. This applies to businesses of all shapes and sizes, large or small, multinational or local, public, private or state-owned. Becoming a child-friendly business demands a proactive approach, and involves the integration of children's rights into company policies and practices.

The Workbook is a practical guide for companies interested in using their influence and resources for constructive and long-term, positive outcomes for children. It is a comprehensive tool designed to guide companies through the ongoing process of learning about and incorporating children's rights into a company's CSR agenda. Some of the Workbook's main pillars and recommendations may already be an integral part of your CSR work. Other aspects will be new and challenging or may not have any relevance to your business operation at all.

This Workbook follows and elaborates on the Children's Rights and Business Principles developed through a consultative process led by UNICEF, Save the Children and the UN's Global Compact, providing practical guidance to businesses and serving as a tool for their implementation. It draws on the practical experience of UNICEF, business and civil society by using case studies to illustrate the diverse ways in which companies are actively supporting and protecting children through their strategy and operations.<sup>1</sup> It also looks to historical precedents and legal and ethical human rights frameworks and initiatives for its inspiration and authenticity.



© UNICEF/NYHQ2011-0408/Asselin

<sup>1</sup> The inclusion of case studies with reference to specific companies and organizations is not to be considered an endorsement of the companies, products or services involved; rather it serves to highlight examples of corporate activities and practices in relation to children's rights.

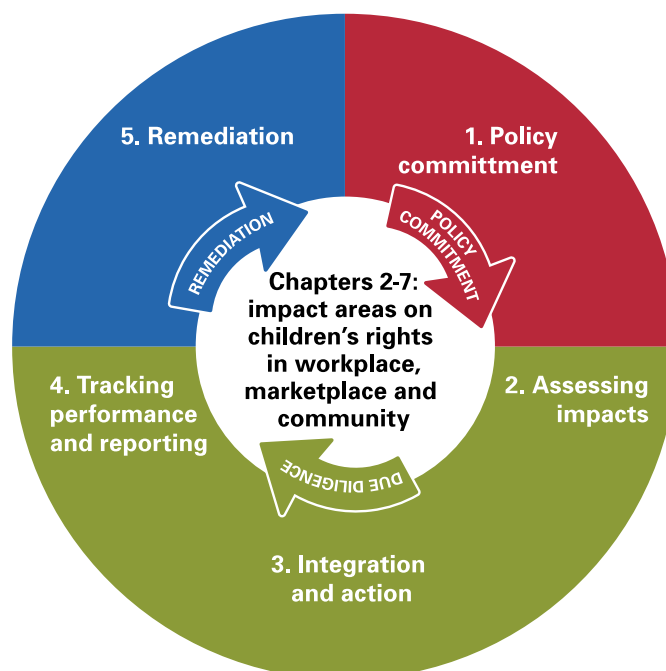
## What it covers

The Workbook provides a framework to understand and address children's rights issues in your company's workplace, marketplace, supply chain, other business operations and community. It enumerates recommendations that your company can introduce or adapt to existing practices and policies. They range from concrete and immediate actions, such as introducing age verification mechanisms as part of recruitment processes to broader changes that integrate children's rights throughout a company's strategy, operations and management systems.

The Workbook also includes links to supplementary resources, including sector-specific guidance, tools, recommendations, and background materials relevant to each chapter, which provide deeper insight into core areas of interest for your company's specific operating context.

The Workbook includes seven chapters for taking action to respect and support children's rights:

**Chapter 1: Integrating children's rights into core business practices** spells out the management process for assessing and addressing the impact of your company. It demonstrates the various steps your business can take to respect and support children's rights as part of management systems and due diligence processes, some of which might already be in place.



**Chapters 2–7** provide guidance on how to introduce children's rights into all aspects of company operations from key areas of impact to proactive solutions related to children's rights in the workplace, marketplace and community.

**Chapter 2: Children's rights in the workplace** includes enabling workers to reconcile work and family life; addressing child labour; employing young workers; and use of company premises.

**Chapter 3: Safe products and services**

**Chapter 4: Responsible marketing and advertising**

**Chapter 5: Sustainable and child-friendly business operations** include management of environmental impacts; acquiring land; and managing security arrangements.

**Chapter 6: Helping to protect children affected by emergencies**

**Chapter 7: Supporting government and community efforts** includes reinforcing government taxation and corruption-free practices, providing essential services, and investing in philanthropy and community programmes for children.



# How to use the workbook: start anywhere and go everywhere

Use this Workbook in the way that works best for you. It is a living tool. It can be used by all professionals involved in the development or implementation of sustainability-related strategies or specific CSR policies. It can be used to assess one element of a business or comprehensively across a company.

How you go through the Workbook is entirely subjective. You might want to head right for the chapter that most directly applies to your company. You might want to read through all of the chapters, finding new and unexpected areas of connection to your business. But however you begin, you will no doubt wind up concentrating on the specific issues that apply most to your company – whether they are in one or more chapters.

Whichever chapters are most relevant to your business, make sure to read chapter 1, 'Integrating children's rights into core business practices', early on. Because it applies to all businesses in all sectors, you will likely want to return to it more than once. It will help you to assess your company's footprint on child-related issues and to set a direction for positive action.

## As you move through the Workbook, you will probably discover:

- Steps you are already taking without realizing it;
- Actions you are taking that can be further expanded;
- Actions you are not taking, but which would be easy to apply;
- More challenging actions that need further and more careful thought; and
- Links to children's rights you didn't recognize before.

## And you may decide to:

- Focus on one chapter, section, or even one action;
- Dive deeper into more complex interlinking areas; and/or
- Adopt children's rights as a core focus of your sustainability focus.

If you get stuck along the way, keep moving; it's an evolving process. Put the Workbook aside and come back to it. Reread sections. Read new sections. Consult with industry colleagues. Consult with stakeholders. Consult with children. Make a checklist and consult that. Build an inclusive process of change and stick with it. Your efforts will pay off on many different levels, immediately and continuously.

## How you can help us

This pilot Workbook has been developed and reviewed by a broad cross-section of experts and representatives from UNICEF, the corporate sector and other stakeholders. It is a launching pad for progress in bringing children's rights to corporations around the world. At the same time, it is a first effort. You can follow new developments and progress related to the business and children's rights agenda on UNICEF's CSR website: [www.unicef.org/csr](http://www.unicef.org/csr).

We welcome recommendations for improvement from the Workbook's users during the pilot phase. UNICEF will collect and consider user inputs through the end of 2013 for crafting a revised and enhanced version to be published in 2014. We invite you to tell us: What works? What is missing? What could be clearer? What changes would you like to see? Please let us know. We also encourage you to send us additional case studies in support of the business and children's rights agenda. Send any ideas, remarks, requests for support and case studies to [csr@unicef.org](mailto:csr@unicef.org).



# Part Two:

Taking Action





# Chapter 1

## Integrating children's rights into core business practices

This chapter outlines a general management process that your business can follow – whatever its sector context or operations – to help translate its responsibility to respect and commitment to support children's rights into practice. The chapter tracks the process of assessing a company's impact on children, analysing and prioritizing the actions, systems and policies it needs to put in place and how to measure and report on the results of these actions.

This chapter should be used in conjunction with the next six chapters, which elaborate on the different impact areas of business activities on children, according to specific sectors, operations and areas of business. It will be helpful to read through this chapter and then return to it several times as you familiarize yourself with the rest of the Workbook and the areas that pertain most directly to your company.

# Introduction

Making a corporate commitment to respect and support children’s rights is the first step of the ongoing journey to become a child-friendly business. The recommended actions in this Workbook provide a framework to understand and address children’s rights as they relate to your workplace, marketplace, supply chain and community. A child-friendly business complies with the law and respects children’s rights wherever it operates. It also creates value through its policies and operations, products and services, and initiatives and influence that promote the best interests of children.

A child-friendly business appreciates that philanthropic donations are important demonstrations of a company’s commitment to children’s well-being. At the same time, it also understands that incorporating children’s rights into its sustainability agenda goes well beyond philanthropy as it seeks to achieve long-term positive outcomes for children.

Many companies begin this process with a reactive approach that may be focused only on legal compliance around a single hot issue such as child labour or product safety. Recognizing its broader potential and actual impacts on children, a child-friendly business initiates appropriate policies and actions that identify, prevent and mitigate its impact on children’s rights. In addition to respecting children’s rights, a child-friendly business seeks way to advance children’s rights through core business activities, strategic social investments and public policy engagement.

HIGHLIGHT

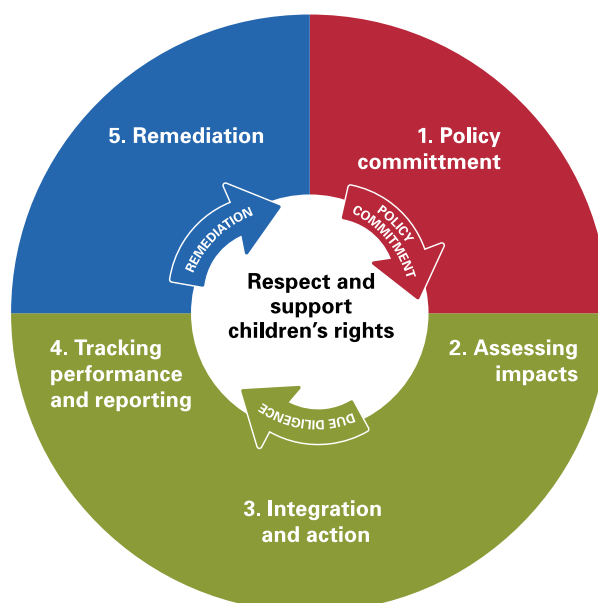
## A responsibility to respect and a commitment to support

Respect for children’s rights is the minimum required of business. Actions to support children’s rights are strongly encouraged even if not required.

**The corporate responsibility to respect** – avoiding any infringement of the human rights of others, including children, and addressing any adverse human rights impact with which the business is involved. The corporate responsibility to respect applies to the business’s own activities and to its business relationships, linked to its operations, products or services.

**The corporate commitment to support** – in addition to respecting human rights, voluntary actions that seek to advance human rights, including children’s rights, through core business activities, strategic social investments and philanthropy, advocacy and public policy engagement, and working in partnership and other collective action.

The following five steps outline a process and methods to incorporate children’s rights into your sustainability agenda informed by the Guiding Principles on Business and Human Rights. Depending on where your company is in the human rights due diligence<sup>2</sup> process, you can follow the steps as written or vary the order. As the Guiding Principles note, due diligence should be ongoing and dynamic, recognizing that human rights risks may change over time, as does the context of a business and as you acquire new information or experience (Guiding Principle 17).



# 1. Policy commitment to respect and support children's rights

*Engage in a wide-ranging discussion within your company, particularly at the ownership, board, and senior management levels, about what it would mean and how it would look for your company to commit visibly to respecting and supporting children's rights throughout its business operations. Map, adapt or develop a corporate policy on children's rights and integrate it into the existing sustainability framework.*

To begin, you need to make a conscious decision that children's rights will be part of your company's guiding sustainability framework and commit to building understanding and support for this initiative among staff.

If your company has tackled other CSR and sustainability issues, this buy-in period will be an important experience in adding and articulating a child focus to current CSR strategies. Internal debate and dialogue are critical to this step in the process to ensure that organizational culture is supportive of the commitment. At the same time, high-level commitment to the adoption of a child's rights agenda is essential and the highest-level company leadership should make a commitment to integrating the Children's Rights and Business Principles into company strategies and operations. Endorsement by the CEO, or equivalent, and the governing body signal management buy-in of the strategic and financial implications of such a commitment.

A child-friendly company should adopt a human rights policy based on the key documents described in Part 1: 'The Children's Rights Framework of the Workbook' (p. 18): the Children's Rights and Business Principles; the CRC and its optional protocols; and the Guiding Principles on Business and Human Rights.

## Identifying and evaluating existing policies and procedures

At this point, it would be useful to identify the key children's rights issues already covered by your existing company policies and procedures. Many companies already have general sustainability policies in place that embrace many of the broader issues affecting communities and children. These policies should be reviewed to make sure that they consider any adverse impacts to children's rights as well as actions that seek to advance children's rights. Some companies have taken explicit steps to protect children specifically in areas where impacts and risks are most visible and clearly linked to the core of their business – for example, a code of conduct that prohibits child labour in the supply chain or family friendly workplace policies that serve children's rights. In countries where children's safety and welfare are highly regulated, companies may already have policies that safeguard children with respect to other parts of their operations. These policies should be reviewed in light of the company's newly acquired knowledge on children's rights, ensuring that the policies are built on the Children's Rights and Business Principles.

## Addressing the gaps

Once you have identified the policy and procedure gaps, your company can amend existing policies and procedures or develop new ones as needed. You may decide, for example, that your company needs one overarching child policy statement (see Annex 2 for a general policy example). It is useful to engage with local stakeholders and seek expert advice to prepare the policy. In addition, you may likely need to prepare a specific company action plan to address specific issues that are raised (see Section 3).

## A statement of commitment to human rights with a focus on children

The Kuoni Group, a global travel and destination management service company, is committed to respecting human rights and seeks to avoid direct responsibility for and complicity in human rights abuses. Kuoni has outlined this commitment, including specific reference to the Children's Rights and Business Principles, in a 'Statement of Commitment on Human Rights'. According to this Statement, Kuoni does not attribute more importance to one human right over another. However, they strive to prioritise their implementation efforts in aspects of operations over which they have greater degrees of control and influence, including:

- respect for labour rights
- respect and promotion of the rights of the child
- due diligence in regards to human rights and business in selected sensitive destinations

Kuoni's concrete objectives, action plan as well as reporting on their performance related to human rights are published on their website. [www.kuoni-group.com](http://www.kuoni-group.com), [www.kuoni.com/docs/gl\\_12\\_020\\_statement\\_of\\_commitment\\_0.pdf](http://www.kuoni.com/docs/gl_12_020_statement_of_commitment_0.pdf), accessed 10 April 2012

## 2. Assessing impacts on children's rights

*Analyse the context of your business operations and assess its impact on children and their rights. In all phases of this process, draw on knowledge and experience of credible experts in children's rights, such as civil-society organizations, governments, intergovernmental organizations, national human rights institutions and multi-stakeholder initiatives. Be sure to include the views of children and young people, as they can express their own needs and what works for them.*

### **Analysing the context**

Companies range widely from those with strong corporate social responsibility commitments and experience to those that are just starting to identify and integrate responsible business practices. The positioning of your company along this spectrum, your company sector, its products or services and its overall 'footprint' on child-related issues will all influence your approach. Wherever you fit, however, it is important to take a close look at the context of your business to determine how it affects children's lives. Here are two important steps that will form the basis of your analysis, planning and actions:

- Start with scoping from the top, using publicly available information, gathered from international sources, national statistical offices, and national and local research sources to look across the whole business (use the list of context issues below to guide you in this process).
- Follow with a more detailed deep dive to understand risks and opportunities in relation to specific business lines, locations or facilities. This will require consulting with key stakeholders, including: children; employees; local authorities; experts such as local children's rights organizations; other companies in the area; industry groups, experts; local government; employers' organizations; and trade unions.

### HIGHLIGHT

#### **Context issues**

The list that follows indicates the context issues companies should look for in their due diligence, bearing in mind that children's rights are likely to be particularly at risk in situations where legal systems and public services are weak (see Annex 3 for an elaboration of each issue). Some of the issues might seem like they are not directly related to a company's core business, or manageable interests, but upon further analysis, some aspects may appear more connected or amenable to a company's positive actions. Also, the relevance of these factors to your company's situation will vary considerably, based on country, operating context, and sector or industry.

- Weak legal systems
- Weak policies and institutions
- Economic pressures
- Social pressures
- Environmental pressures
- Rapid economic development
- Migration
- Patterns of discrimination
- Patterns of the worst forms of child labour
- Patterns of disease
- Patterns of conflict and natural disasters

### **Assessing impacts**

Complementary to a context analysis is the assessment of your company's impacts on children. This includes identifying which groups of children are affected and how. As noted in the Guiding Principles on Business and Human Rights, human rights situations are dynamic and assessments should be undertaken at regular intervals, including prior to a new activity, relationship, major decisions or changes in the operation, or in response to or anticipation of changes in the operating environment (Guiding Principle 18).



The assessment can start with identifying the groups of children affected by various sectors of the business and the degree to which they are affected. This includes:

- workers – either as direct employees or hired indirectly, in the supply chain
- domestic workers of employees
- employees' children
- citizens and members of the local community
- users of your products and services
- users of local resources such as land and water
- children who may be put at risk through the use of your products
- other

In order to determine your level of child rights due diligence, your company should consider its potential impacts on children in the workplace, marketplace and community (see guiding questions in the next box). At this stage of your due-diligence process, your aim should be to identify all potential impacts, and not rule out those that are not on the list or seem to be 'someone else's business', such as a supplier. All of the relationships that your company has, including with suppliers, governments, customers and business partners, are relevant in identifying your business activities' areas of impact.

In line with the Guiding Principles, your company should address all adverse human rights impacts and, when prioritizing responses, ensure that it seeks to address first those that are most severe, recognizing that a delayed response may affect 'remediability'<sup>3</sup> (Guiding Principle 24). Keep in mind that many impacts on children are irremediable.

## HIGHLIGHT

### Child rights self-assessment

Following are examples of questions to consider as part of identifying intended or unintended impacts of a business activity on children's rights:

#### Workplace

- How does the company ensure that it does not participate in, or benefit from, child labour?
- How does the company ensure that it protects and respects the rights of its young workers?
- How does the company ensure that it respects the rights of its employees who are parents or caregivers?

#### Marketplace

- How does the company ensure that the production of its products and/or services does not adversely affect the rights of the child?
- How does the company ensure that the production of its child-specific products and/or services does not adversely affect the rights of the child?
- How does the company ensure that its advertising, sales, promotion and marketing techniques do not adversely affect the rights of the child?

#### Community and environment

- How does the company demonstrate its responsibility to respect the rights of the child during a humanitarian emergency?
- How does the company ensure that the acquisition of land and resettlement of people owing to the siting of the company's production facility does not adversely affect the rights of the child in the local area?
- How does the company ensure that the health, safety and security of the local community are respected?
- How does the company demonstrate its responsibility to respect the rights of the child through philanthropic activities?
- How does the company ensure that it is not undermining the state's ability and capacity to protect and fulfil children's rights?

A Child Rights Self-Assessment tool will be available at [www.unicef.org/csr](http://www.unicef.org/csr).

### **Engaging stakeholders, including children**

One of the best ways to understand the potential impact of your company's operations on children is to engage with key local stakeholders. Industry groups, experts, local government, employers' organizations and trade unions, and children themselves will often have a good grasp of the country context and community environment that frame children's lives. This will be particularly important around the most high-risk operations and locations.

### **Consulting with children: A few pointers**

For valuable information about impacts on children, consult the best experts: children themselves. Children know best their own situations and can assist a company in identifying impact and risks not considered by adults. Under the CRC, children have the right to a voice in matters that concern them and to have their opinions be given due weight based on their capacity and level of maturity.

Engaging with children also provides an opportunity to engage with potential young workers and provide them with information on traineeships and vocational training opportunities. Consultations in which children are taken seriously provide opportunities for them to develop important life skills, such as analysing and solving problems, and democratic decision-making.

Consulting with children requires additional preparation and consideration to make sure it is done in an appropriate way and to follow ethical standards that make it effective and meaningful for children and useful for the company. Your company may want to work with local NGOs or community-based organizations to help organize safe, respectful and meaningful consultations with children (see the box that follows).

Companies should also consult with other experts on children, such as national authorities working in areas relevant for children, the ombudsman office, national and international children's and human rights organizations, community organizations, UNICEF country offices and national committees, and other independent experts.

## HIGHLIGHT

### **What is meaningful child participation?<sup>4</sup>**

**Voluntary** - Children are given choice to participate in dialogues they care about and given the option not to participate.

**Transparent and informative** - Children are provided with full, accessible, diversity-sensitive and age appropriate information about their right to express their views freely and about the issue they are going to discuss.

**Respectful** - Children's views are treated with respect and they are provided with opportunities to initiate ideas and activities.

**Relevant** - Children are consulted in ways that are appropriate to their capacities and make them feel comfortable.

**Child-friendly** - Adequate time and resources are made available to ensure that children are prepared and have the confidence and opportunity to contribute their views. Consideration is given to the fact that children of different ages need differing levels of support and forms of involvement.

**Inclusive** - Participation is inclusive, avoids existing patterns of discrimination, and encourages opportunities for marginalized children to be involved. Consultations are designed to be culturally sensitive to children from all communities and backgrounds.

**Safe and sensitive to risk** - Precautions are taken to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Children are made aware of their right to be protected from harm and know where to go for help if needed.

**Accountable** - Children are given feedback on how their participation has influenced outcomes and opportunity to participate in follow-up processes.

### 3. Integration and action for children

*Select and put into practice actions for children that are based on the core activities of your business, their impacts on children and the investments that will advance children's rights.*

Once you have identified potential impacts on children, including risks and gaps, the next step is to develop an action plan that aims to reduce or eliminate the risks and gaps and build support for new positive outcomes with specific time frames. Use chapters 2–7 for further information, guidance and recommendations related to addressing business impact on children's rights issues.

In addition, the following suggested actions will help you start the process of building the internal structure and commitment needed to integrate children's issues into your daily operations:

- Assign senior management/board-level responsibility for the company's child rights policy and its implementation.
- Incorporate a commitment to children's rights into the company's high-level commitments on corporate responsibility, sustainability and human rights.
- Appoint and resource staff with specific obligations to ensure implementation of the children's rights policy. As a starting point, you could mandate a person or team to analyse how children relate to your business and champion a strategic corporate approach to children. Ultimately, as many people across your business may need to consider children in their work (e.g., in strategy and leadership, human resources, research, marketing, operations and manufacturing or sourcing and procurement), this staff role will be to engage and garner support from senior executives and functional managers, supporting them with the training, resources, incentives, metrics and learning networks needed to take effective action.
- Specify particular responsibilities to respect children's rights throughout job descriptions and operational guidance.
- Train employees on children's issues that relate to their specific responsibilities, such as human resource personnel on child labour, child sexual abuse in the workplace, children's health and safety, etc.
- In situations where adverse impacts on children's rights have been identified, consider establishing a grievance mechanism (see section 5) and a dedicated person such as a corporate Ombudsman for Children.
- Develop a company policy on children's rights and ensure that it is appropriately supported with relevant procedures, supply chain and procurement standards, accountabilities and budget. Ensure that other relevant company policies and operational procedures do not conflict with company commitments, policies and procedures to respect children's rights.
- Ensure that adverse impacts on children's rights are integrated into existing due diligence, management, and monitoring and reporting systems.



## 4. Tracking performance and reporting on results

*Track performance against key indicators, and measure impact and publicly communicate progress, including challenges and how you have addressed them.*

A company needs to establish and continuously monitor performance indicators that correspond to the key children's rights issues identified. Internal review, auditing or external reporting processes your company already has in place will also prove helpful in accommodating these additional monitoring demands without a substantial increase in resources. Additionally, you may be able to draw on a set of indicators available from sources such as the Children's Rights and Business Principles, the Global Reporting Initiative (GRI) and other stakeholder initiatives. UNICEF is currently exploring options for creating reporting guidance in support of the Children's Rights and Business Principles, which will also be aligned with the GRI. Information on the reporting guidance and forthcoming tools are available at [www.unicef.org/csr](http://www.unicef.org/csr).

Ongoing monitoring includes collecting data on all incidents and allegations involving children, including cases where your company was deemed responsible or where no responsibility was identified. Review this information at regular intervals to determine whether existing policies or procedures need to be revised.

Depending on the size of your company and its available resources, consider reporting annually or periodically to internal and external stakeholders on results achieved, dilemmas and challenges faced, and plans, targets and future commitments. Again, this can form part of an annual sustainability or corporate responsibility reporting cycle. You can also make the report available in a child-friendly version and use it to hold periodic dialogues with relevant stakeholders, especially children.

## 5. Remediation for children

*Address grievances, including those of families and of children, in a transparent and professional manner.*

In cases where a company identifies that it may have caused or contributed to adverse impacts on children's rights, it should provide for or cooperate in the remediation through legitimate processes, including operational-level grievance mechanisms (Guiding Principle 22). In many situations, courts may not be accessible, functioning or effective agents of justice. Even in those states where judicial systems provide reasonable or good due process, services may still be financially inaccessible or so time-consuming as to make remedies too late to be of use. These barriers are even more formidable for children. In line with the Guiding Principles, an 'adequate' mechanism should conform to principles of legitimacy, accessibility, predictability, equitability, transparency and compatibility with rights, as well as be a source of continuous learning and based on engagement and dialogue where your business itself administers the mechanism (Guiding Principle 31).

As your company develops its complaint mechanisms and processes for remedy, it is crucial to make these mechanisms accessible to children. Companies may want to call on local youth clubs or NGOs working on children's rights to explain to children how the grievance mechanism works in a manner that is understandable to them. Children should not be refused access or turned away in favour of a grievance filed by their parents. Like others in the community, they should be protected from retaliation.

As an alternative or in addition, you need to make sure that children and young persons are assisted in reporting any allegations by a person who is trained to speak with children, and that children's safety, identity and privacy are protected throughout to ensure that they do not experience reprisals from the offender or others. Consult children, professionals working with children and NGOs working on children's rights to ensure that responses proposed to address grievances are appropriate.

Take particular care to ensure that children and families are able to report instances of child sexual abuse, whether by employees in the workplace, by security staff, or in relation to community projects, including sports and education. Mechanisms for reporting child sexual abuse should be confidential and safe, recognizing the many risks associated with reporting allegations in situations of extreme vulnerability. While a company does not need to manage all of these grievance processes itself, it should make sure that such processes are in place locally.

Your company should be sensitive to the local context and build upon positive local norms, values and structures. Make every effort to collaborate with existing community and government structures. Guidelines and lessons from the experience of humanitarian aid may be useful if your company operates in environments where statutory child protection services are not well developed.

## Next steps

As noted earlier, becoming a child-friendly business is a long-term process. The steps outlined above are part of a process that should be brought together in an integrated approach. This includes commitment and allocation of appropriate resources and incorporation of actions to respect and support children's rights into your company's daily management systems.

The box below provides a summary of the expectations for a child-friendly business in integrating children's rights into core business practices.

### Integrating children's rights into core business practices

#### The Corporate Responsibility to Respect Children's Rights includes:

- Recognizing the core principles underpinning children's rights, including the CRC and Children's Rights and Business Principles.
- Managing this responsibility to respect through putting in place appropriate policies and through robust human rights due diligence processes, which extend to the supply chain.
- Providing for or cooperating in remediation through legitimate processes, wherever it identifies that it has been responsible for adverse impacts.
- Engage with children as stakeholders, where relevant, in accordance with practices of inclusive stakeholder engagement appropriate to their evolving capacities.

#### The Corporate Commitment to Support Children's Rights includes:

- Identifying ways to support children's rights through activities and business relationships as part of a company's business strategy, principles and values.
- Championing children's rights, including by engaging with business partners and suppliers, to adopt a similar approach to children's rights, based on a company's own responsibility.

#### Companies should be aware that they should not:

- x Seek to 'compensate' for harms to children by performing good deeds elsewhere or donating to children's charities.



The box that follows demonstrates how business can understand and mitigate unintended impacts on children in collaboration with civil society and government.

## CASE STUDY

### Understanding and mitigating unintended impacts on children

Multinational construction and engineering companies MotaEngil and Soares Da Costa were approached by Save the Children in 2004–2005 to create a social protection plan for workers to help prevent child labour and sexual exploitation. Understanding the negative impacts their operations could have on the local population, the companies took preventive actions.

Save the Children's impact assessment, which considered the potential unintended social consequences of the Zambezi bridge construction in Mozambique, pointed out that the positive development of new construction jobs did nothing to overcome the negative effects on children in the area. Dropping out of school to work, children risked sexual exploitation by both construction workers and truck drivers using the bridge. Health workers highlighted an escalation in sexually transmitted diseases based on experience with migrant workers who entered the area for extended periods.

MotaEngil and Soares Da Costa joined with Save the Children, the Government of Mozambique and donors to develop a joint work plan for social protection that included training managers and staff on their social responsibilities and promoting their adherence to codes of conduct that regulate their behaviour and interactions with local people. It was crucial to involve community members, including children, as advocates to encourage their peers to avoid risky behaviour, such as frequenting bars or hanging around construction sites. Buy-ins by local authorities and influential people, such as police, community leaders, headmasters and teachers, helped ensure a zero-tolerance policy for child abuse and exploitation. The project also helped to develop viable economic opportunities targeted to the most marginalized community members, so that they were not drawn into the sex trade or exploitative labour practices.

[www.irinnews.org/Report/85489/MOZAMBIQUE-Building-much-more-than-the-Zambezi-Bridge](http://www.irinnews.org/Report/85489/MOZAMBIQUE-Building-much-more-than-the-Zambezi-Bridge), accessed 12 April 2012

Save the Children, A Bridge Across the Zambezi, Save the Children UK and Norway, Mozambique, March 2006.

## USEFUL RESOURCES

- BLIHR/United Nations Global Compact/Office of the United Nations High Commissioner for Human Rights, Guide for Integrating Human Rights into Business Management, [www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/Resources/guide\\_hr.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/guide_hr.pdf)
- Danish Centre for Human Rights, Human Rights Compliance Assessment Process, 2006, [www.humanrights.dk/files/pdf/Publikationer/Human%20Rights%20and%20Business/HRCA\\_English.pdf](http://www.humanrights.dk/files/pdf/Publikationer/Human%20Rights%20and%20Business/HRCA_English.pdf)
- UN Global Compact/IFC/IBLF, Human Rights Impact Assessment and Management Framework, [www.guidetohiam.org/welcome](http://www.guidetohiam.org/welcome)







# 2

## Chapter 2 Children's rights and the workplace

The well-publicized fight against child labour has received strength from the focused attention and concerted action by multiple stakeholders, including responsible businesses, throughout the past 20 years. But promoting a workplace that respects children's and young workers' rights is about much more than the end of child labour.

This chapter highlights steps that companies can take to respect and support children's rights as well as promote a family friendly workplace. In its four sections, this chapter also highlights the positive impact that companies can have in supporting parents via family friendly policies and how companies can be a responsible employer of young people of legal working age and promote decent youth employment.<sup>11</sup> The chapter also summarizes information on how business facilities and resources can be used to exploit children, as well as highlights key child labour issues and directs readers to consult more in-depth resources.

<sup>11</sup> In general, youth employment covers workers of legal working age up to the age of 24. In this publication, the term 'young worker' is used to cover those of working age but below 18 years.

# Establishing a family friendly workplace

## Introduction

Pay close attention to this section if:	
Your company operates in a context characterized by any of the following:	Your company or supply chain belong to one of the following industries: <sup>III</sup>
<ul style="list-style-type: none"><li>√ Lack of local services for children</li><li>√ Lack of good law and its enforcement</li><li>√ Absence of trade unions and labour relations systems</li><li>√ Low wage levels</li><li>√ High levels of labour migration</li><li>√ Subcontracted supply chains, especially in the informal economy</li></ul>	<ul style="list-style-type: none"><li>√ All industries</li></ul>

The indispensable role of parents and other adult caregivers in raising and protecting their children, providing for them materially and emotionally and enabling their development is widely accepted. The CRC recognizes the family as the fundamental unit of society and the ideal environment for the growth and well-being of children. Parents should be afforded the necessary protection and assistance to fulfil their responsibilities within the community and to their children. Companies can make an important contribution to children's rights by establishing family friendly workplaces where employees are supported in meeting both their work commitments and family responsibilities.

## Why is a family friendly workplace an issue for children?

Children's health and well-being start with that of their mothers. Poor prenatal care and malnutrition in mothers can result in numerous harms to their children, including low birthweight, hearing difficulties, spina bifida and brain damage, as well as to higher risks of maternal mortality. The basic elements of maternal protection include:

- protecting the health of pregnant and breastfeeding women and their children from workplace risks;
- the right to paid maternity leave;
- the right to medical care;
- protection from dismissal and discrimination due to a status of pregnancy or motherhood; and
- the right to facilities where mothers can continue breastfeeding upon returning to work.

Finding affordable, accessible and high-quality childcare is often a major preoccupation for workers. Without such services, employees often need to leave their children home alone or without proper adult supervision. Others may bring their children to work, where they can face any number of dangers to their health, safety and development. A child may be left unmonitored in an area with dangerous equipment or ambient hazards, or be strapped to their mother's back and exposed to pesticides as she works in crop fields.

Increasing evidence demonstrates that early interactions with family and caregivers profoundly influence children's development. Therefore, childcare should offer more than a safe location; it must offer an environment where children begin to learn and develop through quality care and education.

Migrant workers can improve the welfare of their children by sending remittances back home to support access to education and health services. Research is beginning to show, however, that there are numerous detrimental impacts on children left behind by migrating parents, whether in the care of extended family members, by themselves or in institutions.

<sup>III</sup> Throughout the substantive chapters of the Workbook, suggestions are being made for industries that may be most affected. This does not exclude other industries from being involved, nor does it mean that UNICEF could NOT be involved in finding solutions to problems faced within all of these industries.



## What your company can do

- **Understand the meaning of an adequate living wage in your country situation and ensure the provision of decent working conditions to your employees, including those in your supply chain.** Promote respect for the fundamental rights of freedom of association and collective bargaining in the supply chain and within the company's sphere of influence. Ensure that all employees, including migrant workers, receive a living wage as well as access to social protection and social security.
- **Protect employees' reproductive health, giving special consideration to pregnant women.** Provide training, protective equipment and regular health checks for all employees who handle chemicals or other materials potentially hazardous to their reproductive health. Make sure that your company complies with all applicable rules and regulations, especially for chemicals and other dangerous substances, including instructions about what to do in case of an accident. All safety warnings must be made available and posted in languages and pictures understood by the employees. Pregnant workers should be removed from a work environment that may threaten the unborn child and relocated to a safer work environment through the duration of the pregnancy and, if necessary, the nursing period as well.
- **Prevent discrimination against pregnant women and mothers.** Ban any pregnancy testing or demands for sterilization certificates of women of childbearing age applying for a job and prohibit the firing of pregnant women and mothers based on their status, including during maternity leave. Comply with the provisions of ILO Convention 183 on maternity protection, including the international minimum of 14 weeks of paid maternity leave, with a compulsory 6-week period after birth, and consider providing the recommended 18 weeks.
- **Create a mother-friendly work environment.** Make alternatives to night work available to pregnant or nursing women for a period of at least 16 weeks, 8 of which should precede the expected date of childbirth. Nursing mothers should have one or more daily breaks to breastfeed or pump their breast milk with access to appropriate private facilities, as well as refrigerators and clean water.
- **Provide appropriate childcare facilities for working parents as an investment in your workforce.** Workers are better able to concentrate knowing their children are safe, and workplace childcare will encourage skilled female workers to remain with the company. Alternatives to on-site facilities include the provision of referral services to help workers find a suitable independent-care centre and of subsidies for childcare fees. Some companies have adopted innovative solutions for offering on-site childcare, such as the provision of mobile crèches at construction sites in India (see box below). If your company develops childcare facilities, be attuned to emerging standards and guidance on quality.
- **Take into account the needs of workers with family responsibilities.** These include the care and support of children in the home or children left behind by migrant workers. This could mean offering family housing in which workers could maintain their family units, or permitting time for family reunification or family visits on company premises. Benefits made available to nuclear, biological families should be extended to single-parent families and workers with different family compositions, such as workers with children who are adopted, fostered, step, half, born of unmarried parents and others.
- **Implement policies that allow employees to reconcile family and working responsibilities at all stages of their lives.** These include flexible work arrangements, childcare, eldercare and leave from work to have and care for children. Both men and women should be able to avail themselves of family leave policies without any form of retaliation or discrimination.
- **Ensure that employee housing and services are safe and suitable for resident children.** Company housing should provide adequate protection from weather and environmental and social conditions that threaten health and safety, including clean drinking water, heating and lighting. Company housing should be:
  - Located in an area with convenient access to health care, educational and recreational facilities. If public health or school facilities are located far from company housing, or if the walk is too long or unsafe for children, provide safe transport or an alternative service.
  - Allocated in a non-discriminatory way that is affordable in proportion to the residents' income and living costs.
  - Safe for children and young workers. Implement special measures, such as a code of conduct or training and monitoring, to protect them from harassment, abuse or physical assault by other residents and security guards. Consider providing suitable recreational areas that are safe and appropriate for children away from sleeping quarters.

- **Expect your employees to create a family friendly workplace for domestic workers.** Articulate clear expectations about the treatment of domestic workers employed by your staff. You should also:
  - Inform your employees of appropriate working hours and conditions for domestic workers as prescribed by the national government and ILO Convention 189.
  - Provide and promote the use of standardized contracts for domestic workers that set out the company's employee obligations as employer and the domestic worker's entitlements to fundamental rights at work, an adequate living wage and decent working conditions.
  - Consider asking employees to provide records, such as contracts and wage payment records, for any domestic workers employed in company housing.

The following case study shows how day care for young children on construction sites can relieve the burden on working families and help prevent child labour.

## CASE STUDY

### Childcare on construction sites in India

In India, the construction industry employs 30 million workers, of which more than 30 per cent are women, and an estimated 10 million children are growing up on building sites. Without support for education or childcare, young children suffer neglect while the older ones bear the heavy burdens of adult chores.

Since 1969, the Delhi-based NGO Mobile Creches has been working to provide a just and caring world for young children of marginalized and mobile populations. In that time, it has reached out to more than 750,000 children, trained 6500 workers and run 650 day-care centres.

Mobile Creches has a presence on 20-25 construction sites in a year, serving more than 12,000 children with nutrition, health and hygiene, age-appropriate stimulation and educational activities. In the slums of Delhi, the NGO provides another 6000 children with neighbourhood crèches, utilizing public services, and building capacities of community women and grassroots organizations in early childcare and development. In North India, Mobile Creches works with corporate partners, including construction companies and advocates with state and central government for better child-related policies and programmes.

Key to the organization is its goal of sustainability. When a day-care centre is opened, it is initially run by Mobile Creches, which then recruits and trains local women in caretaking. Eventually, Mobile Creches is only involved in checking quality service and outcomes. Its ultimate goal is for the builder or construction company to take over responsibility for the centre, assuring its continuing and sustainable operation. Increasingly successful, Mobile Creches still faces challenges that include the ability to transfer management to contractors and to find sufficient financial resources.

[www.mobilecreches.org](http://www.mobilecreches.org), accessed 15 February 2012

# Addressing and eliminating child labour

## Introduction

Pay close attention to this section if:	
Your company operates in a context characterized by any of the following:	Your company or supply chain belong to one of the following industries:
<ul style="list-style-type: none"> <li>✓ Country/region/area identified as one with the worst forms of child labour</li> <li>✓ Age of school completion is lower than the legal working age</li> <li>✓ Low availability of schooling; low quality of schooling; low levels of school enrolment and education completion</li> <li>✓ High levels of labour migration</li> <li>✓ Your company is sourcing from supply chains that are geographically dispersed</li> <li>✓ Poverty</li> </ul>	<ul style="list-style-type: none"> <li>✓ Commercial agriculture</li> <li>✓ Commercial hunting</li> <li>✓ Fishing or forestry</li> <li>✓ Manufacturing</li> <li>✓ Construction</li> <li>✓ Tourism</li> <li>✓ Wholesale and retail trade, restaurants and hotels</li> <li>✓ Social and personal service, such as domestic work</li> </ul>

An estimated 215 million children around the world are engaged in child labour. Of these, more than 115 million are trapped in the worst forms of child labour.<sup>5</sup> Ratified by 161 countries, the ILO Convention 138 requires the setting of the minimum legal age of children allowed to enter the workforce, seeking to ensure that work does not interfere with compulsory education. It also provides strict age-related guidelines about the nature of work that can be lawfully undertaken by a child.

There is wide agreement that some work is so dangerous that it must be eliminated as a matter of priority and engaged children withdrawn from it immediately. Codified in ILO Convention 182 on the Worst Forms of Child Labour, which has been ratified by 174 countries, this work includes slavery and forced labour, including forced recruitment for armed conflict, trafficking, prostitution and pornography, other illicit activities and hazardous work defined as work that harms the child's health, safety or morals.

The main principles of ILO's Convention 138 concerning the minimum age of admission to employment and work are summarized in the table below.<sup>6</sup>

	The minimum age at which children can start work	Possible exceptions for developing countries
<b>Hazardous work</b> Any work which is likely to jeopardize children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18.	18 (16 under strict conditions) <sup>iv</sup>	18 (16 under strict conditions) <sup>v</sup>
<b>Basic minimum age</b> The minimum age for work should not be below the age for finishing compulsory schooling, which is generally 15.	15	14 <sup>vi</sup>
<b>Light work</b> Children between the ages of 13 and 15 may do light work, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training.	13–15	12–14 <sup>vii</sup>

Since early discussions on the topic, child labour has been the most visible children's rights issue on the CSR agenda. Much work has already been done by companies, trade union organizations, multi-stakeholder initiatives, international organizations and civil society to develop functional approaches to address the issue of child labour in company operations and particularly in supply chains. However, child labour incidents are still pervasive and it is necessary to scale up the efforts to address and eliminate the root causes of the problem. This section of the Workbook summarizes the risks and good practices and provides a list of further references (see below) to guide users to the substantial work available in the area.

## Why is child labour an issue?

Child labour is both a cause and a consequence of poverty. Poverty pushes children into child labour, and with early entry into the labour force, most children delay entering school and fail to complete a basic education or never attend school at all. Without an education, children have minimal possibilities for breaking the cycle of poverty. Children in the workplace are particularly vulnerable to exploitation, violence, sexual exploitation and abuse, as well as to other occupational hazards. They are often subject to beatings, kicking and slapping, shouting, insults, threats, and bullying, as well as to sexual harassment, fondling and rape. This is often systematic and part of a collective workplace culture of physical brutality, shouting, bad language, and casual violence.<sup>7</sup>

In addition to their inherent vulnerabilities, child workers often lack access to company health services. Even when available, some children may see them as a threat rather than a benefit. As health officials may try to identify and dismiss children who are too young to work, children may refuse to use employee health services even when they are superior to those available locally.

### BOX

The ultimate objective of **ILO Convention 138** is the effective abolition of child labour; as such, it is a key instrument of a coherent strategy against child labour.

**ILO Convention 182** defines the worst forms of child labour as: (a) slavery and forced labour, including child trafficking and forced recruitment for armed conflict; (b) child prostitution and pornography; (c) production and trafficking of drugs; and (d) work likely to harm the health, safety or morals of children. The Convention leaves it to national governments to determine the exact types of work to be prohibited as hazardous work under item (d) above.

At least 60 per cent of all child labourers (130 million) work in agriculture, including crop production, harvesting and processing. This is an historically under-regulated sector in many countries, where health and safety laws are often less stringent, structures for social dialogue may be weak or absent, and entire industries may be exempted from regulation. Child labourers in agriculture suffer from frequent injuries in the use of heavy or dangerous machinery, as well as impaired respiratory, organ and cognitive development from inhaling pesticides and toxic chemicals. The lack of health services and information available in rural areas compounds children's vulnerability, and the absence of legal enforcement can render available protection hollow in practice.

Children who migrate for work, especially those who are unaccompanied, are most exposed to the worst forms of child labour. They are at risk of becoming victims of trafficking and, if travelling across borders, they may lack legal status and legal protection in the country of destination. Isolated from their families and community, unaccompanied children are particularly vulnerable to exploitation, coercion, deception and violence.<sup>8</sup> Employers often control their payment, work conditions and housing arrangements. Employers may also withhold passports or wages from migrant workers, creating a situation of forced or bonded labour. Millions of other children, mainly girls, are involved in child domestic labour, living in the households of others and undertaking domestic work as 'helpers' or employees. Because of the closed nature of the household, this labour puts children at risk of being subjected to impossible demands, excessive working hours, hazardous work, physical punishment and sexual violence.

<sup>iv</sup> Defined in Article 3.3 of ILO Convention 138 and Paragraph 4 of ILO Recommendation 190: For types of work defined as hazardous, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, authorize 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.

<sup>v</sup> Ditto.

<sup>vi</sup> If the country concerned has ratified ILO Convention 138 with this temporary derogation.

<sup>vii</sup> Ditto.

# What your company can do

- **Understand the specific country situation in which you are operating and define appropriate working conditions accordingly.** Each state has the right to define the legal age of employment and school leaving, as well as to define what it considers ‘hazardous work’, in accordance with ILO Conventions 138 and 182. Through your employment practices, procurement and sourcing processes, as well as through your distribution networks, your company has significant control over the hazard levels and working conditions of your employees and others working in your supply chain.
- **Establish a child-friendly age verification mechanism.** Use the mechanism to determine the age of all current employees and make it a permanent part of the recruitment process for new workers. Ensure that a similarly effective age verification mechanism is applied throughout the value chain. Do not use verification mechanisms that impinge on the personal dignity of the child. Take steps to counter the use of falsified or borrowed identification cards or other fraudulent means used by either child labourers or those seeking to place them in the workforce. Your company should consider implementing the following ILO recommendations:<sup>9</sup>
  - Keep and make available to the competent authority, registers or other documents indicating the names, ages and dates of birth, duly certified where possible, of children and young persons you employ or those who are receiving vocational orientation or training from your company.
  - Where there are no birth certificates you can alternatively: arrange for a medical examination prior to employment (taking care always to respect the child’s right to personal dignity and privacy); cross-check written documents and affidavits to discover false documentation; interview employees and applicants who appear to be below the minimum age; and obtain school enrolment certificates.
- **Where you discover cases of children employed in violation of minimum-age provisions, take responsible action to rectify them.** Make sure that the child is participating in a remediation programme before dismissing them. A remediation programme may include, but is not limited to, assisting underage workers to access schooling, transitional schooling or vocational training; and replacing any identified child labourer with an adult family member, where possible, to compensate the loss of income, etc. The aim here is to remove children from child labour – and immediately from hazardous situations – while at the same time putting in place alternatives that prevent them from being pushed into more dangerous survival alternatives, including sexual exploitation or trafficking. Keep in mind that each incidence of child labour requires a tailored approach, depending on the age of the child, the working conditions observed, the child’s home situation and education level and the availability of schooling that is suitable and of a minimal quality. In order to ensure that the best solution for the child is found, companies can cooperate with local NGOs, government agencies, schools and parents or relatives of the child.<sup>10</sup>
- **A child discovered to be engaged in any of the worst forms of child labour, including hazardous work as defined by national law, must be withdrawn immediately.** The child may be retained to undertake light work that falls within the accepted scope of work for young workers and should participate in a remediation programme (see next section on young workers).
- **Examine your internal business behaviour to avoid making demands of suppliers or subcontractors that may lead them to use child labour.** These types of demands include insufficient payments, poor forecasting of demand, late orders and high-pressure deadlines. It is not enough to demand the elimination of child labour in your value chain; your business should create the necessary conditions to enable all elements of your value chain to both meet business demands and respect child rights.
- **Exert your influence on supply chains and subcontractors to eliminate child labour throughout their business operations.** Carefully select suppliers and require them to agree to respect human rights and child rights. Clearly communicate that your company will not tolerate the use of child labour. Where possible, foster long-term relationships with suppliers, contractors and subcontractors and use your influence to develop their respect for children’s rights. You can use dialogue, contract conditions, self-assessment, audit, joint industry initiatives and capacity building to build their motivation. Further guidance can be sought through the ILO Helpdesk for Business on International Labour Standards at [www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm](http://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm), accessed 15 Feb 2012.



- **Ensure that salaries paid offer living wages to workers**, i.e., the legal minimum wage plus additional payments such as sick pay, overtime pay and social contributions. It is worth noting that in many countries, particularly in developing countries, the legal minimum wage is lower than the living wage. A living wage should enable families to survive without recourse to child labour. Be aware that legal minimum wages set by governments are frequently inadequate to sustain an average family. A living wage should be identified for each source country. The most sustainable and legitimate way of calculating and maintaining a living wage is for workers and employers to bargain freely in order to determine them. Keep in mind that trade unions are in a unique position to combat child labour, as research has shown that child labour is often not prevalent where there is a trade union presence.”
- **Create and communicate a company policy prohibiting your employees from hiring children who are not of working age as domestic workers.** Your company policy should also strictly prohibit employees from physically, sexually or psychologically abusing domestic workers or their children. In establishing such a policy, it would be important to state the company’s position in cases of non-compliance. Such a policy may be reinforced through joint agreement with the relevant trade union(s).
- **Take an active role to eliminate poverty in the communities where your company is operating, as part of the fight against child labour.** Efforts to address the root causes of child labour are unlikely to be effective without a multi-stakeholder approach. In addition to ensuring that your supply chain is based on the payment of living wages to those who work in it, support social protection schemes that contribute to the elimination of child labour by assisting families’ income generation. For example, some programmes transferring cash to targeted families put conditions on the transfers that the children attend school, receive vaccinations and expecting mothers attend prenatal visits to ensure better child development outcomes. Other countries have used universal rather than targeted schemes to ensure that all poor families have access to additional cash benefits and help to reduce child labour. Through contributions into social protection systems and the payment of taxes, a company can take part in supporting these schemes for the poorest children.



© UNICEF/NYHQ2004-1401/Pirozzi

The following code of conduct for suppliers and subcontractors illustrates the role corporations can play in preventing child labour and other children's rights violations. The IKEA case describes how corporate requirements and follow-up can lead to suppliers respecting the age limits and working conditions of young workers.

## CASE STUDY

### **The Ikea Way on Preventing Child Labour**

In the mid 90's IKEA, the Swedish home furnishing company, was alerted to the risk of child labour in its supply chain. IKEA developed a comprehensive approach to preventing child labour in its supply chain and introduced its code of conduct 'The IKEA Way on preventing Child Labour' as an integrated part of its overall code of conduct, IWAY. Suppliers are supported in implementing a corrective action plan if child labour is identified at suppliers' or sub-contractor's place, which should take the child's best interests into consideration, including age, family and social situation and level of education. The action plan emphasizes that responses should not merely move child labour from one supplier's workplace to another, they should instead enable more viable and sustainable alternatives for the children involved.

Since 2000, the company has developed long-term partnerships with child rights organizations to prevent and eliminate child labour in rural communities, including supporting large-scale programmes to create awareness and mobilize local communities around school enrolment drives and improved quality of education, aiming for both boys and girls to finalize their schooling. Another important component is the support to empower rural women, helping them to enhance their economic, social and legal status by improving access to credit and income-generating opportunities. Women as advocates for children's rights and the importance of education is of utmost importance and consequently helps prevent children labour, as well as women being able to reduce the burden of debt through them contributing to family income.

[www.ikea.com/ms/en\\_US/about\\_ikea/our\\_responsibility/working\\_conditions/preventing\\_child\\_labour.html](http://www.ikea.com/ms/en_US/about_ikea/our_responsibility/working_conditions/preventing_child_labour.html), accessed 15 February 2012

The following case study shows how a major bank has responded to investors' expectations to support children's rights.

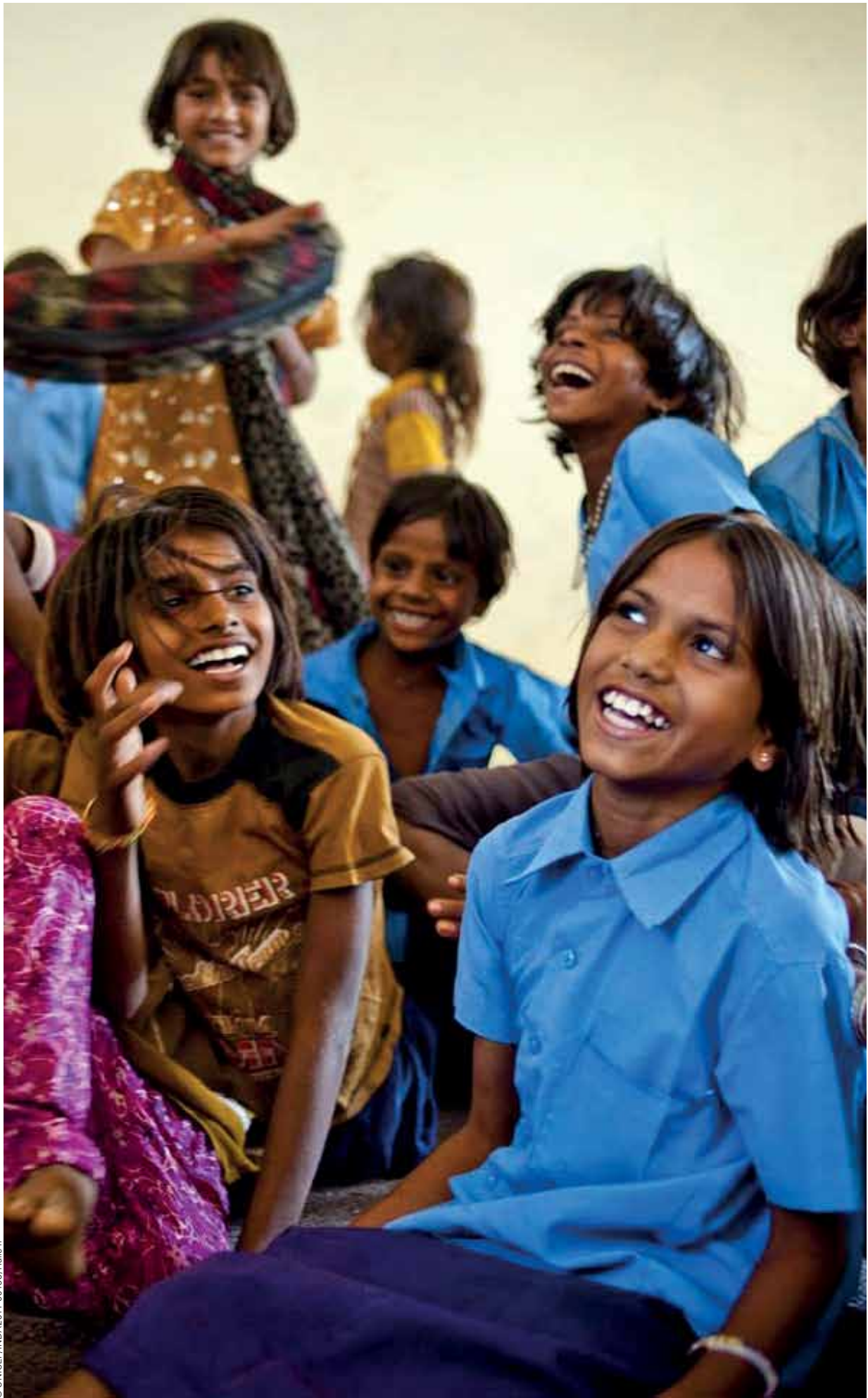
## CASE STUDY

### **Investors place children's rights at the centre of corporate action**

Norges Bank Investment Management (NBIM) was established by the Norwegian central bank in 1998 to manage the Norwegian Government Pension Fund Global. NBIM uses its rights as a shareholder to safeguard the fund's long-term interests. It seeks to promote good corporate governance and encourages companies to take responsibility for improving social and environmental practices that may impact their profitability and, consequently, the fund's long-term returns.

Children's rights have been a strategic focus area for NBIM's ownership activities since 2006. NBIM expects companies to prevent the worst forms of child labour and promote children's rights in their operations and supply chains, and has outlined its expectations in a public document. Each year, NBIM evaluates the extent to which companies in industries with a high risk of child labour and children's rights violations meet its expectations. It publishes the results and discloses the names of the companies with top marks for their reporting on risks related to children's rights. NBIM also promotes children's rights in its dialogue with companies, investors, authorities and other standard setters.

[www.norges-bank.no/upload/nbim/cg/expectations%20childrens%20rights.pdf](http://www.norges-bank.no/upload/nbim/cg/expectations%20childrens%20rights.pdf), accessed 15 February 2012



© UNICEF/INDA2011-00196/Halle'n

# Respecting the rights of young workers

## Introduction

Pay close attention to this section if:	
Your company operates in a context characterized by any of the following:	Your company or supply chain belong to one of the following industries:
<ul style="list-style-type: none"><li>✓ High number of young workers</li><li>✓ High levels of labour migration</li><li>✓ Your company is sourcing from supply chains that are geographically dispersed</li><li>✓ Poverty</li></ul>	<ul style="list-style-type: none"><li>✓ Commercial agriculture</li><li>✓ Commercial hunting</li><li>✓ Fishing or forestry</li><li>✓ Manufacturing</li><li>✓ Construction</li><li>✓ Tourism</li><li>✓ Wholesale and retail trade, restaurants and hotels</li><li>✓ Social and personal service, such as domestic work</li></ul>

Not all work carried out by a child is child labour. ‘Young workers’, for the purpose of this publication, are those above the legal working age and under 18 years old. The international minimum age for full-time, non-hazardous work is 15. National standards may be higher. In accordance with ILO Convention 138, countries with an insufficiently developed economy and education system may have temporarily registered a general minimum age of 14. Business has an important role to play in promoting decent youth employment and in respecting and supporting the rights of children in the workplace who have reached the general minimum age for employment. It is important to note that children in this group enjoy their rights as children under the CRC in addition to their rights as workers under national and international labour laws.

Young workers can be engaged in appropriate work as defined by ILO Convention 138. This ranges from light work combined with education (appropriate for 13-year-olds; or 12-year-olds where national legislation permits it in accordance with a general minimum age of 14 – see above) to apprenticeships and other transitional programmes by which children move from education into full-time work. However, if children of the legal working age and under the age of 18 are in hazardous work or other of the worst forms of child labour defined by ILO Convention 182, it is child labour and therefore prohibited.

## Why is this an issue?

Young workers are particularly vulnerable to many forms of violence, exploitation and abuse, including sexual exploitation, unfair wages and conditions that take advantage of their age, inexperience and powerlessness. Because of their size and stage of development, young workers are at greater occupational risk than adults of physical and psychological work-related problems, among others. Risk areas for young workers include heavy lifting and the use of complex machinery designed for adults, as well as exposure to high-pressure situations or emotionally demanding assignments, and to direct and ambient hazards, for example, caused by toxic chemicals, to which they are even more vulnerable than adults.

Working children are often unable to access school education, which leaves them at a clear disadvantage for future economic, social and personal development. Due to their evolving level of maturity and experience, young workers often know little about their rights and are unable to speak up against abuse they experience at the hands of supervisors or adult workers.

Young migrant workers are particularly vulnerable to abusive labour arrangements and trafficking since they are outside the protective environment of their community and, in some cases, outside their home country. Furthermore, when unaccompanied, they are outside the protective environment of their family.

## What your company can do

- **At a minimum, you need to follow the applicable national rules regarding young workers and hazardous work.** Each country should define the legal age of employment, school leaving and what it considers 'hazardous work' in line with ILO Conventions 138 and 182 and the CRC. However, many have standards that are lower than international norms or even non-existent. In such cases, a responsible company should employ the higher international standards and create internal guidelines to protect young workers.
- **Create internal guidelines to protect young workers.** Provide appropriate training, support and supervision of young workers to ensure that they are not required to handle tasks that are beyond their physical and psychological capacity. Clearly identify which tasks, materials and condition are 'off limits' to workers under 18 years old. Do not allow young workers to work overtime, to work at night or to work so late that they are obliged to go home from work in the dark.
- **Establish policies and practices to prevent, identify and investigate alleged trafficking, abuse, intimidation, harassment, sexual exploitation and labour exploitation of young workers.** If young workers are found to be victims of exploitation, arrange for immediate assistance and refer them to the appropriate local child protection authority or, if not available, a local child rights NGO.
- **Maintain a record of all employees under the age of 18.** This will help to identify young workers entitled to children's rights and can also reduce the practice of employing children below the legal working age. The record should include proof of age (see guidance on how to establish an age verification mechanism on p.48).
- **Provide young workers with regular age-appropriate health care, monitoring and treatment.** Young workers are more vulnerable than adults to injury or illness as a result of their work. Assessments need to be made of their work and working conditions and environment to ensure that this vulnerability is taken into consideration when assigning tasks and locations. Routine occupational health services should be equally accessible to young workers and provide them with regular health care. In addition, young workers also need specific medical examinations, carried out by trained personnel, to determine their fitness for work (ILO Conventions 77 and 78).
- **Provide suitable accommodation and supervision for young workers.** Provide the same standard of housing for young workers as for adults. Do not discriminate against them with substandard or no-contract housing. Unaccompanied young workers should, however, be housed separately from adults and given proper care and supervision. Minimum ratios of adult supervisors to young workers should be established, and resident adults should be of the same sex as those in their care. Young female employees in particular should be assured adequate security and protection from harassment, abuse or physical assault by other residents and security guards.
- **Remove obstacles and make concrete efforts to encourage and assist young workers to combine work and education.** Taking measures to promote the re-enrolment of young workers who have dropped out of school, your company could arrange for education on company grounds. By providing free classes on life skills, including HIV and AIDS prevention, your company will give them an opportunity to learn about issues important to their future and to protect themselves from health-related risks. Taking these steps will help young workers to develop both personally and professionally and may also help your company to have a better educated and more competent and stable workforce.
- **Take actions to ensure that young workers understand and have access to their labour rights.** They are entitled to enjoy those rights on equal terms with adult employees, including contracts, fair salaries and equal pay for work of equal value, representation during contract negotiations and membership in trade unions of their own choosing and other benefits. Actions include:
  - Making available all employment policies, health, safety and pay-related information, in particular pay stubs, in an accessible format and language.
  - Establishing disciplinary measures to accommodate the special needs and psychological capacity of young workers. Young workers are entitled to representation by a trade union representative, advocate and parent. Advise a child of the right to complete confidentiality and respect it when requested.
  - Providing the opportunity for young workers to submit confidential complaints, verbally or in a written format. Be sensitive to their evolving capacity to express and defend themselves. If a young worker submits a grievance against a supervisor or other employer who could potentially retaliate, ensure that either party is transferred to alternate duties without prejudice until the dispute is resolved. Establish a code on harassment, post it prominently, train all employees on it and enforce this code consistently.

- **Make sure that the salary for young workers is sufficient for an adequate standard of living** and consistent with that of other workers, given their level of experience and training. When companies pay salaries that are too low for subsistence and for some discretionary spending, youth may be vulnerable to exploitation.
- **Promote the election, where applicable through the structures of the relevant trade union(s) of a young workers' advocate to oversee the welfare of young workers.** The advocate should monitor the health and safety of young workers, ensure respect for their labour rights and make sure that work does not interfere with compulsory education. The advocate may be elected by young workers at your company and should receive communication training to help them identify their needs and utilize company grievance policies.
- While the company bears the primary responsibility for ensuring the protection of young workers' welfare, the above measures may be best developed through collective bargaining and consultation with the relevant trade unions, and also implemented jointly with them.

The following case illustrates a corporation's monitoring of its suppliers treatment of young workers.

## CASE STUDY

### Ensuring suppliers integrate children's rights into business practices

Johnson & Johnson (J&J), a multinational manufacturer of multiple home and health products, is taking steps to ensure that children's rights are integrated into its business model through strict enforcement of its own employment policies, in addition to requiring that its suppliers abide by a policy regulating the employment of individuals under the age of 18.

J&J's policy applies to those who manufacture J&J products—or any component of a product—for J&J or its affiliates worldwide. J&J suppliers may not hire anyone under the age of 16. A young person between the ages of 16 and 18 may be employed only if the work complies with the health, safety, and morals provisions of ILO Convention 138, which applies specific rules regarding working hours, overtime and compensations. J&J suppliers must comply with this policy and submit to periodic inspections. Records of the compliance inspections are closely monitored, and the manufacturer engagement is terminated if a supplier is found to have deviated from the policy on the employment of young persons.

[www.jnj.com](http://www.jnj.com), accessed 10 April 2012



© UNICEF/NYHQ2007-2752/Verisanti

# Use of business premises and property

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by any of the following:**

✓ Any operational context

**Your company or supply chain belong to one of the following industries:**

✓ All companies and industries

Business facilities or resources can be used to facilitate the abuse and exploitation of children in any number of ways, usually without the company's knowledge and contrary to its values, its corporate image and often its own stated internal regulations. Employees can use company property such as computers or phones to download sexual abuse images, or they might abuse company funds, for example, during company travel, to engage in sexual exploitation of children or to pay for child-abuse images.

## Why are company property and premises an issue for children?

Facilities and premises of companies in the travel and tourism industry may be used for the sexual exploitation of children, as hotel guests and visitors may bring children to their rooms for sexual purposes (see also chapter 3). The conduct of employees on company business and on company premises or in company-supported housing poses additional risks. Multinational companies or companies operating in remote, inaccessible sites often provide benefits and assistance to expatriate employees in some personal matters, most typically through the provision, subsidization, or facilitation of housing, domestic workers, and guards. Children are often employed as domestic workers or live on a company-provided residential compound as a family member of a domestic worker. Abuse of domestic workers and their families represents a further risk.

Unrestricted or un-policed access to the Internet on company premises can have a negative impact on children. Despite the many positive opportunities posed by the Internet in opening new avenues for children to learn and connect, it has also done more to make existing methods of child abuse more convenient and risk-free. These avenues create new and increasingly harmful methods for the violation of children's rights such as violence, sexual exploitation, harassment and intimidation.<sup>12</sup> The growing concern about exposure to harm via the Internet and other communication technologies has led to numerous initiatives through both government regulation and voluntary codes of conduct to increase the awareness of children, parents and caregivers and to take action to improve protection and address violations.

By not effectively monitoring the use and punishing the misuse of company assets such as travel expenses, a company can inadvertently contribute to the sexual exploitation of children. In tourism areas and also in remote worksites that attract a temporary, large and mainly male workforce, such as those of construction and mining, children are at increased risk of sexual exploitation. For example, they may hang around a company's facilities, transport routes or hotels to offer sexual services to company employees or customers. This may be a survival tactic on the children's part, offering sex in exchange for food or shelter, or it may be more organized exploitation of children.

## What your company can do

- **Protect children who may be on a company's premises, or around the company's plant using its services.**

Be vigilant about the presence of children in and around facilities and transport stops day and night, and to what they are doing. Due to a likelihood of negative attitudes and behaviours towards these children, by security and other staff, your company can combine clear instructions on acceptable behaviour towards these children with other efforts. Identify child protection and welfare services and networks and work with them to raise awareness and take actions to respect and support the rights of these children.

- **Be vigilant about enforcing prohibitions against misusing company property or information and communication technology for sexually exploitative conduct.**

Most companies have implemented measures, such as Internet blockers, to prohibit the use of company information technology systems for downloading child abuse images, facilitation of commercial sex or access to chat rooms by children. If your company has not yet done so, consider taking action as a matter of utmost priority. Similarly, company policies should prohibit the use of expense accounts for any activities related to the sexual abuse or exploitation of children. This would include measures to prohibit employees from using expense accounts, per diems or a credit card to cover the direct sexual exploitation of children or to download child-abuse materials.

- **Create and communicate a company policy prohibiting your employees from hiring children who are not of working age as domestic workers.**

Your company policy should also strictly prohibit employees from physically, sexually or psychologically abusing domestic workers or their children. In establishing such a policy, it would be important to state the company's position in cases of non-compliance.

- **Report cases of sexual exploitation to national authorities.**

Your company should assist the authorities in any investigation of alleged abuse or exploitation involving company employees, facilities or resources, particularly when these activities involve children. This includes online activity and sexual exploitation of children facilitated through the travel and tourism industry. It will send a clear message of no tolerance to employees and customers.

### SUMMARY BOX

## Children's right in the workplace

### The Corporate Responsibility to Respect Children's Rights includes:

- Ensuring the provision of decent working conditions to your employees, including those in your supply chain;
- Establishing a child-friendly age verification mechanism;
- Taking responsible action to rectify cases of children employed in violation of minimum age provisions, where you discover them;
- Immediately withdrawing a child discovered to be engaged in any of the worst forms of child labour, including hazardous work as defined by national law;
- Examining your internal business behaviour to avoid making demands of suppliers or subcontractors that may lead them to use child labour;
- Ensuring that salaries paid offer living wages to workers;
- Preventing, identifying and mitigating harm to young workers and protecting them from work that is prohibited for workers under 18 years old;
- Maintaining a record of all employees under the age of 18;
- Providing decent work for young workers;
- Providing young workers with regular age-appropriate health care, monitoring and treatment;
- Taking actions to ensure that young workers understand and have access to their labour rights;
- Ensuring that the salary for young workers is sufficient for an adequate standard of living;
- Addressing safety and protection risks to children's rights posed by business facilities and staff in the course of business activities; and
- Reporting cases of sexual exploitation to national authorities.



**The Corporate Commitment to Support Children's Rights includes:**

- Preventing discrimination against pregnant women and mothers;
- Creating a mother-friendly work environment;
- Protecting employees' reproductive health, giving special consideration to pregnant women;
- Providing appropriate childcare facilities for working parents as an investment in your workforce;
- Taking into account the needs of workers with family responsibilities;
- Exerting your influence on supply chains and subcontractors to eliminate child labour throughout their business operations;
- Taking an active role to eliminate poverty in the communities where your company is operating, as part of the fight against child labour;
- Removing obstacles and making concrete efforts to encourage and assist young workers to combine work and education;
- Creating and communicating a company policy prohibiting your employees from hiring children who are not of working age as domestic workers;
- Ensuring that employee housing and services are safe and suitable for resident children; and
- Expecting your employees to create a family friendly workplace for domestic workers.

- Anti-Slavery International, Child Domestic Workers: A Handbook on Good Practice in Programme Intervention, 2005, [www.antislavery.org/includes/documents/cm\\_docs/2009/c/child\\_domestic\\_workers\\_interventions.pdf](http://www.antislavery.org/includes/documents/cm_docs/2009/c/child_domestic_workers_interventions.pdf)
- IFC, Good Practice Note: Addressing Child Labour in the Workplace and Supply Chain, 2002, [www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/p\\_ChildLabor/\\$FILE/ChildLabor.pdf](http://www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/p_ChildLabor/$FILE/ChildLabor.pdf)
- IFC, Performance Standard 2 Handbook for Labour and Working Condition, 2006, [www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/pol\\_PerformanceStandards2006\\_PS2/\\$FILE/PS\\_2\\_LaborWorkingConditions.pdf](http://www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/pol_PerformanceStandards2006_PS2/$FILE/PS_2_LaborWorkingConditions.pdf)
- ILO, Eliminating Child Labour: Guides for Employers, 2007, [www.ilo.org/public/english/dialogue/actemp/what-wedo/projects/cl/guides.htm](http://www.ilo.org/public/english/dialogue/actemp/what-wedo/projects/cl/guides.htm)
- ILO, Helpdesk for Business, [www.ilo.org/empent/Areasofwork/business-helpdesk/lang--en/WCMS\\_DOC\\_ENT\\_HLP\\_CHL\\_EN/index.htm](http://www.ilo.org/empent/Areasofwork/business-helpdesk/lang--en/WCMS_DOC_ENT_HLP_CHL_EN/index.htm)
- ILO, Migration and Child Labour: Exploring child-migrant vulnerabilities and those of children left behind, 2010, [www.ilo.org/ipecinfo/product/viewProduct.do?productId=14313](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=14313)
- Child Labour Platform, Report 2010–2011: Business practices and lessons learned on addressing child labour, [www.fnli.nl/var/downloads/var/mediamanager/files/uploads/Rapport%20Child%20labour%20Platform.pdf](http://www.fnli.nl/var/downloads/var/mediamanager/files/uploads/Rapport%20Child%20labour%20Platform.pdf)
- Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism <http://www.thecode.org>, accessed 20 February 2012
- United Nations Secretary-General, Study on Violence against Children: Violence against children in places of work, 2006, [www.unicef.org/violencestudy/6.%20World%20Report%20on%20Violence%20against%20Children.pdf](http://www.unicef.org/violencestudy/6.%20World%20Report%20on%20Violence%20against%20Children.pdf)



# 3

## **Chapter 3** **Safe products and services**

This chapter points out the impact of products and services on children as consumers and when they are involved in testing of products. It recommends approaches that companies can take to prevent their products and services from being misused to exploit or harm children.

# Safe products and services

## Introduction

Pay close attention to this section if:	
Your company operates in a context characterized by any of the following:	Your company or supply chain belong to one of the following industries:
<ul style="list-style-type: none"><li>✓ Lack of regulation that provides clear safety standards for products</li><li>✓ Ineffective national child protection systems</li><li>✓ Children as consumers of your products</li><li>✓ Children who are exposed to or use your products and services incidentally</li><li>✓ Children involved in the testing of your products</li><li>✓ Poverty and lack of healthy professional development alternatives for children</li></ul>	<ul style="list-style-type: none"><li>✓ Arts and entertainment</li><li>✓ Consumer products</li><li>✓ Defence and weapons industry</li><li>✓ Food and beverages</li><li>✓ Information and communications</li><li>✓ Manufacturing/textiles</li><li>✓ Media and journalism</li><li>✓ Pharmaceutical</li><li>✓ Professional, scientific, and technical</li><li>✓ Transportation, logistics, storage</li><li>✓ Travel and tourism industry</li><li>✓ Water supply, waste management, construction</li></ul>

Product safety, particularly for children, has become a pioneering issue for corporate responsibility throughout the decades. Due, in large part, to high-profile legal cases related to product liability claims, the majority of CSR-savvy businesses in the consumer goods, food and beverage, pharmaceutical and similar sectors are well acquainted with concerns about the safety of products and services. Awareness and action on these issues are spreading to other sectors that provide products and services.

This concern stems from the reality that children are not simply small versions of adults. The same characteristics that make children more susceptible to environmental hazards must be considered in product development, safety and testing. Given the sensitivity of the issues involving children's physical and mental health, companies need to take a proactive approach to ensure that products and services do not affect children negatively. It is important for the corporate sector to be current with the growing wealth of research on the potential and actual impact of products and services on children. This will enable them to put children's best interests at the centre of key decisions.

## Why is product safety, testing and research an issue for children?

Product safety is a critical concern for companies. This includes products intended for children, such as toys and products that children use incidentally, which may cause them harm if they are inherently unsuitable or used inappropriately. Once children reach the age of 5, unintentional injuries are the biggest threat to their survival.<sup>13</sup>

For many products with no regulations, introducing standards can be a slow and cumbersome process. Even where they exist, standards may not take specific account of children. The well-known case of melamine-tainted milk in China, described below, illustrates the dire consequences for children of product decisions that ignore established standards.

### CASE STUDY

#### Tainted milk in China

In September 2008, the Chinese dairy company Sanlu admitted publicly that it had knowingly sold milk products tainted with melamine, a chemical used in plastics, worldwide (mostly in China). The contaminated milk caused serious health injuries to more than 300,000 children, including the deaths of six children in China. In 2009, a Chinese court sentenced 21 employees of Sanlu (including company executives) for adding melamine to milk products in order to boost the protein count. The court issued prison sentences ranging from five years to life imprisonment, as well as major fines to the company.

Business & Human Rights Resource Centre, Sanlu lawsuits (re tainted milk in China), [www.business-human-rights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/Sanlulawsuitsretaintedmilk-inChina](http://www.business-human-rights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/Sanlulawsuitsretaintedmilk-inChina), accessed 15 February 2012

Product research and testing involving children raises important ethical concerns, especially in developing countries, where parents or guardians may have little or no understanding of how safe and ethical research trials should be conducted. Economic pressures may encourage them to enrol their children in trials without determining their safety. In some of the many cases in which children have been used for pharmaceutical testing and have suffered severe damage to their health, the testing took place without the consent or awareness of the parents; in others, information was not provided about the potential side effects of the drugs.

## How products and services can be misused to exploit children

In addition to concerns about safety of products and services, there is growing disquiet about their misuse to exploit children. While no responsible company would intentionally exploit or tolerate the exploitation of children, companies in certain sectors must consider whether they are providing products, services or resources to employees and customers that make it easy or even encourage the sexual exploitation and abuse of children. Sexual exploitation of children in the context of travel and tourism is a global phenomenon. Tourism infrastructure (hotels, airlines, tour operators, travel agents etc.) is routinely used by perpetrators traveling to sexually exploit children. Typical scenarios are travellers, both domestic and international, who abuse children forced into prostitution in tourism destinations, generally, but not only in countries which are large tourist destinations but where the legal system is ineffective in finding and prosecuting child abusers. Sexual exploitation of children takes both organized and improvised forms in bars, hotels and other tourism facilities, fuelled by complex criminal networks providing trafficked children, generally from rural to urban areas. Travel, tourism and transportation companies can play an important role in preventing the use of their services or facilities for such purposes. Similarly, credit-card companies may be able to prevent perpetrators to pay for the sexual exploitation and abuse of children, including exploitation of children in pornography, by credit card.

Information technology is also widely used to exploit children. Through the use of the Internet, mobile phones, computers, video games and many other available technologies, children face real risks of harm. While the Internet provides positive opportunities for children to learn and connect, it has also enabled new and increasingly harmful methods to violate children's rights. The Internet can be a vehicle that brings sexual exploitation, harassment and intimidation, such as cyber-bullying, as well as exposure to inappropriate and dangerous materials or content into children's lives. Its content may also socialize children to violence and other forms of psychological manipulations, such as self-harm or harm to others.

### BOX

#### The CRC Optional Protocol on the Sale Of Children, Child Prostitution and Child Pornography

States parties to the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography have a legal obligation to criminalize dissemination or possession of child pornography (OPSC art 2.1c) and to ensure liability for all perpetrators, including legal persons (OPSC art. 3.4). This may impose far-reaching obligations on Internet service providers and similar companies, even those hosting very 'legitimate' content such as social media.

## What your company can do

- **Understand the implications of its impact and follow national laws and applicable standards.**

Many countries have specific, often mandatory, standards for a wide range of goods and services for children, including toys, nursery furniture, children's clothes, playground equipment and safety equipment such as helmets. The standards address acceptable levels of harmful substances, safety and security concerns. Moreover, most countries have additional legislation protecting children from sexual abuse and sexual exploitation in accordance with international standards.

- **Where national laws do not exist, use relevant international standards as guidance.** International and national standards organizations, as well as certain industry groups, have developed product safety standards that take account of specific requirements for protecting children's health and well-being. For example, the ISO/ International Electrotechnical Commission (IEC) Guide 50, Guidelines for Child Safety, provides guidance for manufacturers and regulators to identify known hazards in products and reduce them to acceptable levels. Multi-stakeholder forums or civil-society organizations can also provide key information on potential risks to children. A number of industry or trade associations have developed their own safety standards.

- **Identify and reduce potential health dangers from inappropriate or even appropriate use of products or services.** Products designed for children should meet particularly high quality and safety requirements. Products not designed for child use, but nonetheless posing hazards to children, must also address safety concerns. Your company can adopt proven methods of risk reduction, such as requiring child-resistant packaging and warning labels for medications and substances that are toxic to children. If there is evidence that your product is being systematically used by children, your company should move beyond basic risk reduction and consider taking steps to change the product. See the following case for an example of a corporate initiative to eliminate harmful products.



© UNICEF/LAOA2011-00062/Tate/sall

## Advancing a toxic-free product policy in Chile to prevent glue sniffing and other negative health impacts on children

In the late 1990s, the widespread practice of glue sniffing in Chile was causing brain damage and death among street children. Responding to the widespread problem and public attention, manufacturer Henkel Chile S.A. decided to eliminate the toxic additive toluene from its adhesive products and to develop an alternative product that would achieve the same product performance with fewer health problems when misused.

Taking steps to address the problem on a broader scale, the company provided product information and education regarding various toxic product hazards. It adopted a policy to replace solvent-based products with solvent-free products wherever possible. Where a replacement was unavailable for technical reasons, it used formulations with the lowest possible enticement for sniffing and the maximum occupational health and safety properties for the user.

Henkel Chile also helped to establish a committee within the Chemical Industry Association exploring whether an overall ban on the use of toluene for contact cements would be advisable in Chile. The company provided advocacy and scientific studies that helped convince other industry members and the health ministry to support a national law prohibiting the production and marketing of adhesives containing toluene. For its pioneering role, Henkel received a national health award from the Chilean Minister of Health. Henkel Chile's lead was also taken by the rest of the company, and since the end of 2010, none of Henkel's consumer adhesives contain any toluene.

<http://sustainabilityreport2010.henkel.com/management/sustainability-council/members/enric-holzbacher.html?print=1>, accessed 2 May 2012

- Identify any risks that your products and services may be used to exploit children.** Assess whether your products or services, including resources or facilities for customers, are likely to facilitate child exploitation and abuse, including secondary or indirect risks stemming from their use. Based on your assessment, take proactive steps to counter such exploitation. Activities include product development that takes specific risk factors into consideration, training of staff and awareness-raising among staff and consumers on the legal, moral and physical ramifications of child exploitation and how and where this should be reported. Partnering with other companies in your sector can be useful, as they are likely to share a similar risk profile. For example, companies in the travel and tourism sector have signed onto the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (<http://www.thecode.org>). Companies adhering to the Code commit to developing policies and training to ensure it is implemented and to providing information to travellers about prohibitions on sexual exploitation of children through catalogues, brochures, in-flight films, ticket-slips and websites.
- Conduct research involving children in compliance with international and national ethical and scientific guidelines.** Any research with or on children must be conducted only if necessary and specific to their health needs, and cannot successfully be carried out on adults. The choice of a particular trial involving a group of children requires clear scientific justification and a full disclosure of the benefits and risks to that population. Your company should ensure low risks to the child and high importance of the knowledge to be gained. Free and informed consent is required by both the legal guardian and the child if the age and maturity of the child is such that he or she can give free and informed consent.
- Ensure appropriate consent of the child where relevant.** The refusal of a child to participate must be respected, regardless of the parent's approval. To prevent parents or guardians from exploiting a child for financial gains, it is best not to provide financial remuneration other than out-of-pocket expenses. Professionals should be consulted throughout the process and involved personnel should be trained in children's health issues. As parents must receive adequate user-friendly information, so must children, in addition to the opportunity to present their own opinions. Bear in mind that children have differing capacities for and methods of understanding and expressing themselves

- **For companies in the information and communication technology (ICT) sector, take steps to protect children and young people.** If your company provides Internet services, mobile phones, and/or computer and video games, then incorporate child-protection measures as standard practice in developing new technologies. These standards include the creation and use of:
  - Technology that filters and rates content so that individuals and Internet service providers (ISPs) can prevent harmful material from entering their spheres.
  - Rating systems to identify content viewable for children, such as the Internet Content Rating Association (ICRA), an international non-profit membership organization, or the Entertainment Software Ratings Board, an industry organization that rates video and computer game content.
  - Controls on access to sites: through minimum age registrations for use of pages, most often being 13 years of age, and checks to ensure the end user is age-appropriate and can make appropriate decisions. Some children’s sites have privacy policies and require parental permission for sharing personal data and parental overrides on interaction with the site. Other potential solutions include requiring ISPs to record and verify client data to ensure that the names provided are not false; requiring ISPs to keep records of information that have passed through their servers for an agreed-upon minimum amount of time; and requiring ISPs to reject groups that explicitly indicate that the contents of their sites may include child-abuse images.<sup>14</sup>
  - Reporting mechanisms, including a section on websites for child safety where users can immediately report concerns.<sup>15</sup>
  - Cooperation with law-enforcement agencies to detect and report criminal conduct online, such as ‘grooming’ or harassment.
  - Removing and blocking illegal content.<sup>16</sup>
  - Employment of specialized child-protection staff for ISPs and other ICTs.
  - Blocking payments for child-abuse images through credit cards or other payment systems.<sup>17</sup>

The following box describes a coalition of public, private and non-profit organizations that works against exploitation of children in pornography by tracking, disrupting and shutting down payments.

## BOX

**The Financial Coalition Against Child Pornography** (FCACP) is a collaboration of private-sector organizations, law enforcement and NGOs. Comprised of leading banks, credit-card companies and processors, third party payments companies and Internet service companies, it represents 95 per cent of the US payments industry. FCACP’s goal is to disrupt the economics of commercial child pornography by following the flow of funds and shutting down the illegal payments accounts. Its focus is primarily operational, and while a few companies have made a contribution, that is not a requirement for participation. It is sponsored and managed by the International Centre for Missing & Exploited Children and the US based National Centre for Missing & Exploited Children.

See the following box for an example of innovative product development seeking to make a positive contribution to children’s lives.

## CASE STUDY

### **Reducing malnutrition through product innovation**

Extreme malnutrition in children is a major and far too common consequence of emergency situations, whether famines, natural disasters or conflict. In 1986, when the French food company, Nutriset, was created, no specific products existed for the management of severe acute malnutrition. Food aid was based on agricultural surpluses from developed countries and did not meet children’s nutritional requirements. Nutriset focused its efforts on finding solutions that contribute to the fight against undernutrition, which affects 115 million children worldwide.<sup>18</sup>

Responding to the challenge, in 1996 Nutriset manufactured the first ready-to-use-therapeutic food (RTUF), called Plumpy’nut. Dubbed a ‘hunger wonder food’, Plumpy’nut is a peanut-based, easy-to-use, cheap and nutritious food of 500 kilocalories that is fortified with vegetable fat and powdered milk and enriched with vitamins and minerals. It requires no refrigeration or preparation and can be consumed directly from the sachet which contains it. Used at home without medical supervision, it brightens the possibility of treating children suffering from acute malnutrition.





## Safe products and services

### The Corporate Responsibility to Respect Children's Rights includes:

- Understanding the potential impact of products and services on children's rights and following national laws and applicable standards. Where national laws do not exist, use relevant international standards as guidance.
- Identifying and reducing potential health dangers from inappropriate or even appropriate use of products or services.
- Identifying any risks that your products and services may be used to exploit children.
- Conducting research involving children in compliance with international and national ethical and scientific guidelines.
- Ensuring appropriate consent of the child where relevant.

### The Corporate Commitment to Support Children's Rights includes:

- Seeking opportunities to support children's rights through products and services that enable them to survive and thrive.

- American Congress, US Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, PUBLIC LAW 108–21, 30 April 2003, [www.justice.gov/criminal/ceos/PROTECT.pdf](http://www.justice.gov/criminal/ceos/PROTECT.pdf), accessed 20 February 2012
- Council of Europe, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=201&CM=8&DF=&CL=ENG>, accessed 20 February 2012
- Council of Europe, Convention on Cybercrime, 2001, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=185&CM=8&DF=&CL=ENG>, accessed 20 February 2012
- Council for International Organizations of Medical Sciences (CIOMS) in collaboration with the World Health Organization, International Ethical Guidelines for Biomedical Research Involving Human Subjects, 2002, [www.fhi.org/training/fr/retc/pdf\\_files/cioms.pdf](http://www.fhi.org/training/fr/retc/pdf_files/cioms.pdf), accessed 20 February 2012
- European Union (EU) Platform on Diet, Physical Activity and Health, [http://ec.europa.eu/health/ph\\_determinants/life\\_style/nutrition/platform/platform\\_en.htm](http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/platform_en.htm), accessed 20 February 2012
- European Commission, European Framework for Safer Mobile Use by Younger Teenagers and Children, [http://ec.europa.eu/information\\_society/activities/sip/self\\_reg/phones/index\\_en.htm](http://ec.europa.eu/information_society/activities/sip/self_reg/phones/index_en.htm), accessed 20 February 2012
- Financial Coalition Against Child Pornography, Trends in Migration, Hosting and Payment for Child Pornography Websites, FCACP, May 2008, [www.ecpat.net/WorldCongressIII/PDF/Publications/White\\_Papers/FCACP\\_WCIII\\_WhitePaper\\_ENG.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Publications/White_Papers/FCACP_WCIII_WhitePaper_ENG.pdf), accessed 20 February 2012
- Hecht, Mark E., Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children, ECPAT International, 2008
- IBFAN Penang, Complying with the Code? A manufacturers' and distributors' guide to the code, [www.ibfan.org/code-publications.html](http://www.ibfan.org/code-publications.html), accessed 20 February 2012
- INHOPE, <http://inhope.org/gns/about-us/about-inhope.aspx>
- International Organization for Standardization, ISO/IEC Guide 50:2002, Safety aspects – Guidelines for child safety, [www.iso.org/iso/iso\\_catalogue/catalogue\\_tc/catalogue\\_detail.htm?csnumber=32941](http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=32941), accessed 20 February 2012

- Pinheiro, Paulo Sergio, World Report on Violence against Children, United Nations Secretary-General's Study on Violence against Children, United Nations, Geneva, 2006, [www.unviolencestudy.org](http://www.unviolencestudy.org), accessed 20 February 2012
- The Child Exploitation and Online Protection Centre, [www.ceop.police.uk](http://www.ceop.police.uk), accessed 20 February 2012
- Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism <http://www.thecode.org>, accessed 20 February 2012
- The European Financial Coalition against Commercial Sexual Exploitation of Children Online, 14 Months On: A combined report from the European Financial Coalition 2009–2010, [www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010\\_080910b%20FINAL.pdf](http://www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010_080910b%20FINAL.pdf), accessed 20 February 2012
- The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, 2004, [www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\\_Outcome\\_Document\\_Final.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf), accessed 20 February 2012
- United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), Human Trafficking and Business, 2010, [www.ungift.org/docs/ungift/Private\\_Sector\\_Web.pdf](http://www.ungift.org/docs/ungift/Private_Sector_Web.pdf), accessed 20 February 2012
- UNICEF Innocenti Research Centre, Protection of Children from Violence, Sexual Abuse and Exploitation in the Online and Offline Environments, 2011, [www.unicef-irc.org/publications/pdf/ict\\_techreport2\\_eng.pdf](http://www.unicef-irc.org/publications/pdf/ict_techreport2_eng.pdf), accessed 20 February 2012
- UNICEF, World Health Organization Global Report on Child Injury Prevention, [http://whqlibdoc.who.int/publications/2008/9789241563574\\_eng.pdf](http://whqlibdoc.who.int/publications/2008/9789241563574_eng.pdf), accessed 20 February 2012
- World Health Organization, Clinical Trials in Children, [www.who.int/ictrp/child/ethics/en](http://www.who.int/ictrp/child/ethics/en)
- World Health Organization, Make Medicines Child Size, [www.who.int/childmedicines/en/index.html](http://www.who.int/childmedicines/en/index.html), accessed 20 February 2012
- World Health Organization, Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children, 2010, [http://whqlibdoc.who.int/publications/2010/9789241500210\\_eng.pdf](http://whqlibdoc.who.int/publications/2010/9789241500210_eng.pdf), accessed 20 February 2012
- World Health Organization, Child Injury Prevention, 2011, [http://apps.who.int/gb/ebwha/pdf\\_files/WHA64/A64\\_23-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_23-en.pdf), accessed 20 February 2012





# 4

## **Chapter 4** **Responsible marketing** **and advertising**

This chapter highlights the powerful influence of marketing and advertising on children and the increasing attention business, governments and civil-society actors are paying to this issue. It proposes actions your company can take to eliminate negative marketing impacts and create positive messages for children.

# Responsible marketing and advertising

## Introduction

Pay close attention to this section if:	
Your company operates in a context characterized by any of the following:	Your company or supply chain belong to one of the following industries:
<ul style="list-style-type: none"><li>✓ Children as consumers of the products and/or services that you are marketing</li><li>✓ Lack of regulation that provides clear standards based on child sensitivities</li><li>✓ Expansive use of social media networks in marketing to children and young people</li></ul>	<ul style="list-style-type: none"><li>✓ Arts and entertainment</li><li>✓ Consumer products</li><li>✓ Food and beverages</li><li>✓ Information and communications</li><li>✓ Manufacturing/textiles</li><li>✓ Pharmaceutical</li><li>✓ Toys, gadgets and games</li><li>✓ Tobacco and alcohol</li></ul>

Marketing to and for children is a growing business in many parts of the world, attracting increasing attention from parents, regulators, business and civil society. Some products, such as baby food and paediatric medicine, are marketed to parents, while others are marketed directly to children who begin to make their own buying decisions from an early age. Companies also take advantage of the influence children have on their parents' spending (the nag factor) in the marketing of foods, entertainment products or even motor vehicles.<sup>19</sup> Increasing connectivity to the larger world, where children are potentially the most avid customers, has opened new avenues for marketers to reach them often without the knowledge or supervision of parents or caregivers.

Governments and other entities, including the United Nations, are looking into the negative effects of child-focused marketing, and some have created administrative units specifically charged with reviewing this type of advertising. The threat of greater regulation, such as requirements to provide increased information to customers, especially children, regarding fat, salt and sugar content of fast foods in certain countries, is changing the dynamics of consumer marketing in some respects.<sup>20</sup> Meanwhile, numerous industry groups have developed voluntary, self-regulatory international codes of conduct that specifically address the issue of marketing to children. Legally enforceable regulations must be followed to ensure the highest level of protection of children from targeted marketing and advertising.



© UNICEF/NYHQ2006-1500/Pirozzi

## Why are marketing and advertising to children issues?

Marketing and advertising aimed at children present numerous concerns related to children's rights that are not present when advertising to adults.

Lacking the critical awareness to evaluate advertising messages, children are often prone to accept them as truthful, accurate and unbiased, which can distort their view of the world and even pose dangers to their health and development. Pre-teens and adolescents are particularly vulnerable to pressure to conform to group standards, including those based on racial and ethnic dimensions, and may be persuaded to consume products such as skin-whitening creams, cigarettes and alcohol, which reinforce their sense of belonging but are damaging to their health and put them in high-risk situations. Advertising can exert a powerful influence on children's behaviour and self-esteem, such as normalizing violent or sexualized behaviour or unrealistic body image ideals, which can hamper their healthy psychological and social development. A single focus on consumerism may lead to poor financial habits at an early age.

Increasingly, children around the world have unsupervised access to numerous forms of media that are far more difficult to monitor than traditional forms such as radio or television. At the same time, marketing to children has expanded into an increasingly diverse array of methods: messaging at points of sale (check-outs), children's clubs, events, the Internet, social-networking sites and even schools. Existing systems of regulation, including adult or age-restricted content, once expressed in television and movie ratings, are insufficient for regulating new digital media. Children themselves are increasingly recruited by marketers and advertisers as 'brand ambassadors', spreading the word about music, clothes, snacks and other products. Often, children are paid in cash or in kind (vouchers, free samples or concert tickets) to promote products on social networking sites, in chat rooms and blogs. This contributes not only to increased peer pressure but also to the commercialization of friendship.

There are growing concerns about the effects of marketing on children's physical and mental health. Childhood obesity is increasing rapidly in both developed and developing countries and is linked to the development and marketing of energy-dense, micronutrient-poor foods and beverages that are high in fat, sugar and salt and marketed directly to children. In 2010, it was estimated that more than 42 million children under the age of 5 were overweight or obese and nearly 35 million of these were estimated to be living in developing countries. The example below shows the ongoing success of a hand-washing campaign for children to promote healthy behaviours and prevent diseases.

### CASE STUDY

#### Marketing hand washing can't be bad

The giant consumer-products company, Unilever, is marketing health through hygiene in its 10-year CSR policy, the UNILEVER Sustainable Living Plan, which was launched in 2010. Unilever uses its products to encourage healthy childhood behaviours ranging from the right to play to informed hand washing.

Its germ-killing soap, Lifebuoy, was introduced in the UK in 1894 at a time when typhoid, smallpox, cholera and diphtheria epidemics were constant threats. Today, the brand conducts ongoing hygiene education programmes in Bangladesh, India, Indonesia, Pakistan, Sri Lanka and Viet Nam, teaching children that washing their hands is essential to prevent diseases linked to diarrhoea. In Kenya, Unilever has enrolled 100,000 children in 80 schools to act as agents of change in its hand-washing campaign.

Enlisting children's help in spreading the message through its hand-washing campaigns, Unilever also works with governments, international agencies such as UNICEF and WHO, and many NGOs. Unilever also participates with other international stakeholders as a member of the Global Public Private Partnership for Handwashing with Soap, which established Global Handwashing Day on 15 October.

[www.sustainable-living.unilever.com](http://www.sustainable-living.unilever.com), accessed 20 February 2012

## What your company can do

- **Have a responsible marketing and advertising policy in place and adopt a broad view of what 'harmful' means for children.** This requires making a conscious choice to do what it takes to refrain from direct marketing that is likely to harm children mentally, morally or physically. If your company operates in an area where national law is weak, vague or non-existent, be proactive and implement a marketing policy that incorporates existing best practices regarding advertising to children. Utilize the suggestions and examples provided in this Workbook and look to other regulatory schemes, both governmental and corporate, as well as other published guidelines to form your own policy. Support government initiatives to develop appropriate standards that protect the rights of children.
- **Regularly update your marketing and advertising policy to reflect the rapidly changing media landscape.** This will enable you to recognize and proactively address the adverse impact of digital media, including the use of personalized promotions aimed specifically at children, who are often unsupervised and unmediated by parents. This will also encourage young children to obtain their parents' and or guardians' permission before giving any information to a marketer and make reasonable efforts to ensure that parental consent has been given.
- **Don't use cartoon characters, young actors or other symbols likely to engage a younger audience in your product advertisements.** By using characters from children's television programmes as an endorsement of your products, or by placing advertisements in television programme breaks about those characters, the distinction between programming and advertising is blurred in the minds of children.<sup>21</sup>
- **Don't place advertisements in locations or venues that are foreseeably frequented or accessed by children of inappropriate age groups for the product.** At a minimum, childhood settings such as schools, childcare and early childhood education facilities should be free from commercial promotions that specifically target children.<sup>22</sup> Take adequate security measures to protect children in all Internet-marketing venues, including chat sites, blogs and web pages.
- **Do not hire children as 'brand ambassadors' or in peer-to-peer marketing at schools or on social networking sites.** Children should be protected from being used and exploited as a 'marketing technique' to promote products of any type at schools or elsewhere. The Bailey Review 'Letting Children Be Children' (see the box at the end of the chapter) provides further guidance on the subject of commercialization and sexualization of children. Use your company's participation and influence within trade groups or business associations to push for principles or a code of conduct for your entire sector to refrain from such practices.
- **Take a responsible approach to food marketing, advertising and labelling to children.** Avoid marketing foods and non-alcoholic beverages that are high in saturated fats, trans-fatty acids, free sugars or salt. Especially avoid marketing in settings such as nurseries, schools (including school canteens and vending machines), playgrounds and paediatric service locations, or during child-friendly sporting and cultural activities. Follow marketing practices that are consistent with the objectives set out in WHO's recommendations on marketing of such foods.<sup>23</sup> Where necessary, reformulate your brands to reduce fat, calories, sugar and salt, and label your products in a way to provide young consumers with clear nutritional information. Engage in promoting good practices among children and adolescents, such as physical activity, responsible consumption, life skills with respect to healthy eating habits, education and prevention of obesity, and ensure that such good practices and healthy lifestyle are implemented in all of your markets.
- **Develop and disseminate messages and advertising to children and parents that promote healthy behaviours and products.** Join existing efforts or initiate new activities in support of government and NGOs in-country to promote healthy behaviour and products. Such messages should be positive in tone and make a compelling case for healthy behaviour by providing both accurate information and appealing results.



## Responsible marketing and advertising

### The Corporate Responsibility to Respect Children's Rights includes:

- Having a responsible marketing and advertising policy in place and adopting a broad view of what 'harmful' means for children. Regularly update your marketing and advertising policy to reflect the rapidly changing media landscape.
- Not using cartoon characters, young actors or other symbols likely to engage a younger audience in your product advertisements.
- Not placing advertisements in locations or venues that are foreseeably frequented or accessed by children of inappropriate age groups for the product.
- Not hiring children as 'brand ambassadors' or in peer-to-peer marketing at schools or on social networking sites.
- Taking a responsible approach to food marketing, advertising and labelling to children.

### The Corporate Commitment to Support Children's Rights includes:

- Developing and disseminating messages and advertising to children and parents that promote healthy behaviours and products.

### The International Code of Marketing of Breast-Milk Substitutes

A child-rights approach to responsible marketing requires a reassessment and revision of marketing practices that impede the fulfilment of children's right to food and nutrition and the highest attainable standard of health. This is a critical issue in the marketing of infant foods that may influence the prevalence and duration of breastfeeding. In the words of Stephen Lewis, former Deputy Director of UNICEF: "Those who make claims about infant formula that intentionally undermine women's confidence in breastfeeding are not to be regarded as clever entrepreneurs just doing their job, but as human rights violators of the worst sort."<sup>24</sup>

WHO and UNICEF have for many years emphasized the importance of exclusive breastfeeding for the first six months of life and then continued breastfeeding, with the addition of safe and appropriate complementary foods, up to the age of 2 years or beyond. After lengthy consultations with all interested parties, including manufacturers, WHO adopted the International Code of Marketing of Breast-milk Substitutes in 1981, followed by several updates in the form of subsequent resolutions that have further clarified and strengthened the Code.<sup>25</sup>

The Code stipulates absolutely no promotion of breast-milk substitutes, bottles and teats to the general public; that neither health facilities nor health professionals should have a role in promoting breast-milk substitutes; and that free samples should not be provided to pregnant women, new mothers or families.

The baby food industry was involved in the Code-drafting process and agreed to a provision (Article 11.3) whereby all manufacturers and distributors of products within the scope of the Code must ensure that their marketing practices are in accordance with the Code, independently of measures taken by a government to implement it at the national level. Civil-society organizations are also requested to monitor implementation. The International Baby Food Action Network (IBFAN) has played an active role in regularly monitoring company and country compliance with the Code.

Since the Code was adopted in 1981, more than 80 governments have adopted legislation to implement its provisions. The changes are most visible in countries where governments have drawn up and enforced legislation in accordance with the Code. For example, India's strong laws have stopped much of the promotion of breast-milk substitutes.

### Letting children be children

In December 2010, the UK Government commissioned a report on the commercialization and sexualization of childhood. Reg Bailey, Chief Executive of the Mothers' Union, was appointed to carry out the independent review to address high levels of public concern and by taking into account particularly the views of parents and the business community. In June 2011, Bailey's report, 'Letting Children Be Children', issued specific recommendations for countering the commercialization and sexualization of children through the Internet, television, advertising and clothing sales. The report calls on businesses and broadcasters to play their part in protecting children from the increasingly sexualized 'wallpaper' that surrounds them.

See the full report and recommendations at: [www.education.gov.uk/publications/eOrderingDownload/Bailey%20Review.pdf](http://www.education.gov.uk/publications/eOrderingDownload/Bailey%20Review.pdf), accessed 20 February 2012

### Self-regulation in action: Europe

The threat of increased government regulation is changing how the food and beverage industries are thinking about marketing and corporate social responsibility in certain countries. Food companies in Europe and the United States have agreed to comply with self-regulated, responsible marketing codes. For example, in the EU, an alliance of food companies signed onto an EU pledge to stop marketing junk food to children under 12 years old. The companies agreed to stop running junk-food ads on television, in print and on the Internet, and to limit marketing in primary schools to instances of agreed-upon educational purposes. They also agreed to independently verify monitoring of their adherence to the pledge.<sup>26</sup>

### Proposed standards for self-regulation: The United States

Following an investigation into the causes of childhood obesity, a high-profile task force established by US President Barack Obama made the following recommendations for the food and beverage industry, media and entertainment companies and food retailers:

- Extend self-regulatory programmes to cover all forms of marketing to children;
- Avoid in-store marketing that promotes unhealthy products to children;
- Limit the licensing of popular characters to food and beverage products that are healthy and consistent with science-based nutritional standards;
- Adopt meaningful, uniform nutritional standards for marketing food and beverages to children;
- Develop a uniform standard for what constitutes marketing to children;
- Set uniform guidelines to ensure that a higher proportion of advertisements shown on networks and platforms are for healthy foods and beverages;
- Introduce an on-air labelling system that helps consumers easily distinguish between advertising for healthy and unhealthy food; and
- Develop and deploy technology to block unhealthy food and beverage advertising.<sup>27</sup>

- Australian Association of National Advertisers, [www.aana.com.au/childrens\\_code.html](http://www.aana.com.au/childrens_code.html), accessed 20 February 2012
- Beder, Sharon, *Marketing to Children*, 1998
- Children’s Advertising Review Unit, Administered by the Council of Better Business Bureaus, Self-Regulatory Program for Children’s Advertising, [www.caru.org/guidelines/guidelines.pdf](http://www.caru.org/guidelines/guidelines.pdf), accessed 20 February 2012
- Concerned Children’s Advertisers, [www.cca-kids.ca/english/welcome.html](http://www.cca-kids.ca/english/welcome.html)
- European Advertising Standards Alliance, *EASA Blue Book 6 – Guide on Advertising Self-Regulation*
- European Association of Communication Agencies, *Ethical Guidelines for Advertising to Children*, [www.eaca.be/documentation/results.asp?type=1&open=4&#4](http://www.eaca.be/documentation/results.asp?type=1&open=4&#4), <http://www.easa-alliance.org/page.aspx/266>, accessed 20 February 2012
- European Union, *Pledge*, [www.eu-pledge.eu](http://www.eu-pledge.eu)
- ILO, *Combating Forced Labour*, [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_101171.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf), accessed 20 February 2012
- International Chamber of Commerce, *Advertising and Marketing Communication Practice Consolidated ICC Code*, ICC, Paris, [www.iccwbo.org/uploadedFiles/ICC/policy/marketing/Statements/330%20Final%20version%20of%20the%20Consolidated%20Code%20with%20covers.pdf](http://www.iccwbo.org/uploadedFiles/ICC/policy/marketing/Statements/330%20Final%20version%20of%20the%20Consolidated%20Code%20with%20covers.pdf), accessed 20 February 2012
- International Obesity Taskforce, *Sydney Principles, 2007*, [www.iaso.org/iotf/obesity/childhoodobesity/sydney-principles](http://www.iaso.org/iotf/obesity/childhoodobesity/sydney-principles), accessed 20 February 2012
- International Organization for Standardization, *ISO 26000 Guidance on Social Responsibility*, ISO, Geneva, 2010
- Lewis, Stephen, *Malnutrition as a Human Rights Violation: Implications for United Nations-supported programmes*, *SCN News* 18, July 1999, [www.ncbi.nlm.nih.gov/pubmed/12290436](http://www.ncbi.nlm.nih.gov/pubmed/12290436), accessed 20 February 2012
- Organisation for Economic Co-Operation and Development, *OECD Guidelines for Multinational Enterprise*, OECD, Paris, 2008, [www.oecd.org/dataoecd/56/36/1922428.pdf](http://www.oecd.org/dataoecd/56/36/1922428.pdf), accessed 20 February 2012
- Responsible Advertising and Children, [www.responsible-advertising.org](http://www.responsible-advertising.org), accessed 20 February 2012
- The Center for Earth Leadership, *The Commercialization of Childhood*, 2008, <http://earthleaders.org/projects/psf/Commercialization%20of%20Childhood%20PowerPoint%20Presentation.pdf>, accessed 20 February 2012
- UK Department for Education, *Letting Children be Children: Report of an independent review of the commercialisation and sexualisation of childhood*, 2011, [www.education.gov.uk/publications/eOrderingDownload/Bailey%20Review.pdf](http://www.education.gov.uk/publications/eOrderingDownload/Bailey%20Review.pdf), accessed 20 February 2012
- UNICEF, *International Code of Marketing of Breast-milk Substitutes*, [www.unicef.org/nutrition/index\\_24805.html](http://www.unicef.org/nutrition/index_24805.html), accessed 20 February 2012
- White House Task Force, *Solving the Problem of Childhood Obesity within a Generation: Report to the President*, May 2010, [www.letsmove.gov/sites/letsmove.gov/files/TaskForce\\_on\\_Childhood\\_Obesity\\_May2010\\_Full-Report.pdf](http://www.letsmove.gov/sites/letsmove.gov/files/TaskForce_on_Childhood_Obesity_May2010_Full-Report.pdf), accessed 20 February 2012
- World Health Organization, *Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children (Resolution WHA63.14)*, 2010, [www.who.int/dietphysicalactivity/marketing-food-to-children/en/index.html](http://www.who.int/dietphysicalactivity/marketing-food-to-children/en/index.html), accessed 20 February 2012



# 5

## **Chapter 5**

### **Ensuring sustainable and child-friendly business operations**

This chapter covers three key aspects of the business operations as they impact on children's rights:

- Respecting the environment in which children live and grow;
- Land acquisition; and
- Managing security arrangements.

Each section covers a discrete topic that will be of relevance to your company according to its sector and the nature and location of its business operations.

Reviewing your company's operations from this perspective offers an opportunity to demonstrate a commitment to children that goes beyond what your company might already be doing to honour its legal obligations and 'social license to operate'.

## Introduction

How a company operates can have a huge impact, not only on the bottom line, but on the lives of those people, particularly children, who live near a company's production facilities, physical plant or other premises. This is especially true for companies whose operations have significant impact on the environment or land use. It also applies to companies operating in an insecure or unstable environment where they have to employ private or public security.

Companies are accustomed to procuring licensing and approval documents with relevant government authorities. The process of preparing for and securing such official authorizations often cuts across multiple departments and units within a company. Many companies have developed tools and procedures to better manage these complex processes. They might include a 'risk registry' used during phases of physical construction or expansion and reviewed regularly. A company might also establish a community grievance mechanism, create an ombudsman, or hire independent auditors to review and offer recommendations on strengthening its business practices to avoid or mitigate negative community impacts (see p.36 in chapter 1 for more on grievance mechanisms).

In addition, an abundance of assessment tools, guides and standards has emerged throughout the past decade to help companies evaluate the impact of their operations on issues ranging from human rights to greenhouse gas emissions and overall sustainability (a number of these are listed below in Additional Resources.) Certain companies will also work towards compliance with industry-specific sustainability certifications and individual ISO standards. Nonetheless, as an awareness of the impacts of business operations on children is generally missing, this chapter can be used to view a company's business operations through a more child-focused lens.

As not all of the following sections are likely to be of equal relevance to your company, you may wish to focus on those that are the most pertinent. Each of the sections should be read as an overall introduction to the issue at hand, and we encourage you to seek additional information and advice according to your company's specific operating context.



© UNICEF/ANYHQ2007-2882/Noorani

# Respecting the environment where children live and grow

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by the following:**

√ Lack of development or enforcement of legal frameworks protecting against environmental threats to human health and welfare

**Your company or supply chain belong to one of the following industries:**

√ Agriculture  
√ Forestry and logging  
√ Mining and raw material extraction  
√ Construction and infrastructure development  
√ Manufacturing

Companies whose operations function in accordance with national, industry-specific and international standards of health, safety and environmental protection are well aware of the dangers posed by certain chemical inputs, industrial by-products, waste materials and other emissions from their processing facilities. Because an industrial accident can be a disaster not only for affected workers or residents, but for the company and community as a whole, responsible companies take the licensing, inspection and reporting requirements very seriously. Nonetheless, children's rights and needs can easily get lost in the technical or bureaucratic nature of even the most sophisticated and responsible management and mitigation of environmental hazards.

### Why is the environment an issue for children?

Children are at greater risk from environmental hazards than adults because of their physical size, immature organs, metabolic rate, natural curiosity, and lack of knowledge about the threats in their environment. According to WHO, 24 per cent of the global disease burden is due to environmental factors. The figure rises to 33 per cent for children, illustrating the huge impact that the environment can have on children, their prospects and their rights to life and the highest attainable standard of health.<sup>28</sup> Every year, about 3 million children under 5 die from preventable environment-related causes and conditions, ranking the environment high on the list of causes of child deaths.<sup>29</sup>

The size of children's bodies, the developmental stage of their internal organs and systems, and their habits make them far more vulnerable to health risks from pollution and toxins than the same exposure by adults.<sup>30</sup> When children play on the ground, their potential intake of polluted soil and dust increases. They are more exposed to dietary sources of pollution because they drink more water and eat more food in proportion to their body weight than adults do. For example, if water contains residues of pesticides or other chemicals, infants will receive more than double the dose taken in by an adult drinking the same water.<sup>31</sup> Children breathe more air than do adults per unit-body weight, and this higher rate of intake results in greater exposure to pathogens and pollutants.

A lack of access to safe and clean water in communities is often a major killer of children, as waterborne diseases such as diarrhoea are a major cause of mortality for children under the age of 5. Growing environmental degradation and contamination from deforestation, desertification, soil erosion, overgrazing, overuse of fertilizers and pesticides, lack of watershed management, and dumping of wastes can compromise household food security and health, especially for children.

## What your company can do

- **Bring a child-sensitive approach to environmental impact assessments and siting designs.** Responsible companies take seriously the process of earning and keeping their 'social license to operate' within a community. Approaching impact assessments or siting and feasibility studies as opportunities for taking children's perspectives into account will win goodwill and spread greater knowledge about your company within the community. As part of this process, consider alternative siting options to those that are near schools, playgrounds or other areas where children congregate. Take into account the routes children use to get to school and sports and cultural activities, and consider alternative routes. Road accidents are a significant cause of injury and death to children worldwide.
- **Target and monitor emissions standards and toxicity levels.** As many countries use the current standard of 'average well-nourished and healthy adult' when setting emissions, it would be preferable and more accurate to establish special company standards that specifically take into account children's vulnerabilities to pollution and toxicity.
- **Provide environmentally safe facilities and housing for children.** Where children live in company accommodations with their families, consider their level of exposure from close proximity to company facilities. For example, some poultry-farming industries provide housing to employees directly on the farms. Such housing in cramped quarters on farms, close to the production facility and fumes, can be detrimental to children's health and safety.
- **Assist local communities in promoting environmental awareness and action, with a focus on involving local children and youth.** A number of activities, such as planting trees, vegetable gardening, protecting water sources, building sanitary latrines, recycling and composting domestic wastes, terracing slopes, etc. can improve local environmental quality and directly benefit children and families. They can also engage children and youth in learning more and playing an active role in protecting their environment. Children can be particularly active and effective advocates for changing attitudes and approaches on environmental issues.



© UNICEF/WHO/2010-2753/Ramonaeda



# Land acquisition

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by any of the following:**

- ✓ Lack of land registries
- ✓ Child-headed households, e.g., families where there are no parents in place and for long periods of time, or permanently, or where a child is caring for the other children in the family.
- ✓ Overcrowded areas with poor families

**Your company or supply chain belong to one of the following industries:**

- ✓ Agriculture
- ✓ Forestry and logging
- ✓ Infrastructure
- ✓ Mining and raw material extraction

Secure housing is fundamental to family life and child development. Access to housing, and to land in rural settings, can be the difference between chronic poverty and moving up the economic ladder. For instance, thanks to land access, a family may be able to have some basic crops that allow it to sell vegetables or fruit, which in turn can generate income for other necessities. Decent housing and secure land tenure is a key cornerstone of children's right to an adequate standard of living. This is especially true for children living in an agricultural or other land-based economy.

When acquiring land to construct new buildings or begin new projects, businesses face a multitude of complex transactions. Large-scale extractive and infrastructure projects have become far more conscious of the social challenges involved, but there is a danger that the impact of these transactions on children can be overlooked. Children have little or no recourse to make demands, or even articulate their needs in this situation. Your company can bring visibility and a voice to families and children whose well-being is ignored.

As a result of increasing awareness of the potentially devastating impacts of project-related involuntary displacement, particularly on poor communities, international standards on land acquisition, compensation and resettlement have emerged throughout the past decade. The most notable of these is the Equator Principles and the Performance Standards on sustainability of the International Finance Corporation (IFC), which spell out specific safeguards applied to projects receiving World Bank financing. The most responsible companies seek to follow them in all their projects, regardless of their sources of financing. From a children's rights perspective, the challenge for companies engaged in land acquisitions is to bring an additional level of awareness and action to resettlement planning that acknowledge, avoid and, if necessary, redress negative impacts on children.

## Why is land acquisition an issue for children?

Land acquisition by companies can generate numerous harmful impacts on children that often go unnoticed and are easy to ignore, especially in the rush to initiate a project with a tight schedule and budget. Moreover, as most community representatives engaged in consultative processes will be adult males, women, youth and children are generally neglected in such consultations. An additional level of vulnerability, and therefore complexity, comes into play with regard to children of indigenous groups.

Some of the negative impacts on children can be fixed more easily; others are very complex and challenging to address. It starts with being alert to the real and potential harm. For example:

- Many countries do not have full or even partial land registries or recognition of customary titles, which disadvantages women and children, in particular girls, whose inheritance rights are often not registered or recognized. Land ownership therefore tends to become gender-biased or discriminatory in other ways as well. Even adequate payment for land is often insufficient for families to remain in the same area, forcing them to resettle on marginal lands with worse living standards, such as peri-urban areas with no schools or health facilities and little opportunity to maintain livelihoods. Families that are not re-established with secure tenure are at risk of further evictions and relocations with increased uncertainty and trauma for children.
- Involuntary displacement deprives families of whatever limited property rights they may have had; it robs children of any inheritance rights and imposes potentially long-term consequences on their emotional well-being. It is well documented that girls and women suffer disproportionately from forcible evictions, placing them at risk of physical and sexual violence, as well as economic and social marginalization aggravated by gender discrimination.

- Children left behind by migrating families, children of indigenous groups and child-headed households are particularly vulnerable to these consequences. Children who head households are at greater risk of being deprived of their assets. This is because community members or even relatives can take over the property, under the guise of administering it as a guardian, and may sell, lease or appropriate the property for their own benefit. A lack of housing is also a major factor driving children into working and living on the streets, which threatens their rights to personal security, to education, to health and, in far too many cases, even to life itself.

## What your company can do

- **Look at national safeguards and international performance standards, such as those of the IFC, from a children's rights perspective.** Properly applied, they should go a long way to avoiding or mitigating the worst consequences of displacement, but an additional awareness of child-related impacts is needed. Land purchase and use can be complex and confusing, and legal due diligence requires an understanding of land titling and ownership regime, including attention to customary rules, especially around the rights of women and children. Negotiators should ask about customary land and property inheritance laws for children, especially girls, who are frequently denied all inheritance and property rights.
- **Consult with affected community leaders, including indigenous ones, to better understand the customary rules concerning children and community dynamics.** Women, children and indigenous people are often overlooked or marginalized in stakeholder consultations required by national and international standards. Your company can reach out to these constituencies as well as experts in land and titling and local NGOs, in particular those dealing with children's rights. Make sure that your company representatives and negotiators, such as lawyers or land managers, provide opportunities for women to participate, separately and at appropriate times. Encouraging the participation of children and youth as well will enable them to express their views on the impact of land acquisition on their future. Where indigenous peoples are consulted before decisions are made concerning their ownership of lands or natural resources, explore the role that children and youth play in those institutions, while remaining sensitive to communal traditions.
- **Ensure that women's and children's rights are protected when your company acquires resources and property.** In line with international standards and industry best practices, business must be zealous in identifying the owner and conveyor of consent and seeking to confirm that the appropriate parties are those claiming the rights. Male relatives or community members, for example, may illegally override women and child-headed households. Where laws providing for legal guardianship of children do not exist or you suspect disinheritance, work with community leaders or local NGOs to find a mechanism that ensures payment benefits to the child. You can establish transparent reliable arrangements for the funds, for example with respected community elders. Finally, develop and implement policies to take into account international experience showing that recorded cash compensation paid to the women in the households indicates a better chance that the money will be spent to support the household and children.
- **Create your own initiatives to mitigate the negative long-term impact of land acquisition on local communities.** In addition to following international standards that require assistance to restore the livelihoods of economically displaced households, you can develop your own initiatives to reduce the consequences of displacement. These offer a variety of options: local sourcing and procurement, contract farming and out-grower schemes, and microcredit, as well as investment in local employment and incomes, new technologies and infrastructure, environmental protection, and access, availability, and adequacy of social services, including education and health services for children.
- **Ensure that relocated families have adequate housing, supporting documents, and access to basic services.** To achieve children's long-term well-being, your company should apply relocation policies in line with international standards and best practices regarding housing, documentation, and access to basic services. Relocated children and their families must have access to basic services such as schools, health clinics, water and sanitation and local transport. The quality of their housing or land and the legal nature of the land title should at least be equivalent to those of the old site as a minimum of secure tenure. Relocations should include necessary documentation to ensure that children can enrol in school in their new location.

# Managing security arrangements

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by any of the following:**

- ✓ Conflict zones and volatile areas
- ✓ Remote areas
- ✓ High crime areas
- ✓ Areas where the state requires use of public security forces
- ✓ Countries without a juvenile justice system

**Your company or supply chain belong to one of the following industries:**

- ✓ Agriculture
- ✓ Defence contractors
- ✓ Infrastructure
- ✓ Manufacturing
- ✓ Mining and raw material extraction
- ✓ Safety and security services
- ✓ Utilities

Security arrangements comprise the processes, infrastructure and assets a company uses to protect its employees and property. These arrangements may have particular relevance to industries with production facilities in politically and socially volatile or remote areas, such as extractive or agricultural industries, or companies that supply housing for their employees. The past decade has seen significant advances in how companies think about, access and monitor the provision of security at their business premises, including the adoption in 2000 of the Voluntary Principles on Security and Human Rights. In 2010, the private security providers themselves signed an International Code of Conduct (see p.87 for links to these documents).

Despite these advances, children's rights and needs require further attention in setting and applying the rules of security. Company personnel or contracted security services may encounter young children and adolescents in a variety of ways: as workers, as members of the community, as perpetrators, as victims, or as witnesses to infractions. Further vigilance will create important opportunities for companies to expand their contributions to child protection in connection with security issues.



© UNICEF/NYHQ2010-2641/LeMoyne

## Why is managing security arrangements an issue for children?

Local children or those living on company premises can be vulnerable to harassment or physical and sexual abuse by security forces when they are stopped or detained for committing offences on company grounds, such as trespassing and stealing, or when they are just in the vicinity. Children may be forced to do unpaid work for security forces; they may be paid employees of security forces where the 'glamour' of holding a weapon may especially attract adolescent boys with few opportunities or prospects.

## What your company can do

- **Make respecting children's rights part of the selection criteria for security personnel.** Hiring procedures of security staff should take into account a contractor's record of workplace health and safety, use of force and protection of human rights, especially those of children. Include background screening for charges related to violence against children, including sexual abuse, rape, or excessive use of force. Consult with the wider community rather than relying purely on official records to establish affiliations or convictions. As appropriate, companies should try to provide security guards of both sexes. No children should be recruited to play any role in relation to security operations.
- **Train security staff to respect children's rights and to enforce child protection measures.** This may include training about child-specific reactions to stress, how to communicate with children and how to deal with them as perpetrators, victims and witnesses. Prohibit security personnel from forcing children to carry out unpaid personal services. Arrange for their training at company housing, where they can address potential situations of domestic violence between residents, including child abuse. Training them on the appropriate use of force and behaviour when encountering potential perpetrators who are children is particularly important. For example, security personnel should follow CRC guidance that detention be only a measure of last resort, for the shortest possible time, and that children should be separated from adults. The use of physical restraints and force on children are to be exceptional, as well as only employed when all other control measures have been exhausted and failed, and for the shortest possible time.
- **Establish and enforce strict rules against physical punishment or child abuse.** Address the issue as seriously as any crime committed against an adult staff member and pursue appropriate disciplinary proceedings, including dismissal, when rules are ignored. Where a crime has been committed by security or other company personnel against a child on company property, refer the case to the national authorities, stay apprised of investigations and assist the child victim with personnel who have been trained on how to speak to and work with children.
- **Consider the rights of children before handing them over to the criminal justice system.** When a child has committed a crime on company property, parents or guardians must be notified without delay, and company security forces should keep a full record of juvenile detention. If you have legitimate concerns about what may happen to a child turned over to local law enforcement, consider advocating with local police and judicial authorities for appropriate alternative arrangements to address the offence with the child, the child's family, and the community. This approach is based on restorative justice: restoring matters to the way they were before the offence. If acceptable to police and judicial authorities, such alternatives can include replacing a stolen item, repairing damages, performing community service or otherwise making up for the damage in a way that does not implicate the formal justice system. Your company should strongly consider seeking assistance from local NGOs or community organizations with experience in dealing with youth and juvenile justice.

## Ensuring sustainable and child-friendly business operations

### The Corporate Responsibility to Respect Children's Rights includes:

- Bringing a child-sensitive approach to environmental impact assessments and siting designs.
- Targeting and monitoring emissions standards and toxicity levels.
- Providing environmentally safe facilities and housing for children.
- Looking at national safeguards and international performance standards from a children's rights perspective.
- Consulting with affected community leaders, including indigenous ones, to better understand the customary rules concerning children and community dynamics.
- Ensuring that women's and children's rights are protected when your company acquires resources and property.
- Creating your own initiatives to mitigate the negative long-term impact of land acquisition on local communities.
- Ensuring that relocated families have adequate housing, supporting documents, and access to basic services.
- Making the respect of children's rights part of the selection criteria for security personnel, training security staff to respect children's rights and to enforce child protection measures, establishing and enforcing strict rules against physical punishment or child abuse, and considering the rights of children before handing them over to the criminal justice system.

### The Corporate Commitment to Support Children's Rights includes:

- Assisting local communities in promoting environmental awareness and action with a focus on involving local children and youth.



© UNICEF/NYHQ2010-2692/LeMayne

### Adopting the Voluntary Principles on Security and Human Rights

The Voluntary Principles on Security and Human Rights, commonly referred to as the 'Voluntary Principles', were initiated in 2000 by the Governments of the United States and the United Kingdom, companies in the extractive and energy sectors and NGOs. They were developed in response to reports of human rights abuses allegedly committed by security providers contracted by the extractive industry. Since their initiation, additional governments (Canada, Colombia, the Netherlands, Norway, and Switzerland), companies and NGOs have joined the Voluntary Principles.

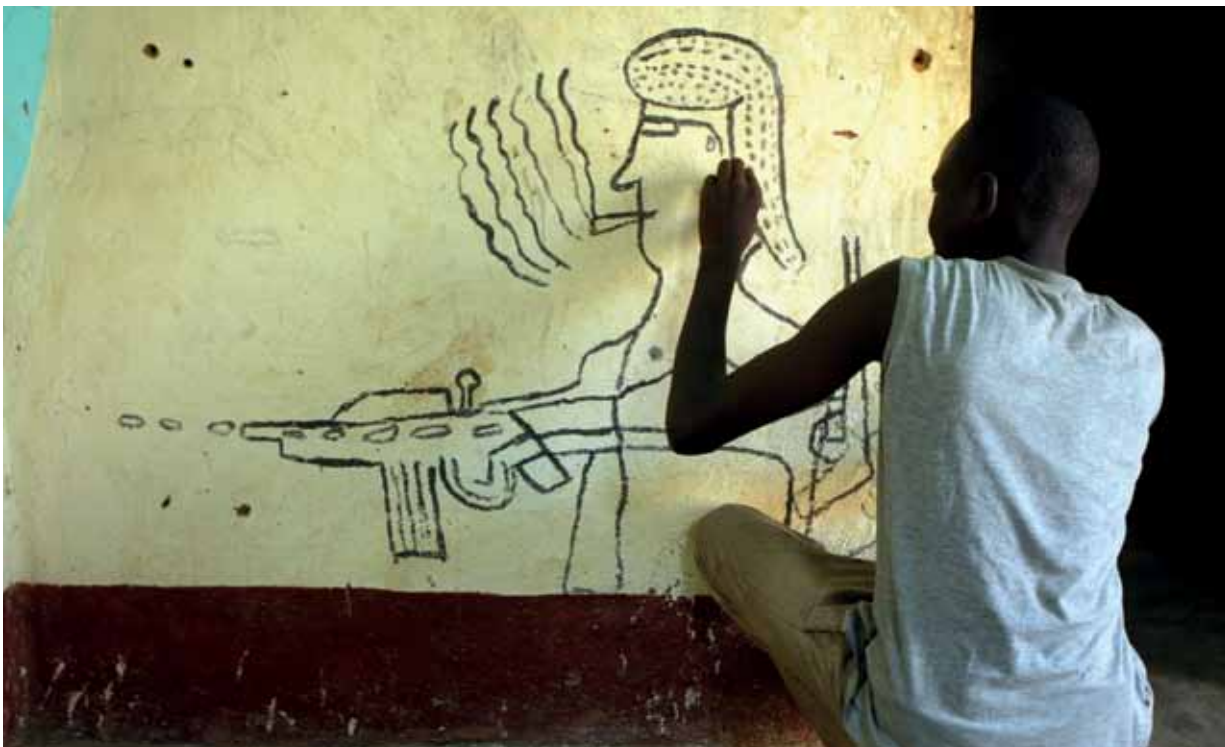
The Voluntary Principles are intended to guide companies in maintaining the safety and security of their operations within a framework of ensuring respect for human rights and fundamental freedoms. They fall into three categories: risk assessment, relations with public security and relations with private security.

- **Risk assessment:** Critical to the security of a company's personnel, local communities and assets, an effective risk assessment will pay attention to the following: security risks, potential violence and human rights records; conflict analysis; equipment transfers; and consideration of the local prosecuting authority's and judiciary's capacity.
- **Public security:** Within the framework of primary government responsibility, companies have a role in ensuring that public security is consistent with the promotion and protection of human rights. To reduce the risk of abuses, they should consider the following: the impact of security arrangements on the communities; the type and number of security forces deployed; regular consultations with security forces on workplace-related safety issues; and recording and reporting human rights abuses.
- **Private security:** Where government security is inadequate, the hiring of complementary private security providers may be necessary to collaborate and coordinate with the public security forces. Given the potential risks associated with security activities, private security contractors should be instructed to comply with the Voluntary Principles. This includes: abiding by the policies of the hiring company as well as the laws and professional standards of the country they operate in; maintaining high levels of technical and professional proficiency; and recording and reporting any abuse by the private security forces. Including these provisions in the contractual arrangements will allow for termination of services where there is evidence of unlawful and abusive behaviour by the private security force.

The Voluntary Principles have created a multi-stakeholder forum in which the roles and responsibilities of the various security forces (state, company and private) are allocated as the result of a deliberate and transparent process.

[www.voluntaryprinciples.org/files/voluntary\\_principles\\_english.pdf](http://www.voluntaryprinciples.org/files/voluntary_principles_english.pdf), accessed 20 February 2012

- International Committee of the Red Cross, The Montreux Document, 2008, [www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](http://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf), accessed 15 February 2012
- International Finance Corporation, Sustainability Framework, [www.ifc.org/policyreview](http://www.ifc.org/policyreview), accessed 15 February 2012
- Inter-Agency Panel on Juvenile Justice, [www.juvenilejusticepanel.org](http://www.juvenilejusticepanel.org), accessed 15 February 2012
- International Code of Conduct for Private Security Service Providers (2010), [www.icoc-ppsp.org/uploads/INTERNATIONAL\\_CODE\\_OF\\_CONDUCT\\_Final\\_without\\_Company\\_Names.pdf](http://www.icoc-ppsp.org/uploads/INTERNATIONAL_CODE_OF_CONDUCT_Final_without_Company_Names.pdf), accessed 15 February 2012
- International Organization for Standardization, [www.iso.org/iso/home.html](http://www.iso.org/iso/home.html), accessed 15 February 2012
- Organisation for Economic Co-operation and Development, OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, 2006, [www.oecd.org/dataoecd/26/21/36885821.pdf](http://www.oecd.org/dataoecd/26/21/36885821.pdf), accessed 15 February 2012
- OECD Due Diligence Guidance for Responsible Supply Chains Of Minerals From Conflict-Affected and High-Risk Areas, 2010, [www.oecd.org/dataoecd/62/30/46740847.pdf](http://www.oecd.org/dataoecd/62/30/46740847.pdf), accessed 15 February 2012
- Red Flags, Red Flags: Liability Risks for Companies Operating in High-Risk Zones, [www.redflags.info](http://www.redflags.info), accessed 15 February 2012
- Secretariat of the Voluntary Principles on Security and Human Rights, [www.voluntaryprinciples.org](http://www.voluntaryprinciples.org), accessed 15 February 2012
- The World Economic Forum/UNOCHA, Guiding Principles for Public-Private Collaboration for Humanitarian Action, 2007, [www.un.org/partnerships/Docs/Principles%20for%20Public-Private%20Collaboration%20for%20Humanitarian%20Action.pdf](http://www.un.org/partnerships/Docs/Principles%20for%20Public-Private%20Collaboration%20for%20Humanitarian%20Action.pdf), accessed 15 February 2012
- United Nations Global Compact, Doing Business while Advancing Peace and Development, 2010, [www.un-globalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/DBWAPD\\_2010.pdf](http://www.un-globalcompact.org/docs/issues_doc/Peace_and_Business/DBWAPD_2010.pdf), accessed 15 February 2012
- United Nations Global Compact and UNPRI, Principles for Responsible Investment: Guidance on responsible business in conflict-affected and high-risk areas: A resource for companies and investors, 2010, [www.un-globalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/Guidance\\_RB.pdf](http://www.un-globalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf), accessed 20 February 2012
- Voluntary Principles on Security and Human Rights: Implementation guidance tools, [www.voluntaryprinciples.org/files/Implementation\\_Guidance\\_Tools.pdf](http://www.voluntaryprinciples.org/files/Implementation_Guidance_Tools.pdf), accessed 15 February 2012







# 6

## **Chapter 6** **Helping protect children affected** **by emergencies**

This chapter flags the risks that companies should focus on when operating in emergency situations, whether caused by natural disasters or armed conflict. It highlights the pivotal role companies can play in protecting and promoting children's rights in affected areas.

# Helping protect children affected by emergencies

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by any of the following:**

- ✓ Patterns of natural hazards – floods, earthquakes, etc.
- ✓ Political instability or repression
- ✓ Conflict-affected regions witnessing widespread violence or other serious risks of harm to children
- ✓ Emergencies giving rise to challenges in finding appropriate expertise or products or services
- ✓ Emergencies giving rise to challenges in transporting humanitarian assistance to affected communities and children

**Your company or supply chain belong to one of the following industries:**

- ✓ All companies and industries

Recent natural disasters, including the massive flooding in Pakistan and the earthquakes of Chile, China, Haiti and Japan, have focused the world's attention on the plight of its most vulnerable citizens. Businesses have an opportunity to assist governments and save lives by providing timely, appropriate and responsible assistance to the survivors of emergencies, both natural and human-made.

Some companies decide to operate in conflict or disaster-affected areas, generally due to business opportunity necessity or the nature of their business; others may find their operations suddenly caught in a zone of unforeseen emergency. Although these circumstances require different types of due diligence and engender different company reactions, they are similar from a children's rights point of view. During emergencies, children are especially vulnerable to disease, malnutrition, exploitation and violence.

Your company might be motivated to help children due to a combination of factors, including staff motivation, and a desire to aid the neediest and to be perceived as a responsible business. Corporate responsibility and philanthropy in emergency contexts can benefit from the same rigor that the most responsible non-profit organizations bring to the challenge of evaluating impacts and learning key lessons to make future relief efforts more effective.



© UNICEF/WHO/2005-1050/Chelassani

Because some of the worst business-related human rights abuses occur in areas affected by armed conflict, companies run a heightened risk of committing or contributing to international crimes, either knowingly or not, as they do business in these areas. Throughout the past 10–15 years, there has been increasing attention to private sector activities in conflict-affected areas. They are reflected in initiatives such as the process leading to the UN Protect, Respect and Remedy Framework,<sup>32</sup> the Organisation for Economic Co-operation and Development,<sup>33</sup> the UN Global Compact,<sup>34</sup> the Voluntary Principles for Security and Human Rights,<sup>35</sup> and the Red Flags initiative<sup>36</sup> (which sets out issues that should raise a warning of possible legal risks to companies operating in these areas, based on existing international law and court cases in more than a dozen jurisdictions).

The following case study shows how a company can use its expertise in varied ways to quickly assist the relief efforts in emergency situations:

## CASE STUDY

### UPS volunteers air and ground relief shipments to Haiti's earthquake victims

Founded in 1907 as a messenger company in the United States, United Parcel Service (UPS) has grown into the largest package-delivery company and global provider of specialized transportation and logistics services, present in more than 220 countries and territories.

Through a range of innovative global programs, the UPS Foundation has developed a multi-sector commitment to urgent humanitarian relief. With a network that extends around the globe, UPS is a leader in disaster relief and response. In recent years, UPS relief efforts in the Philippines, Samoa, China, Myanmar and across the United States have included warehouse management, transportation network design and supply chain distribution.

In line with its CSR commitment, UPS responded to the devastating destruction of the 2010 earthquake in Haiti with support valued at \$1 million in cash and in-kind shipping by air and ground transportation of donated goods from collection sites and distribution centres to airports, and customs clearance for goods travelling across borders to Haiti. More than 100 UPS transportation and logistics experts provided supply chain coordination from the multiple suppliers in the U.S.

UPS supported UNICEF's emergency efforts in Haiti through transportation of much-needed relief supplies for unaccompanied children awaiting reunification with surviving parents or other relatives. UPS and UNICEF volunteers packed and transported individual child protection kits for 50,000 displaced children, leveraging the company's global network to ensure that the critical supplies got to Haiti as quickly as possible.

[www.unicefusa.org/news/releases/the-ups-foundation.html](http://www.unicefusa.org/news/releases/the-ups-foundation.html), accessed on 20 February 2012

## Why are emergencies an issue for children?

The consequences of natural disasters are particularly severe for children, who might be separated from their families and exploited more readily because of their vulnerability. The issue of children and armed conflict is a major focus on the international agenda, subject to regular discussions at the UN Security Council and elsewhere. Unfortunately, the numerous initiatives on private-sector operations in emergency-affected areas have rarely paid attention to the specific protection needs of children.

The chaos and insecurity of war or natural disaster threaten or violate a number of fundamental human rights, such as access to food, shelter, social support and health care, resulting in increased vulnerability in communities, especially of children. When children are uprooted by armed conflict or natural disaster, they are cut off from social support, family and schools. The destruction of schools and homes, the loss of family and social support, the imposition of curfews and checkpoint closures are merely a few examples of how disasters may disrupt children's rights, including access to education, stability, security and a chance to develop. During emergencies, children are especially vulnerable to disease, malnutrition and violence. In fact, measles, diarrhoea, acute respiratory infections, malaria and malnutrition are the major causes of death in children during humanitarian crises.

In the past decade, more than 2 million children have died as a direct result of armed conflict, and more than 6 million have been permanently disabled or seriously injured. An estimated 20 million children have been forced to flee their homes, and more than 1 million have been orphaned or separated from their families. An estimated 300,000 boys and girls under the age of 18 used by armed forces or groups are involved in more than 30 conflicts worldwide. But there is a much wider group of children affected by armed conflict, both directly and indirectly. In addition to unlawful recruitment, children suffer severe consequences in conflict zones, including gender-based violence, killing, maiming, torture and other forms of ill treatment, administrative detention, enforced displacement, abductions, separation from families, trafficking and illegal detention.

## What your company can do

- **Assess or reassess the impact of your business on children in an emergency situation and what role your business plays.** Collect information on children in emergencies as a key part of heightened attention to due diligence. Detailed information on the situation of children affected by armed conflict is available from various reports within the UN human rights mechanisms, including the reports of the UN Special Representative of the Secretary-General on Children and Armed Conflict,<sup>37</sup> and can inform due diligence or update an existing assessment.<sup>38</sup> In addition, depending on the exact nature of your company's business operations, you will need to strengthen monitoring systems to ensure that children rights and labour standards are being rigorously applied. You will also need to be particularly alert to the trafficking for labour or sexual exploitation of children who have been separated from their families.
- **Engage in durable partnerships with respected providers of humanitarian assistance.** Emergencies, particularly complex conflict settings, are extremely difficult environments in which to operate and navigate. While your company might wish to make in-kind donations or volunteer staff time, such efforts will generally be far more effective if made as financial contributions to respected, experienced aid providers. Companies in certain sectors such as information technology, logistics, telecommunications and transport can make special, direct contributions of service to relief operations, particularly if structured and integrated into broader international efforts. By the same token, your company should avoid making in-kind donations that involve disproportionate transport or operational costs, or which lock aid providers into inappropriate or expensive commitments they would otherwise not have undertaken.
- **Educate your colleagues about key principles of humanitarian action and the protection of children's rights.** Though widely known and often deeply held within the community of relief professionals, key principles of humanitarian action, which have guided international humanitarian action for 150 years since the founding of the Red Cross/Red Crescent movement, are not broadly understood by the general public. Additional international standards seeking to protect children, particularly those of the CRC and various UN and other instruments, have been developed more recently. Your company can play a role in learning about and disseminating these concepts throughout its workforce and among its stakeholders.
- **Learn from and transparently share the lessons of your company's experiences in humanitarian assistance.** While massive disasters like the Indian Ocean tsunami of 2004 and the Haitian earthquake of 2010 elicited generous corporate philanthropy, the relief community in general suffers from a lack of candid evaluations of the results and impacts of such contributions. If your company has contributed to past or recent relief efforts, consider identifying and publicizing lessons learned, bearing in mind that large-scale corporate involvement in disaster assistance is a relatively recent phenomenon. As scepticism about this involvement exists among some disaster-aid practitioners, transparent lesson-sharing will help mutual learning, confidence-building, and in overcoming misperceptions.
- **Exercise special precautions to safeguard children's rights in conflict zones.** This includes understanding, following and monitoring the application of key guidelines for business operations in conflict zones, especially as they concern children's rights (see the 'Useful Resources' box at the end of the chapter). These guidelines urge the protection of children against recruitment into irregular armed groups by private security providers or a country's formal armed forces; safeguards for children separated from their families or relatives against trafficking or sexual exploitation; and respect for child-labour standards, supply chain integrity and other principles. Other chapters of this Workbook provide further guidance, including chapter 2, 'Children's Rights in the Workplace', and chapter 5, 'Ensuring Sustainable and Child-Friendly Business Operations'. One area that merits special attention is how the private sector can support activities that help children build skills and livelihoods to help them reintegrate into society and support catch-up education. For example, in situations where children have been recruited into armed forces or groups, business can play an important role by supporting and partnering with relevant agencies involved in demobilization programmes.
- **Involve local children in enhanced community dialogue.** The best forms of community development, even in the context of disaster assistance or conflict response, place great emphasis on deep and continuous community dialogue. Because youth and children are often perceived as victims, as a source of problems, or simply as an affected, or even invisible group, their ability to play a constructive role in community recovery, reconciliation and dialogue is frequently underestimated. Young people are often active and constructive participants in creating solutions, and you should call on their skills. See the following case for an example of how a company deploys its volunteers through its established network to rapidly support humanitarian action.

## Helping to protect children affected by emergencies

### The Corporate Responsibility to Respect Children's Rights includes:

- Assessing or reassessing the impact of your business on children in an emergency situation and what role your business plays.
- Exercising special precautions to safeguard children's rights in conflict zones.
- Involving local children in enhanced community dialogue.

### The Corporate Commitment to Support Children's Rights includes:

- Engaging in durable partnerships with respected providers of humanitarian assistance.
- Educating your colleagues about key principles of humanitarian action and the protection of children's rights.
- Learning from and sharing transparently the lessons of your company's experiences in humanitarian assistance.

### Water supply and waste management company at the ready to supply emergency equipment and expertise

One of the world leaders in environmental services, Veolia Environment Group is engaged in humanitarian and development actions through the Veolia Environment Foundation.

UNICEF and Veolia Environment Foundation work together on the frontline with the shared objective of bringing the necessary assistance to those in need of clean water and sanitation in time of emergency, however difficult the task may be.

Veolia Foundation shares its technical expertise with humanitarian workers by means of Veoliaforce, a 12-year experienced volunteer network of specialized employees in the fields of water, waste water, waste management, energy, and public transportation.

After many years of collaboration, the partnership between UNICEF and Veolia Environment Foundation was formalized in 2008 as a 'Standby Agreement'. Volunteers from the Foundation mobilize in the event of a humanitarian crisis and offer their expertise to UNICEF according to the need. Veolia Foundation supplies adequate human resources and equipment for affected communities in order to safeguard the water supply and sanitation to prevent the outbreak of epidemics. In conjunction with emergency response operations, the volunteers also assist UNICEF staff in international development projects.

Since 2007, Veolia Foundation has conducted 13 missions in 11 countries in support of UNICEF's humanitarian operations. In 2011, a team of 2 engineers from Veolia Foundation assessed 23 water bore holes in Djibouti equipped with solar-powered pumping systems. This assessment helped UNICEF, its partners and donors to identify critical immediate actions needed to improve water access in areas affected by drought.

[www.veoliawater.com](http://www.veoliawater.com) and [www.unicef.org/corporate\\_partners/index\\_53550.html](http://www.unicef.org/corporate_partners/index_53550.html), accessed 20 February 2012

- Inter-Agency Panel on Juvenile Justice, [www.juvenilejusticepanel.org](http://www.juvenilejusticepanel.org), accessed 20 February 2012
- ICRC, International Code of Conduct for Private Security Providers, 2010, [www.admin.ch/aktuell/00089/index.html?lang=en&msg-id=36144](http://www.admin.ch/aktuell/00089/index.html?lang=en&msg-id=36144), accessed 20 February 2012
- OECD, OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, 2010, [www.oecd.org/dataoecd/62/30/46740847.pdf](http://www.oecd.org/dataoecd/62/30/46740847.pdf), accessed 20 February 2012
- Office of the UN Special Representative to the Secretary-General on Children and Armed Conflict, Children Affected by Conflict, [www.un.org/children/conflict/english/index.html](http://www.un.org/children/conflict/english/index.html), accessed 20 February 2012
- Organisation for Economic Co-operation and Development, OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, 2006, [www.oecd.org/dataoecd/26/21/36885821.pdf](http://www.oecd.org/dataoecd/26/21/36885821.pdf), accessed 20 February 2012
- Red Flags, Red Flags: Liability risks for companies operating in high-risk zones, [www.redflags.info](http://www.redflags.info), accessed 20 February 2012
- The Montreux Document, 2008, [www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](http://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf), accessed 20 February 2012
- The World Economic Forum/UNOCHA, Guiding Principles for Public-Private Collaboration for Humanitarian Action, 2007, [www.un.org/partnerships/Docs/Principles%20for%20Public-Private%20Collaboration%20for%20Humanitarian%20Action.pdf](http://www.un.org/partnerships/Docs/Principles%20for%20Public-Private%20Collaboration%20for%20Humanitarian%20Action.pdf), accessed 20 February 2012
- UNGC, Doing Business while Advancing Peace and Development, 2010, [www.unglobalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/DBWAPD\\_2010.pdf](http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/DBWAPD_2010.pdf), accessed 20 February 2012
- United Nations Global Compact and UNPRI, Principles for Responsible Investment: Guidance on responsible business in conflict-affected and high-risk areas: A resource for companies and investors, 2010, [www.unglobalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/Guidance\\_RB.pdf](http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf), accessed 20 February 2012
- United Nations Global Compact, Global Compact Business Guide for Conflict Impact Assessment and Risk Management, [www.unglobalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/BusinessGuide.pdf](http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/BusinessGuide.pdf), accessed 20 February 2012
- USAID, Statement of Principles Concerning Gifts-In-Kind during Humanitarian Operations, 2003
- Voluntary Principles on Security and Human Rights, [www.voluntaryprinciples.org](http://www.voluntaryprinciples.org), accessed 20 February 2012
- World Health Organization, Guidelines for Drug Donation, 1999, [http://whqlibdoc.who.int/hq/1999/WHO\\_EDM\\_PAR\\_99.4.pdf](http://whqlibdoc.who.int/hq/1999/WHO_EDM_PAR_99.4.pdf), accessed 20 February 2012







# 7

## **Chapter 7 Reinforcing government and community efforts to fulfil children's rights**

This chapter addresses the critical role of business in supporting national and local governments to fulfil children's rights. Its three sections speak to the importance of:

- Reinforcing government taxation and corruption-free practices;
- Providing basic services for children in public-private partnerships; and
- Investing strategically and responsibly in community projects and programmes that build capacity and long-term sustainable success for children and for business.

# Reinforcing government taxation and corruption-free practices

## Introduction

Pay close attention to this section if:	
<b>Your company operates in a context characterized by any of the following:</b>	<b>Your company or supply chain belong to one of the following industries:</b>
√ Bribery and corruption √ Tax evasion and tax avoidance	√ All companies and industries

Protecting and fulfilling children's rights are the responsibilities of government. Failure to do so today may result in ever diminishing prospects for children's futures. It squanders the resources that should be invested in infrastructure, education and health, and deters investment and economic growth.<sup>39</sup> Nonetheless, businesses are powerful players with considerable political, social and economic clout. They need to take a responsible approach that supports good governance, not to supplant or undermine it, by complying with national and international laws and standards; by contributing tax revenues that provide governments with the resources to fulfil their obligations to children; by combating corruption; and by partnering with governments to provide basic services to children.

## Why is business support for governance important to children?

### Preventing and combating corruption.

Shared responsibility to combat corruption has gained a strong foothold in the business community throughout the past decade. This change has resulted from global civil-society advocacy, international agreements and increased national legislation and enforcement of anti-corruption provisions. In fact, the transnational character of some legislation, such as the United States' Foreign Corrupt Practices Act (FCPA), has made corporations throughout the world far more cognizant of the legal, as well as reputational, risks associated with corruption. What many companies probably do not stop to think about is the impact of corruption on children.

Corruption corrodes governance for children's rights. It can increase the overall cost of providing public services such as education, water, sanitation and health, lowering their quality and often restricting coverage for the most marginalized communities. Indirectly, corruption can limit a country's development, growth and investment by targeting those without power, thus reinforcing exclusion and discrimination. Due to their lack of power and influence, it is the poor, and especially children, who suffer disproportionately. By lowering the quality of public services, such as health care, education and infrastructure, corruption can diminish children's ability to escape poverty; lost schooling can often never be made up, and missed vaccinations or lack of access to health services can be very damaging, even fatal.

Despite reputational, legal or sometimes even criminal liabilities associated with corruption, many businesses face the temptation to engage in corrupt practices, and unfortunately, unscrupulous government officials might themselves demand illegal payments to issue routine approvals or authorizations. These corrupt practices can impact children in many different ways. They can undermine the safety required to protect children in school construction, roads and food and products. Corruption in the pharmaceutical industry, a parallel world of illicit manufacture and distribution of fake or expired and tainted medicine, is well documented to have a devastating effect on children.

Bribery can cost children even more directly. It drains household incomes and is particularly damaging for low-income households. Poor children are more likely to be targets of extortion, bribery and intimidation, as well as to be more vulnerable to a lack of access to services. According to the global civil-society coalition, 'Transparency International's 2010 Global Corruption Barometer, which measures petty corruption, young people under age 30 report paying bribes the most frequently among all of the age groups surveyed.<sup>40</sup> Corruption is often also an exacerbating factor in violations of children's rights such as child labour, as in many countries employers bribe labour inspectors to overlook underage children working. In the case of trafficking for both labour and sex, officials are frequently bribed to supply documents or look the other way in the crossing of borders and other illegal actions.

## Paying taxes

Tax evasion and tax avoidance by the private sector can harm a government's ability to provide the services and structures required to realize children's rights. Although tax evasion is a clearly illegal and illegitimate business practice, tax avoidance is a more complex area in which the line between legitimately lowering the payment of taxes and avoidance is often difficult to define. But even when legal, the avoidance of paying a fair share of taxes, royalties, duties and other payments, especially in developing countries, raises many concerns. Companies deprive governments of revenues they need to deliver social protection programmes and basic services. A closely related problem is the failure of many companies to disclose the tax and royalties they pay in each country. In many cases it is relatively commonplace for business to take advantage of the limited capacity of domestic tax authorities to enforce legislation and regulations.<sup>41</sup>

At the same time, it is important for a business to recognize and resist government authorities who exploit the weakness of their own state for personal gain. In rent-seeking situations, corrupt officials may target a variety of companies: those in sectors where government licenses, approvals and authorizations are essential for operations; businesses with large revenue windfalls; corporations with sizeable and complex tax liabilities; or even small and medium-size enterprises without the resources to hire specialized lawyers to fend off illegitimate fees or 'tax bills'. Good corporate citizenship entails not just paying legitimate taxes but also joining broader efforts, including initiatives like Publish What You Pay, described in the next box, to make it more difficult for corrupt officials to take advantage of bribery opportunities.

## CASE STUDY

### Rio Tinto discloses tax and royalty payments

Publish What You Pay is a global civil-society coalition with more than 300 member groups that work together for greater transparency in the oil, gas and mining industries. It argues that revenue transparency is a crucial first step in ensuring that revenues from these industries are used properly to reduce poverty and not wasted or lost to corruption. In an online supplement to its 2008 annual report, Rio Tinto has published its total tax and royalty payments to each of 13 countries where these payments totalled US\$10 million or more. Publish What You Pay welcomed this "progressive step, which shows recognition that more openness serves the enlightened self-interest of big corporations." It added a plea to Rio Tinto "to go further next year and break down the different types of payments to each country, so that citizens of these countries can have a full picture of financial transfers to their governments by the company."

[www.publishwhatyoupay.org/en/resources/rio-tinto-takes-step-towards-transparency-publishing-payments-governments](http://www.publishwhatyoupay.org/en/resources/rio-tinto-takes-step-towards-transparency-publishing-payments-governments), accessed on 20 February 2012

### Working with governments to support children's rights

Businesses can use their considerable influence to encourage governments to meet their obligations to realize children's rights. Dialogue with governments might include: raising the subject of violations of children's rights; encouraging and supporting investigation of abuses; ensuring that any perceived or potential children's rights violations are mitigated; and taking steps to investigate any alleged abuses.

## What your company can do

- **Manage relationships with states that include paying taxes and supporting regulations.** Paying taxes, royalties, duties and other payments should be viewed as a support to governments in their ability to deliver basic services to children, not as a cost to be avoided. In paying your taxes, you can play an important role in helping to hold government agencies accountable for their obligations to children by publicly announcing the amounts of tax that you have paid. In setting your company tax policy, consider the impact of tax avoidance on children, and provide public information on your tax policy (payments, concessions and donations) and on lobbying positions. If your company is not already subject to extensive internal anti-corruption compliance procedures, pay attention to the growing interest among international organizations such as the OECD and the EU in improving transparency, coordination and cooperation in the reporting of company profits and tax payments.
- **Join with other companies and civil-society stakeholders to advocate for robust anti-corruption efforts.** If your company does not already have stringent compliance procedures arising from responsibilities under the FCPA or similar legislation, introduce anti-corruption policies and programmes within your own business as a baseline responsibility. You can then report on these efforts and join forces with industry peers and other stakeholders to take collective action that furthers greater transparency in government revenue-collecting and makes it harder for corrupt officials to expect or demand bribes from your company.

See the case below for an example of how a coalition of socially responsible toy manufacturers practices and mobilizes support for the defence of children's rights.

### CASE STUDY

#### **Toy manufacturers use their influence to defend and protect children's rights**

Abrinq is the Brazilian Association of Toy Manufacturers, a coalition of socially responsible corporations that takes action against the widespread violations and non-respect of children's rights, by investing in long-term social programmes dedicated to helping children realize their rights.

Despite laws that put Brazil in the vanguard of children's rights protection, the manufacturers of children's toys and games were concerned that the day-to-day lives of children presented a different reality, with large numbers living on the streets and facing abuse, violence and murder by 'clean-up' squads. In 1989, Abrinq established the Board for the Defence of Children's Rights, and later the Abrinq Foundation, whose strategy is to use its influence and resources to mobilize suppliers, manufacturers, storekeepers and customers, as well as the media and politicians. It reaches out to 'child-friendly journalists to help them understand and disseminate the issues, recognizes 'Child-Friendly Mayors' and encourages presidential candidates to sign onto a manifesto that would make them 'Child-Friendly Presidents'.

Abrinq members have also attracted businesses in other sectors to work with them as 'child-friendly businesses'. This initiative is focusing on combatting child labour and investing in effective health, education and social projects, as well as advocacy campaigns to promote and defend the rights of children and adolescents. Abrinq also works to help children and teenagers have access to culture, leisure, vocational training and computer training. Abrinq Foundation is working closely with UNICEF and the ILO, and has a great number of corporate partners involved in the different programmes.

[www.fundabrinq.org.br](http://www.fundabrinq.org.br), accessed on 20 February 2012

# Providing essential services

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by any of the following:**

- ✓ Absence of effective governmental capacity for the authorization and regulation of privatized services
- ✓ Your company provides key services needed for the survival and development of the child

**Your company or supply chain belong to one of the following industries:**

- ✓ Health care
- ✓ Education
- ✓ Institutionalized care
- ✓ Water supply, waste management, construction
- ✓ Energy providers such as electricity companies
- ✓ Others

In their responsibility to ensure that children's rights are realized, governments must not evade this obligation by 'outsourcing' essential public services to the private sector. Since the 1980s, however, there has been a rising trend towards privatizing public services in many industrialized and developing countries; this includes a range of services essential for children's well-being, such as water, sanitation, medicines, health care and education. It also includes a range of service providers – public, state-owned and private companies, big and small. Private-sector activity can take many forms, including formal arrangements that range from direct provision to contracting with governments for specific services, long-term supply agreements, management of service contracts, franchising, and building and operating transfer arrangements. Private-sector involvement may also take place through less formal arrangements, such as companies providing local services to employees and their families or the communities in which they operate.

Public-private partnerships related to service delivery can have highly beneficial outcomes for children. They can allow governments to leverage resources more effectively and may free up financial and human resources for other development priorities. There are, nonetheless, clear challenges in ensuring that the private sector provides services in a manner that is both efficient and respectful of children's rights requirements. Companies that step into the shoes of the state in providing essential services must be particularly diligent in ensuring that they don't violate relevant human rights in the process.

## Why are essential services an issue for children?

Children are at special risk when essential services are not delivered in a fair and universal manner. Poor children often have no access to utilities such as water or sanitation, as they may live in areas where establishing infrastructure is physically and financially challenging.

Markets perform a rationing function in society based on an ability to pay separating those who can obtain goods and services from those who cannot. Human rights, in contrast, are based on the premise that rights must be available to everyone, regardless of finances or circumstance. The universal nature of human rights requires that responsible service providers place a special emphasis on serving the most vulnerable individuals, including those least able to pay. Therefore, both governments that regulate service provision and companies that provide them must find an appropriate regulatory and contractual framework to meet those obligations. Unfortunately, countries most in need of private-sector assistance and collaboration to improve inadequate or non-existent services are often the least able to control and regulate their actions. The absence of competent and effective regulation is a major threat to child-friendly provision of essential services.

Current regulatory regimes cover both ends of the spectrum: some have little to no regulation on essential services and others are overly restrictive. The main outcome of an overly strict regulatory regime is an increase in costs and risks for providers and higher prices for poor customers. Informal providers, whether private sector or NGOs, often lack the formal registration, licensing, tenure and paperwork required to meet government requirements. High administrative and financial barriers encourage illegal activities and tax avoidance and systems that are inaccessible to government actors or end users.

Children are often overlooked in privatisation schemes; this holds true even where such schemes are large, well organized and preceded by extensive study. For example, privatization plans typically take the household as the unit of analysis in determining how to provide and price services, without any consideration of the existence or number of children within the household. These assessments therefore miss the differentiated impact of a lack of infrastructure on children. For example, the needs of children living outside of conventional households, such as children in child-headed households or those living on the street, are usually ignored. Girls, who are most likely to be engaged in collecting water for the household, often have to travel long distances, delaying or preventing their school attendance.

## What your company can do

- **Keep children’s differing circumstances in mind when developing and implementing public service contracts.** Take into account the best interests of children your company is serving in feasibility studies, opportunity analysis, pricing and service proposals. Typically based on household level with an average number of children, analysis may not take sufficient account of large child-populations or their circumstances. Ensure that vulnerable children have access to services. You can do this in a variety of ways that don’t incur disproportionate burden or expense, such as reduced pay schemes for poorer households, sliding scales and free services for those without income. Fee exemptions for the poor are easily compensated for by increased charges to those who can afford to pay. In some cases, the state itself may undertake to reimburse low-income consumers or, often more cost-effectively, their service providers.
- **Design service arrangements that safe and culturally acceptable.** For example, ensure that it is culturally acceptable for girls and women to travel to health clinics by themselves or in groups; alternatively, incorporate culturally appropriate practices into a service-delivery scheme.
- **Involve children and youth in monitoring of services.** Community monitoring of service provision is increasingly common. Monitoring increases the transparency and accountability of service providers. Involving adolescents and youth in monitoring teaches them important technical and organizational skills and activates them as agents of change and innovation to improve services in their community. Satisfied communities may in turn grow increasingly committed to paying user fees.
- **Ensure that the public services your company provides meet international and national standards.** Enforce the requirements of all relevant children’s rights from the CRC and guidelines from other international treaties in your programme design. Both the UN Committee on the Rights of the Child and the UN Committee on Economic, Social and Cultural Rights have definitive guidance in the form of ‘General Comments’, about the content of a right that companies can take account of.<sup>42</sup> While the earlier General Comments from UN bodies were addressed entirely to governments, the newer generation also speaks to the private sector.



© UNICEF/NYHQ2010-2741/Ramonedda

# Investing in community programmes for children

## Introduction

Pay close attention to this section if:

**Your company operates in a context characterized by any of the following:**

√ All contexts where children live

**Your company or supply chain belong to one of the following industries:**

√ All companies and industries

Business can contribute hugely to the realization of children's rights not only through its own practices and policies, but also by helping to build the strength of communities where children live and grow. Children's issues are a popular focus for corporate social investment, which has included an extraordinary number of philanthropic activities and donations. But it is important to keep in mind that children are a long-term investment, and companies seeking to contribute to community development should seek to reflect that perspective in their community planning. Contributing to building government and community capacity to provide and regulate services benefiting children long-term is the best way to achieve that.

To achieve maximum long-term benefit for children and for business, social investment should take a rights-based, sustainable approach. This means:

- Always putting the best interests of children at their core;
- Involving children in planning, implementing and monitoring of programmes;
- Focusing on the most marginalized and vulnerable children;
- Recognizing children as holders of rights, active citizens and agents of change in their lives; and
- Working in close cooperation with local governments and others to ensure they support and complement existing efforts to realize children's rights;



© UNICEF/NYHQ2009-2384/Piozzi

## Why is long-term social investment an issue for children?

It is at the community level where children live that the inequities, disparities and life-long disadvantages are most visible. It is where some children have no access to health care while others attend clinics that are deteriorating, short of medicines and critically understaffed. Quality schooling, one of the most essential ingredients of a child's development, may be totally lacking to the most vulnerable, or schooling may be taking place in buildings without windows, without books or pencils, without seats and with poorly trained or too few teachers.



© UNICEF/NYHQ2004-0629/Prozdi

Investments in simple cost-effective and long-term programmes that support children's development can contribute to creating a better everyday life and a lasting change for them. Long-term community programmes that are well planned, implemented and monitored in close coordination with local authorities can be part of a ripple effect of opportunity that impacts generations to come.

Take, for example, investment in school programmes and quality education. Every child is entitled to education. It helps pave the way to a successful and productive future and is integral to the economic growth of societies. When business supports communities and governments in enabling children's access to a rights-based, quality education, it is part of a greater movement to end generational cycles of poverty and disease.

A quality, basic education better equips children with the knowledge and skills necessary to adopt healthy lifestyles, protect themselves and take an active role in social, economic and political decision-making as they transition to adolescence and adulthood.

Investing in sustainable community development therefore matters to business. It is the very success of children growing into healthy and productive adults that will influence, if not determine, the success of business. The leaders, inventors, decision-makers and innovators of tomorrow are the children of today. Respecting and supporting children's rights is preserving the best future of business. The box below describes the actions of a company to support training and education to build future leaders among today's vulnerable children.



## Global bank supports building the futures of vulnerable young people

Barclays, the global financial services provider, has been engaged in a strategic partnership with UNICEF to deliver a global programme that helps build stronger economic futures for young people. Entitled 'Building Young Futures', the partnership helps the next generation to develop the skills, knowledge and confidence they need to get into work or set up their own business. The programme delivers skills-development training in financial literacy, entrepreneurship and business management for young people, and supports and mentors them in their transition to sustained employment. This results in a stronger economic outlook for young people and their communities.

The Building Young Futures partnership has delivered programmes across 13 countries, following an initial commitment of £5m for three years.

<http://group.barclays.com>, accessed on 20 February 2012



© UNICEF/NYHQ2007-1367/Pirozzi

## What your company can do

- **Make sure that the best interests of children as developing human beings are at the centre of your community investments.** The improvement of your company's image is a reasonable goal, but it is important to avoid the pitfalls of philanthropic projects that look very positive in an annual report, without truly responding to the long-term needs of children. Corporate donations of school supplies or buildings, water pumps and sports equipment, for example, are welcome; however, care should be taken that they do not fall into disuse because they are not part of a broader local development plan that builds the capacity to use and maintain these services. Consider how your investments can be turned into long-term, productive community assets. This includes support for teachers and school administrators, arrangements for operation and maintenance of equipment, and other capacity-building efforts. Be alert to the unintended consequences for children of well-meaning community development projects that don't think in children's time frames, in particular the impact on children of not following through on initiatives started.
- **Partner with local government authorities rather than setting up parallel services.** By undertaking a careful analysis of local governance, its needs and capacity to provide services, your company will learn how to complement these services in partnership with the government, which is far more cost-effective and sustainable than setting up parallel services. Approaches to community development that bypass local authorities may lead to confusion and duplication, to poor relations with local authorities, and even contradict national policy. In cases where local governments may not have the capacity to provide or partner on services, engage with local or regional authorities to understand their plans for services in the area, constraints, structure and requirements. For example, if you are considering investing in the building of a school, consult local educational authorities about their plans for the region: Are they planning new schools in the area? Are teachers available? What do parents want? In addition, rather than creating new facilities, support existing systems where your funds may be better spent.
- **Consult with children when developing a community initiative.** Children will have valuable perspectives from a user's point of view that is different from that of adults about how a project should be designed or carried out. The process of consultation with children also helps them to develop decision-making and citizenship skills.
- **Invest in programmes that benefit the most vulnerable and marginalized children.** With the help of the local community, you can identify the sub-populations of children with the greatest need – girls who are not in school, members of ethnic minorities, children with disabilities, children orphaned by or living with HIV and AIDS, child-headed households and the poorest children. Many of these children may be hidden in households or living in outlying remote areas. Try to understand the root causes hindering them from enjoying their rights. If they are not going to school, why not? Where it is primarily girls, understand the gender dynamics. If children are leaving the community, are they being trafficked or pushed out by parents to find jobs to support the family that may lead them to make risky choices?
- **Invest in building capacity as well as infrastructure.** Even when your company selects a 'bricks and mortar' approach, it should be complemented by necessary investments in capacity development in organizational and other functional skills and expertise to ensure benefits for future groups of children. A local health clinic may be needed and very welcome, but attention to the availability, training and sustainability of health staff or community health workers, as well as administrative capacity to link to regional or district health authorities will contribute as much or more to the clinic's success over time. Your programme might consider building capacity of local NGOs to complement services offered in the facility, such as changing relevant health behaviours to improve prevention, including hand-washing campaigns in schools.
- **When weighing the costs and benefits, don't think only short term; plan for long-term outcomes and sustainability of investments.** Careful planning can help you bring about long-term and sustainable gains both for business and children, in a number of ways: pricing passed on to consumers; payments by the government; and sharing of costs and benefits between the private operators and the government.
- **Avoid conflicts of interest with community goals.** Community investments should certainly be aligned with your company's interests, but they should also be driven by a joint development of priorities with the local community. Community investments should never be a payment for damage caused by a company, for a lack of mitigation or compensation, or for another more subtle marketing tactic for company products and services, whether overtly or covertly.

## Reinforcing government and community efforts

### The Corporate Responsibility to Respect Children's Rights includes:

- Managing relationships with states that include paying taxes and supporting regulations.
- Ensuring that the public services your company provides meet international and national standards, and keeping children's differing circumstances in mind when developing and implementing public service contracts.
- Designing service arrangements that are safe and culturally acceptable.
- Involving children and youth in monitoring of services.
- Ensuring that the best interests of children as developing human beings are at the centre of your community investments.
- Avoiding undermining the state's ability to protect children's rights. Partner with local government authorities rather than setting up parallel services.
- Avoiding conflicts of interest with community goals.

### The Corporate Commitment to Support Children's Rights includes:

- Joining with other companies and civil-society stakeholders to advocate for robust anti-corruption efforts.
- When weighing the costs and benefits, don't think only short term; plan for long-term outcomes and sustainability of investments.
- Investing in programmes that benefit the most vulnerable and marginalized children, investing in building capacity as well as infrastructure, and consulting with children when developing a community initiative.

### ING Chances for Children

A strong and healthy community benefits everyone — its current inhabitants, its local businesses and future generations. ING operates in many communities around the world, and believes it has a responsibility to make a positive contribution to them. Investing in a community begins by investing in its children, and particularly in their education. A good education creates the best chances of succeeding in life. ING wants children to learn, grow up safely and realize their dreams. Investing in children now is an investment in tomorrow's economy and the strength of future societies.

In 2005, ING launched the ING Chances for Children programme, which brings together all of their initiatives in the area of children's education. The focus of ING Chances for Children is twofold. On the one hand, it emphasizes local partnerships and local employee involvement in educational projects in the countries where ING does business. On the other hand, it focuses on global educational initiatives through their partnership with UNICEF. ING is cooperating with UNICEF to expand access to education for children in developing countries. In this way, ING wants to contribute to the United Nations' Second Millennium Development Goal to ensure that every child has access to primary education by 2015. Over the last few years, a great amount of ING employees across the organization have donated their skills, time and resources in support of children's education.

It is ING's ambition to have positively impacted the lives of at least one million children in need, providing them with access to school, better quality education and safer and healthier living conditions in 2015.

[www.ingforsomethingbetter.com/about/communities](http://www.ingforsomethingbetter.com/about/communities), accessed on 12 April 2012

## Community development and lessons learned from the public sector

The Paris Declaration on Aid Effectiveness is an international agreement among 100+ countries and organizations committing themselves to better development outcomes. Why should the private sector care about the principles of the Declaration set out below, or its implementation? As companies move into developing or supporting community development programmes in areas traditionally provided by the public sector, they should learn about the key principles that underlie how their community development programme fits into the 'bigger picture', of the latest thinking on improving development outcomes, and of better ways to marry private and public-sector approaches.

### Principles of the Paris Declaration

Ownership – Give the local community, and if relevant, the local, regional or national government, a voice in developing community initiatives to build initiatives that respond to community needs and desires and to build local ownership.

Alignment – Position company community-development programmes and projects within the country's overall development objectives (which may be set out in a poverty-reduction strategy paper or national development plan) and more specific sectoral policies – for example, infrastructure initiatives should respect and fit within the country's infrastructure policy and plans.

Harmonization – Investigate what others are doing in the community and region in order to avoid duplication and conflict – including discussions with the local government and local NGOs. Just as government donors are trying to simplify the obligations imposed on recipient governments to obtain aid, companies should be careful not to burden overstretched local administration and service providers with unnecessary or unrealistic obligations for accessing and obtaining funds for community development projects. Instead, companies could use their expertise to help local administrations build capacity to administer funds.

Results – Infuse community development projects with the same commitment to delivering results that your company applies to its mainstream business. It is not enough to count how many children a company may have educated in company schools; a better measure would be to look at school completion rates and the success of those students of moving on to the next level of schooling.

Mutual accountability – Companies should make themselves accountable to local communities for following through on commitments made to the community. Accountability is not a one-way street.

- Global Witness, Follow the Money: How companies are impacting human rights, 6 October 2009, [www.reports-and-materials.org/Tax-avoidance-and-evasion-Avery-6-Oct-2009.doc](http://www.reports-and-materials.org/Tax-avoidance-and-evasion-Avery-6-Oct-2009.doc), accessed 20 February 2012
- OECD, The Paris Declaration on Aid Effectiveness, 2005, [www.oecd.org/dataoecd/11/41/34428351.pdf](http://www.oecd.org/dataoecd/11/41/34428351.pdf), accessed 20 February 2012
- Publish What You Pay, Rio Tinto Takes Step towards Transparency by Publishing Payments to Governments, 2009, [www.publishwhatyoupay.org/en/resources/rio-tinto-takes-step-towards-transparency-publishing-payments-governments](http://www.publishwhatyoupay.org/en/resources/rio-tinto-takes-step-towards-transparency-publishing-payments-governments), accessed 20 February 2012
- The United Nations Office on Drugs and Crime, United Nations Convention against Corruption, 2003, [www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf), accessed 20 February 2012
- Transparency, Global Corruption Barometer, 2010, [www.transparency.de/fileadmin/pdfs/Wissen/Korruptionsindices/GCB\\_2010.pdf](http://www.transparency.de/fileadmin/pdfs/Wissen/Korruptionsindices/GCB_2010.pdf), accessed 20 February 2012



# Annexes

## Annex 1

### Summary of the convention on the rights of the child

The following text is an unofficial summary of the Convention on the Rights of the Child. The full version of the Convention and its optional Protocols can be found at [www2.ohchr.org/english/bodies/crc](http://www2.ohchr.org/english/bodies/crc).

**Preamble** – The preamble recalls the basic principles of the United Nations and specific provisions of certain relevant human rights treaties and proclamations. It reaffirms the fact that children, because of their vulnerability, need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family. It also reaffirms the need for legal and other protections for the child before and after birth, the importance of respect for the cultural values of the child’s community and the vital role of international cooperation in securing children’s rights.

**Article 1** – Definition of a child. A child is recognized as every human being under 18 years old, unless national laws recognize an earlier age of majority.

**Article 2** – Non-discrimination. All rights apply to all children without exception. It is the State’s (national government’s) obligation to protect children from any form of discrimination and to take positive action to promote their rights.

**Article 3** – Best interests of the child. All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with parental responsibility, fail to do so.

**Article 4** – Implementation of rights. The State must do all it can to implement the rights contained in the Convention.

**Article 5** – Parental guidance and the child’s evolving capacities. The State must respect the rights and responsibilities of parents and the extended family to provide guidance for the child that is appropriate to his or her evolving capacities.

**Article 6** – Life, survival and development. Every child has the inherent right to life, and the State has an obligation to ensure the child’s survival and development.

**Article 7** – Name and nationality. The child has the right to a name at birth. The child also has the right to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them.

**Article 8** – Preservation of identity. The State has an obligation to protect and, if necessary, re-establish basic aspects of the child’s identity. This includes name, nationality and family ties.

**Article 9** – Separation from parents. The child has a right to live with his or her parents unless this is deemed incompatible with the child’s best interests. The child also has the right to maintain contact with both parents if separated from one or both.

**Article 10** – Family reunification. Children and their parents have the right to leave any country and to enter their own for purposes of reunion or the maintenance of the child-parent relationship.

**Article 11** – Illicit transfer and non-return. The State has an obligation to prevent and remedy the kidnapping or retention abroad of children by a parent or third party.

**Article 12** – Respect of the child’s views. The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting him or her.

**Article 13** – Freedom of expression. The child has the right to express his or her views, obtain information and make ideas or information known, regardless of frontiers.

**Article 14** – Freedom of thought, conscience and religion. The State shall respect the child’s right to freedom of thought, conscience and religion, subject to appropriate parental guidance.

**Article 15** – Freedom of association. Children have a right to meet with others, and to join or form associations.

**Article 16** – Protection of privacy. Children have the right to protection from interference with their privacy, family, home and correspondence, and to protection from libel or slander.

**Article 17** – Access to appropriate information. The State shall ensure the accessibility to children of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information that is of social and cultural benefit to the child, and take steps to protect him or her from harmful materials.

**Article 18** – Parental responsibilities. Parents have joint primary responsibility for raising the child, and the State shall support them in this. The State shall provide parents with appropriate child-raising assistance.

**Article 19** – Protection from abuse and neglect. The State shall protect the child from all forms of maltreatment by parents or others responsible for the child's care and shall establish appropriate social programmes for the prevention of abuse and the treatment of victims.

**Article 20** – Protection of a child without family. The State is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases. Efforts to meet this obligation shall pay due regard to the child's cultural background.

**Article 21** – Adoption. In countries where adoption is recognized and/or allowed, it shall be carried out only in the best interests of the child, and then only with the authorization of competent authorities and safeguards for the child.

**Article 22** – Refugee children. Special protection shall be granted to a refugee child or to a child seeking refugee status. It is the State's obligation to cooperate with competent organizations that provide such protection and assistance.

**Article 23** – Disabled children. A disabled child has the right to special care, education and training to help him or her enjoy a full and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible.

**Article 24** – Health and health services. The child has a right to the highest standard of health and medical care attainable. States shall place special emphasis on the reduction of infant and child mortality and on the provision of primary and preventive health care and of public health education. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services.

**Article 25** – Periodic review of placement. A child who is placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

**Article 26** – Social security. The child has the right to benefit from social security, including social insurance.

**Article 27** – Standard of living. Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility can be, and is, fulfilled. State responsibility can include material assistance to parents and their children.

**Article 28** – Education. The child has a right to education, and the State's duty is to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child, to make higher education available to all on the basis of capacity and to ensure that school discipline is consistent with children's rights and dignity. The State shall engage in international cooperation to implement the right to education.

**Article 29** – Aims of education. Education shall aim to develop the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and shall foster in the child respect for his or her parents, for his or her own cultural identity, language and values, and for the cultural background and values of others.

**Article 30** – Children of minorities or indigenous populations. Children of minority communities and indigenous populations have the right to enjoy their own culture and to practise their own religion and language.

**Article 31** – Leisure, recreation and cultural activities. The child has the right to leisure, play and participation in cultural and artistic activities.

**Article 32** – Child labour. The child has the right to be protected from work that threatens his or her health, education or development. The State shall set minimum ages for employment and shall regulate working conditions.

**Article 33** – Drug abuse. Children have the right to protection from the use of narcotic and psychotropic drugs, and from being involved in their production or distribution.

**Article 34** – Sexual exploitation. The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

**Article 35** – Sale, trafficking and abduction. It is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children.

**Article 36** – Other forms of exploitation. The child has the right to protection from all forms of exploitation prejudicial to any aspects of the child's welfare not covered in articles 32–35.

**Article 37** – Torture and deprivation of liberty. No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without the possibility for release are prohibited for offences committed by persons below age 18. Any child deprived of liberty shall be separated from adults unless it is considered in the child's best interests not to do so. A child who is detained shall have legal and other assistance as well as contact with the family.

**Article 38** – Armed conflicts. States shall take all feasible measures to ensure that children under 15 years old have no direct part in hostilities. No child below age 15 shall be recruited into the armed forces. States shall also ensure the protection and care of children who are affected by armed conflict as described in relevant international law.

**Article 39** – Rehabilitative care. The State has an obligation to ensure that child victims of armed conflict, torture, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration.

**Article 40** – Administration of juvenile justice. A child in conflict with the law has the right to treatment that promotes the child's sense of dignity and worth, takes the child's age into account and aims at his or her defence. Judicial proceedings and institutional placements shall be avoided wherever possible.

**Article 41** – Respect for higher standards. Wherever standards set in applicable national and international law relevant to the rights of the child are higher than those in this Convention, the higher standards shall always apply.

**Articles 42–54** – Implementation and entry into force. These articles notably foresee:

- the entry into force of the Convention 30 days after its ratification or accession by 20 States;
- States parties' obligation to make the rights of the Convention widely known to both adults and children;
- the establishment of a Committee on the Rights of the Child to consider the reports that States parties are required to submit two years after they have ratified the Convention and every five years thereafter;
- States parties' obligation to submit said reports to the Committee on measures they have taken to fulfil the Convention and the progress being made in their implementation;
- States parties' obligation to make their reports widely known in their own countries;
- international cooperation in the field covered by the Convention achieved by inviting UNICEF and the specialized agencies of the United Nations – such as ILO, WHO and the United Nations Educational, Scientific, and Cultural Organization – along with 'competent' bodies such as NGOs in consultative status with the United Nations to attend Committee meetings and provide expert advice on areas within the scope of their activities, and by the Committee's referring States parties' requests for technical advice and assistance to them;
- the Committee's right to recommend to the General Assembly that special studies be undertaken on specific issues relating to the rights of the child. The rights of the child articulated by the Convention are further reinforced by its Optional Protocols on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.



## Annex 2

### Elements to include in a company child rights policy

#### Basic information and references on children's rights

- › An outline of the CRC, Children's Rights and Business Principles and human rights principles and the corporate duty to respect children's rights.

#### Allocation of responsibilities for addressing issues related to children

- › Responsibilities and guidance for those directly dealing with children in the company, including the designation of a Child Focal Point within the company.
- › Reporting systems for and about issues concerning company interactions with children, including allegations of abuse.

#### Guidance for avoiding violence, abuse and exploitation of children

- › Vetting procedures of any staff who deal with young workers or children (for example, ensuring that they have no criminal record involving children), followed by training on the child rights policy.
- › Clear indications of acceptable and unacceptable behaviour involving children, with clearly outlined consequences.
- › Guidance on using company facilities (information technology, physical facilities, vehicles, travel accounts) for interactions involving children.
- › Specific guidance for interaction with young workers or children (for example by having precise, well known and enforced internal guidelines regarding acceptable interactions with children, and provisions that need to be made for special situations regarding informal or isolated settings).

#### Guidance on young workers

- › Monitoring and welfare provisions and protocols regarding young workers.
- › Specific regulations where accommodation for children is provided by employers, including same sex oversight.
- › Specific guidance on children working for company employees, for example, as domestic workers.

#### Guidance on interacting with children as stakeholders

- › Guidelines and guidance on stakeholder interactions which involve children.

#### Guidance on advertising to and communications with children

- › Communication and media guidelines regarding the use of children's images, including consent and confidentiality guidelines

#### Guidance on testing involving children

- › Guidance on any testing involving children, including for products, services or advertising.

#### Guidance on children in the supply chain

- › Contractual provisions for suppliers requiring them to abide by the child rights policy.

## Annex 3

### List of context issues

The following list indicates the context issues companies should look for in their due diligence, bearing in mind that children's rights are likely to be particularly at risk in situations where legal systems and public services are weak. These issues might seem like they are not directly related to a company's core business, or manageable interests, but upon further analysis, some aspects may appear more connected or amenable to a company's positive actions. Also, the relevance of these factors to your company's situation will vary considerably, based on country, operating context, and sector or industry.

**Weak legal systems** – Review the basic legal and policy framework relevant to children in the countries you operate in. A Children's Act or Children's Code often set out in one place the key legal rights and protections that children have under national law. However, such codes are rarely comprehensive or even non-existent – so companies will have to look to other areas of the law, such as labour law or environmental law, to get a complete picture. Even in countries with good laws in place, systems to implement those laws and enforcement may be quite weak. In countries without adequate legislation and systems for protecting children's rights, businesses cannot assume that avoiding harm to children is the same thing as staying out of trouble with the authorities.

**Weak policies and institutions** – When governments do not have the capacity to effectively provide essential services such as education, child protection and health care, businesses may be asked or expected by some stakeholders to step in. It is important to map the policies and institutions that provide the infrastructure for implementing laws relevant to children as part of a context analysis.

**Economic pressures** – Child poverty affects many different aspects of a child's life, including their nutrition, access to school and health services. It also affects their parents' ability to care for them, with economic pressures potentially exposing children to harsher parenting, increased violence within the household, child labour and even abandonment. Having an overview of how budgeting is being done to advance social services relevant to children is an important aspect of understanding the overall context.

**Social pressures** – Children's well-being starts with family and community structures. Particularly during times of economic stress, these social networks become both more important for survival and well-being, but also more subject to strain, as whole communities are affected simultaneously. Traditional caregivers may have to go to work, leaving no one to care for children, or forcing them to take children with them to work. Where rapid economic change occurs in an environment of declining or limited social or political control, the rule of law can falter and opportunities for criminally based livelihoods flourish, including child trafficking and children forced into prostitution. There may also be a rise in rates of violence against all social groups, including children.

**Environmental pressures** – Environmental factors can have a strong and lasting effect on children. A lack of access to safe drinking water, for example, can lead to diarrhoea, one of the biggest killers of children. Businesses will need to take account of existing resources and patterns of use and possible implications for children from changing resource patterns. For example, over-exploitation of resources may mean children are sent on long trips to collect resources, depriving them of schooling or putting them at risk for violence and abuse.

**Rapid economic development** – Including in-migration, such as that associated with fast-growing cities and with mining, infrastructure and other 'honeypot' developments offer opportunities for economic growth but can bring challenges for children's well-being. An influx of workers, particularly male workers, can put local girls and boys at risk of sexual exploitation. At the same time, the lure of employment may entice families and children into child labour situations, both in the main enterprise or in the informal sector that grows up around it. Company operations can also disrupt community activities and access to services such as children's traditional routes to school or sports facilities. Additionally, an influx can bring greater spread of diseases, such as malaria and tuberculosis, which children are especially vulnerable to. Lack of available or suitable housing and associated sanitation infrastructure can rapidly develop into slum conditions with severe impact on children's health. For major projects, liaise with local authorities well in advance to identify existing government and community services and the capacity of those services to meet demand for education, health services, and community welfare services. By doing this, companies are able to understand and mitigate potential unintended impacts of the project early on.

**Migration** – Migrants, including families and unaccompanied children, leave behind the safety net of their villages or hometowns for economic opportunities. For many, this is a successful strategy. But these rapid economic and social changes also expose them to new risks as traditional family and village life gives way to city life. Children from migrant households run the risk of suffering social exclusion since their families tend to be engaged in the least qualified work and lowest paid jobs. Lack of documentation including birth registration or identity cards can be a serious impediment to access to basic services, including schools and health services. Undocumented migrant children are more vulnerable to confrontations or conflicts with the law and to exploitation, including to the worst forms of child labour. Children left behind by migrating parents often lack supervision and care of the family.

**Patterns of discrimination** – Discrimination may mean that parents cannot get employment and that instead, children are forced into child labour. Discrimination patterns can limit families' and children's access to opportunities within the company, such as apprenticeships, or to advancement if offered employment. Businesses will need to be alert to power structures and discrimination within the community when dealing with community issues such as community engagement, and land acquisition or use, and they will also need to have grievance mechanisms to ensure that families and children from discriminated groups are not excluded.

**Patterns of the worst forms of child labour, including child trafficking** – The worst forms of child labour are forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage, forced labour, children forced into armed conflict, and use of children in illicit activities, such as for the production and trafficking of drugs and sexual exploitation of children. The worst forms also include hazardous work involving children that adversely affects their health, safety or morals, including night work, long hours, exposure to sexual or physical abuse, heavy manual labour and work in dangerous environments. Data on hazardous work are easier to find than the other worst forms of child labour, and are often used as proxies. Where there is child trafficking in the area, there may be trafficked children around the company facilities as labourers for the company or as possible victims of sexual exploitation, engaging in prostitution with company employees as a means of obtaining food, shelter or other goods, or advancing their education.

**Patterns of disease** – Deaths due to HIV and AIDS, malaria and other epidemics leave children in single-family or orphan-headed households, and at risk of being exploited by adults, even family members who may intervene to deprive children of their property in the guise of administering family assets. High HIV and AIDS and disease rates are a significant push factor to child labour and exploitation as children become responsible for family income to compensate for sick parents and to cover care for siblings. They also indicate that training and health care for employees and their families would be a good investment to improve prevention efforts and treatment.

**Patterns of conflict and natural disasters** – Children are particularly vulnerable in areas of conflict and those frequently hit by natural disasters. If they manage to escape physical harm, children may nonetheless be psychologically traumatized. They may become separated from their families and communities, forced into the worst forms of child labour to survive. Companies should be on the alert for children around the company facilities offering their services as labourers for the company or victims of sexual exploitation at the hands of company employees, engaged in prostitution for survival. Company security forces may be confronted by child combatants who have been forcibly recruited into the armed forces or militias.

# References

- <sup>1</sup> As of 15 February 2012, the CRC has been ratified by 193 states.
- <sup>2</sup> Human Rights Due Diligence is a business' ongoing process for assessing their human rights impacts, integrating and acting upon their findings, tracking responses, and communicating how impacts are addressed, as set out in the UN Guiding Principles on Human Rights. The process should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.
- <sup>3</sup> Remediation is the process whereby a business provides for or cooperates in the remediation through legitimate processes, including effective operational-level grievance mechanisms, of adverse human rights impacts that it has caused or contributed to. Such mechanisms should be accessible to girls and boys, their families and those that may represent their interests, and meet the effectiveness criteria for non-judicial grievance mechanisms set out in Principle 31 of the Guiding Principles on Business and Human Rights.
- <sup>4</sup> Adapted from the Office of the United Nations High Commissioner for Human Rights, General Comment No. 12 (2009): The right of the child to be heard, <http://www2.ohchr.org/english/bodies/crc/comments.htm>, accessed 20 February 2012; and Rajani, Rakesh R., "Real Adolescent Participation Checklist," UNICEF, February 2000, [www.unicef.org/teachers/protection/adol\\_list.htm](http://www.unicef.org/teachers/protection/adol_list.htm), accessed 20 February 2012.
- <sup>5</sup> International Labour Organization, *How to Address Child Labour in the Supply Chain in a Responsible Way?*, International Training Centre of the ILO, Turin, 2006, p. 1.
- <sup>6</sup> ILO, *ILO Conventions on Child Labour*, [www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm](http://www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm), accessed 20 February 2012.
- <sup>7</sup> The United Nations Secretary-General, *Study on Violence against Children: Violence against children in places of work*, 2006, General Assembly, New York, p. 242, [www.unicef.org/violencestudy/6.%20World%20Report%20on%20Violence%20against%20Children.pdf](http://www.unicef.org/violencestudy/6.%20World%20Report%20on%20Violence%20against%20Children.pdf), 20 February 2012.
- <sup>8</sup> ILO Working Paper, *Migration and Child Labour: Exploring child-migrant vulnerabilities and those of children left behind*, by Hans van de Glind, Geneva, September 2010.
- <sup>9</sup> ILO, *Eliminating Child Labour: Guides for employers*, 2007, [www.ilo.org/public/english/dialogue/actemp/whatwedo/projects/cl/guides.htm](http://www.ilo.org/public/english/dialogue/actemp/whatwedo/projects/cl/guides.htm), accessed 20 February 2012.
- <sup>10</sup> Child Labour Platform, *Report 2010–2011: Business practices and lessons learned on addressing child labour*, p. 68.
- <sup>11</sup> Rachel Kurian, 2005, *Trade Union and Child Labour: Challenges for 21st century*, Institute of Social Science, The Hague.
- <sup>12</sup> Hecht, Mark E., *Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children*, A contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25–28 November 2008, ECPAT International, p. 84.
- <sup>13</sup> WHO, *Child Injury Prevention*, Sixty-Fourth World Health Assembly, Provisional Agenda 13.14, Geneva, 2011, [http://apps.who.int/gb/ebwha/pdf\\_files/WHA64/A64\\_23-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_23-en.pdf), accessed 20 February 2012.
- <sup>14</sup> Hecht, Mark E., *Private Sector Accountability in Combating the Commercial Sexual Exploitation of Children*, A contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25–28 November 2008, ECPAT International, p. 84.
- <sup>15</sup> See, for example, the Child Exploitation and Online Protection Centre, [www.ceop.police.uk](http://www.ceop.police.uk). It encourages ISPs that provide sites or online services where young people are chatting, making friends or sharing content to use the 'Click CEOP' icon, which provides one-stop Internet safety advice and help. Another such organization is INHOPE, the International Association of Internet Hotlines, which supports and enhances the performance of Internet hotlines around the world, ensuring that swift action is taken in responding to reports of illegal content (child pornography, illegal activity in chat rooms, online hate, etc.). See <http://inhope.org/gns/about-us/about-inhope.aspx>, accessed 20 February 2012.
- <sup>16</sup> European Commission, *European Framework for Safer Mobile Use by Younger Teenagers and Children*, [http://ec.europa.eu/information\\_society/activities/sip/self\\_reg/phones/index\\_en.htm](http://ec.europa.eu/information_society/activities/sip/self_reg/phones/index_en.htm), accessed 20 February 2012.
- <sup>17</sup> For example, see Financial Coalition Against Child Pornography, *Trends in Migration, Hosting and Payment for Child Pornography Websites*, FCACP, May 2008, [www.ecpat.net/WorldCongressIII/PDF/Publications/White\\_Papers/FCACP\\_WCIII\\_WhitePaper\\_ENG.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Publications/White_Papers/FCACP_WCIII_WhitePaper_ENG.pdf), accessed 20 February 2012; and the European Financial Coalition Against Commercial Sexual Exploitation of Children Online, *14 Months On: A combined report from the European Financial Coalition 2009–2010*, European Financial Coalition, 2010, [www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010\\_080910b%20FINAL.pdf](http://www.ceop.police.uk/Documents/EFC%20Strat%20Asses2010_080910b%20FINAL.pdf), accessed 20 February 2012.
- <sup>18</sup> WHO, *World Health Statistics 2011*, [www.who.int/whosis/whostat/2011/en/index.html](http://www.who.int/whosis/whostat/2011/en/index.html), accessed 20 February 2012.
- <sup>19</sup> The Center for Earth Leadership, *The Commercialization of Childhood: Psychology for a sustainable future – An initiative of the Center for Earth Leadership*, 20 May 2008, <http://earthleaders.org/projects/psf/Commercialization%20of%20Childhood%20PowerPoint%20Presentation.pdf>, accessed 20 February 2012.
- <sup>20</sup> See, for example: White House Task Force, *Solving the Problem of Childhood Obesity within a Generation: Report to the President*, Executive Office of the President of the United States, Washington D.C., May 2010, [www.letsmove.gov/sites/letsmove.gov/files/TaskForce\\_on\\_Childhood\\_Obesity\\_May2010\\_FullReport.pdf](http://www.letsmove.gov/sites/letsmove.gov/files/TaskForce_on_Childhood_Obesity_May2010_FullReport.pdf), accessed 20 February 2012.

- <sup>21</sup> Sharon Beder, *A Community View, Caring for Children in the Media Age*, Papers from a national conference, edited by John Squires and Tracy Newlands, New College Institute for Values Research, Sydney, 1998, pp. 101–111.
- <sup>22</sup> International Obesity Taskforce, *Sydney Principles*, 2007, [www.iaso.org/iotf/obesity/childhoodobesity/sydneyprinciples/](http://www.iaso.org/iotf/obesity/childhoodobesity/sydneyprinciples/), accessed 20 February 2012.
- <sup>23</sup> World Health Organization, *Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children (Resolution WHA63.14)*, WHO Press, Geneva, 2010, [http://whqlibdoc.who.int/publications/2010/9789241500210\\_eng.pdf](http://whqlibdoc.who.int/publications/2010/9789241500210_eng.pdf), accessed 20 February 2012.
- <sup>24</sup> Lewis, Stephen, *Malnutrition as a Human Rights Violation: Implications for United Nations-supported programmes*, SCN News 18, July 1999, p. 22–25, [www.ncbi.nlm.nih.gov/pubmed/12290436](http://www.ncbi.nlm.nih.gov/pubmed/12290436), accessed 20 February 2012.
- <sup>25</sup> UNICEF, *International Code of Marketing of Breast-milk Substitutes*, [www.unicef.org/nutrition/index\\_24805.html](http://www.unicef.org/nutrition/index_24805.html), accessed 20 February 2012.
- <sup>26</sup> European Union, [www.eu-pledge.eu/](http://www.eu-pledge.eu/), accessed 20 February 2012.
- <sup>27</sup> White House Task Force, *Solving the Problem of Childhood Obesity within a Generation: Report to the President*, Executive Office of the President of the United States, Washington D.C., May 2010, [www.letsmove.gov/sites/letsmove.gov/files/TaskForce\\_on\\_Childhood\\_Obesity\\_May2010\\_FullReport.pdf](http://www.letsmove.gov/sites/letsmove.gov/files/TaskForce_on_Childhood_Obesity_May2010_FullReport.pdf), accessed 20 February 2012.
- <sup>28</sup> United Nations Environment Programme, World Health Organization and United Nations Children’s Fund, *Healthy Environments for Healthy Children: Key messages for action*, WHO Press, Geneva, 2010, p. 59, [www.who.int/ceh/publications/hehc\\_booklet\\_en.pdf](http://www.who.int/ceh/publications/hehc_booklet_en.pdf), accessed 20 February 2012.
- <sup>29</sup> *Ibid.*, p. 64.
- <sup>30</sup> United Nations Environment Programme, World Health Organization and United Nations Children’s Fund, *Children in the New Millennium*, UNEP, UNICEF and WHO, p.32, [www.unep.org/ceh/children.pdf](http://www.unep.org/ceh/children.pdf), 2002, accessed 20 February 2012.
- <sup>31</sup> World Health Organization, *Children’s Environmental Health*, [www.who.int/ceh/risks/en/](http://www.who.int/ceh/risks/en/), accessed 20 February 2012.
- <sup>32</sup> Human Rights Council. *Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, John Ruggie. *Business and Human Rights in Conflict-Affected Regions: Challenges and options towards state responses*: [www.ohchr.org/Documents/Issues/TransCorporations/A.HRC.17.32.pdf](http://www.ohchr.org/Documents/Issues/TransCorporations/A.HRC.17.32.pdf), accessed 20 February 2012.
- <sup>33</sup> See, for example: Organisation for Economic Co-operation and Development, *OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones*, OECD Publishing, Paris, 2006, [www.oecd.org/dataoecd/26/21/36885821.pdf](http://www.oecd.org/dataoecd/26/21/36885821.pdf), accessed 20 February 2012; and OECD, *OECD Due Diligence Guidance for Responsible Supply Chains Of Minerals From Conflict-Affected And High-Risk Areas*, OECD Publishing, Paris, 2010, [www.oecd.org/dataoecd/62/30/46740847.pdf](http://www.oecd.org/dataoecd/62/30/46740847.pdf), accessed 20 February 2012.
- <sup>34</sup> United Nations Global Compact, *Global Compact Business Guide for Conflict Impact Assessment and Risk Management*, UNGC, New York, 2010, [www.unglobalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/Guidance\\_RB.pdf](http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf) [http://www.unglobalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/BusinessGuide.pdf](http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/BusinessGuide.pdf), accessed 20 February 2012.
- <sup>35</sup> Secretariat of the Voluntary Principles on Security and Human Rights, *Voluntary Principles on Security and Human Rights*, [www.voluntaryprinciples.org/files/voluntary\\_principles\\_english.pdf](http://www.voluntaryprinciples.org/files/voluntary_principles_english.pdf), accessed 20 February 2012.
- <sup>36</sup> Red Flags, *Red Flags: Liability risks for companies operating in high-risk zones*, [www.redflags.info](http://www.redflags.info), accessed 20 February 2012.
- <sup>37</sup> Office of the UN Special Representative to the Secretary-General on Children and Armed Conflict, *Children Affected by Conflict*, [www.un.org/children/conflict/english/index.html](http://www.un.org/children/conflict/english/index.html), accessed 20 February 2012.
- <sup>38</sup> *Ibid.*
- <sup>39</sup> Avery, Christopher, *Tax Avoidance & Tax Evasion*, presentation at side event co-organized by the Business & Human Rights Resource Centre and Global Witness, Business and Human Rights Resource Centre, Geneva, 2010, [www.reports-and-materials.org/Tax-avoidance-and-evasion-Avery-6-Oct-2009.doc](http://www.reports-and-materials.org/Tax-avoidance-and-evasion-Avery-6-Oct-2009.doc), accessed 20 February 2012; Business & Human Rights Resource Centre and Global Witness, *Follow the Money: How companies are impacting human rights*, 6 October 2009, [www.business-humanrights.org/Documents/Followthemoney](http://www.business-humanrights.org/Documents/Followthemoney), accessed 20 February 2012; and the United Nations Office on Drugs and Crime, *United Nations Convention Against Corruption*, United Nations Office on Drugs and Crime, Vienna, 2010, [www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf), accessed 20 February 2012.
- <sup>40</sup> Transparency, *Global Corruption Barometer*, 2010, Transparency International, Berlin, 2010, [www.transparency.de/fileadmin/pdfs/Wissen/Korruptionsindices/GCB\\_2010.pdf](http://www.transparency.de/fileadmin/pdfs/Wissen/Korruptionsindices/GCB_2010.pdf), accessed 20 February 2012
- <sup>41</sup> Christian Aid, *Death and Taxes: The true toll of tax dodging*, Christian Aid, UK, 2008, [www.christianaid.org.uk/images/deathandtaxes.pdf](http://www.christianaid.org.uk/images/deathandtaxes.pdf), accessed 20 February 2012.
- <sup>42</sup> The UN Committee on the Rights of the Child was one of the first UN human rights committees to address the role of the private sector in providing services to children, even before the current UN Special Representative on Business and Human Rights started his work. The guidance in the General Comments “translates” the substance of rights into more understandable requirements, paying particular attention to several dimensions: availability, accessibility and quality of services, guaranteed for all. The General Comments typically also bring in key cross-cutting human rights requirements that the private sector should consider in providing services: improve accountability and transparency of services.





© UNICEF/NYHQ2006-0367/Piozzi

unite for children

