



Children's Rights and Business Principles

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Introduction

Children under 18 years old account for almost one third of the world's population. In many countries, children and youth make up almost one half of the national population. It is inevitable that business, whether small or large, will interact with and have an effect on the lives of children both directly and indirectly. Children are key stakeholders of business – as consumers, family members of employees, young workers, and as future employees and business leaders. At the same time, children are key members of the communities and environments in which business operates.

With increased attention being paid to the role of business in society in parallel to governments and other societal actors, and with greater awareness of the links between business and human rights, the explicit focus on the impact of business on children is also timely. Children are among the most marginalized and vulnerable members of society and this is evident from their lacking a public voice. They are rarely given a say or consulted about how communities make decisions – even decisions affecting them directly, such as planning for schools and recreational areas. Yet, when given the opportunity to participate, children have demonstrated that they can provide important alternative viewpoints and make valuable contributions.

The effects that business has on children can be long-lasting and even irreversible. Childhood is a unique period of rapid physical and psychological development during which young people's physical, mental and emotional health and well-being can be permanently affected for better or worse. Adequate food, clean water, and care and affection during a child's developing years are essential to his or her survival and health.

Children are even affected by everyday hazards differently and more severely than adults. Due to their physiology, children absorb a higher percentage of pollutants to which they are exposed, and thus their immune systems are more compromised and vulnerable.

Children employed or affected by a business are often invisible. Typical examples include children working illicitly in the supply chain, children on or around company premises, children employed as domestic workers in employee housing, children exposed to business products, children arrested and detained by security services and children of migrant workers left at home.

To date, recognition of the responsibility of business towards children has often focused on preventing or eliminating child labour. While reinforcing standards and actions necessary to prevent and eliminate child labour, the Children's Rights and Business Principles also highlight the diversity of ways in which business affects children. This includes the impact of their overall business operations – such as their products and services and their marketing methods and distribution practices – as well as through their relationships with national and local governments, and investments in local communities.

Respecting and supporting children's rights requires business to both prevent harm and actively safeguard children's interests. By integrating respect and support for children's rights into the core strategies and operations, they can strengthen their existing corporate sustainability initiatives while ensuring benefits for their business. Such efforts can build reputation, improve risk management and secure their 'social license to operate'. A commitment to children can also help recruit and maintain a motivated workforce. Supporting employees in their roles as parents and caregivers, and promoting youth employment and talent generation are just some of the concrete steps that business can take. Considering how products and services can better meet children's needs can also be a source of innovation and create new markets. Finally, working for children helps build strong, well-educated communities that are vital to a stable, inclusive and sustainable business environment.

The Children's Rights and Business Principles provide a comprehensive framework for understanding and addressing the impact of business on the rights and well-being of children. Save the Children, the UN Global Compact and UNICEF hope that these Principles will serve as inspiration and a guide for all business in their interactions with children.

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Children's Rights and Business Principles

The Children's Rights and Business Principles set out business actions to *respect* and *support* children's rights. Children's rights are outlined by the Convention on the Rights of the Child, and the International Labour Organization's Convention No. 138 on Minimum Age and Convention No. 182 on Worst Forms of Child Labour. Article 3 of the Convention on the Rights of the Child sets out the principle that, "In all actions concerning children ... the best interests of the child shall be a primary consideration."

For the purposes of these Principles, actions for all business include:

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.

Respect for children's rights is the minimum required of business. Actions to support children's rights are strongly encouraged even if not required. Each Principle in the Children's Rights and Business Principles lays out actions to respect children's rights and actions to support children's rights.

In this document, the phrase 'children's rights' is synonymous with the 'human rights of children'.



Glossary

With the exception of child/children and business, the following defined terms are italicized throughout the Principles.

best interests of the child – one of the four core principles in the Convention on the Rights of the Child, this applies to all actions and decisions concerning children and calls for active measures to respect their rights and promote their survival, growth and well-being as children, as well as measures to support and assist parents and others who have day-to-day responsibility for realizing children’s rights.

business – a for-profit enterprise.

business relationship – those relationships a business has with business partners, entities in its *value chain*, and any other State or non-state (government or non-governmental) entity directly linked to its business operations, products or services. This includes indirect business relationships in an enterprise’s *value chain*, beyond the first tier, as well as majority and minority shareholding positions in joint ventures.

child labour – work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. This includes work that is mentally, physically, socially or morally dangerous and harmful to children; work that interferes with their schooling; and engaging in work children who are under the minimum working age(s) set by national legislation or international standards. No child under 18 years old should be engaged in hazardous work (i.e. work that is likely to harm their health, safety or morals) or other worst forms of child labour such as trafficking, sexual exploitation, debt bondage, forced labour and the recruitment or use of underage children for security or military purposes. This also involves focus on the gender dimensions of child labour in light of the more likely engagement of girls in activities such as domestic work and sexual exploitation. For further elaboration, see the International Labour Organization (ILO) Conventions No. 182 on the Worst Forms of Child Labour and No. 138 on the Minimum Age, in addition to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

child participation – one of the four core principles of the Convention on the Rights of the Child, this includes processes that encourage and enable children to articulate and convey their views on issues that affect them. It also involves information sharing and dialogue between children and adults based on mutual respect in an environment that facilitates freedom of expression. Such processes must be authentic, inclusive and meaningful and should take into account the evolving capacities of children and enable them to learn constructive ways to influence the world around them. There should be a

commitment to consider children’s opinions – including girls and boys, the most marginalized, the vulnerable, and those of different ages and abilities. Their views should be respected, heard and taken into account in all decisions and actions affecting them. Participation should not be tokenistic and should not exploit children.

child protection code of conduct – a document that sets out the business’s detailed expectations of conduct for individuals within its operations who come into contact with children. The code of conduct implements the business’s zero-tolerance policy on violence, exploitation and abuse. It uses the Convention on the Rights of the Child and its Optional Protocols as its framework and is designed to help protect children from violence, exploitation and abuse.

child or children – article 1 of the Convention on the Rights of the Child defines children as every human being under 18 years old unless, under the law applicable to the child, majority is attained earlier.

decent work – involves opportunities for work that are productive and deliver a fair income. Decent work should provide security in the workplace and social protection for families, rights at work, social dialogue, and better prospects for personal development and social integration. People, including young people of working age, should be free to express their concerns, to organize and to participate in the decisions that affect their lives, and have the right to equality of opportunity and treatment.

emergencies – situations where lives, physical and mental well-being, or development opportunities for children are threatened as a result of armed conflict, widespread violence, epidemics, famine, natural disaster or the breakdown of social or legal order.

human rights due diligence – a business’s ongoing processes for assessing its actual and potential human rights impact, including on children’s rights, integrating and acting upon its findings, tracking its responses and communicating how its impact is addressed, as set out in the Guiding Principles on Business and Human Rights endorsed by the United Nations Human Rights Council.¹ *Human rights due diligence* should cover adverse impact that the business may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by a business relationship. To carry out human rights due diligence, all business should:

- Identify and assess any actual or potential adverse impact on children’s rights. This should draw on human rights expertise and involve meaningful consultation with children and other potentially affected groups and relevant stakeholders. It should take into account that girls and boys may face different risks.

¹ ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’ as annexed to the Re–port of the Special Representative of the United Nations Secretary-General on the issue of human rights and transnational corporations and other business enterprises, A/HRC/17/31, United Nations, 21 March 2011, available at www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf Endorsed by the United Nations Human Rights Council in A/HRC/RES/17/4.

- Integrate the findings from their impact assessments across relevant internal functions and processes and take appropriate action (as defined in the Guiding Principles). Where a business causes or contributes to an adverse impact on children’s rights, or where it may do so, it should take the necessary steps to cease or prevent the activity, or its contribution to it, and use its leverage to mitigate any remaining impact. Where a business is linked to an adverse impact by a business relationship, it should use its leverage and consider other relevant factors in determining the appropriate action to take.
- Monitor and track the effectiveness of the business’s responses in order to verify whether the adverse impact on children’s rights is being addressed, using appropriate qualitative and quantitative indicators and drawing on feedback from internal and external sources, including affected children, families and other stakeholders.² The business should consider using tools such as performance contracts and reviews, surveys and audits (self-assessments or independent audits) on a periodic basis.³
- Be prepared to communicate externally on its efforts to address the impact of business on children’s rights in a form and frequency that reflect such an impact and that is accessible to its intended audiences. The business should provide sufficient information to evaluate the adequacy of its responses. Such communication should not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

These processes should be appropriate to the business’s size and circumstances and be in alignment with the Guiding Principles on Business and Human Rights.

leverage – the ability of a business to effect change in the wrongful practices of the party that is causing or contributing to an adverse impact on human rights. Where a business has leverage to prevent or mitigate an adverse impact on human rights that is directly linked to its operations, products or services by a *business relationship*, it should use that leverage. If it lacks leverage, there may be ways to increase it, for example, by offering capacity-building or other incentives, or collaborating with other actors. The business should also consider how crucial the relationship is to the business, the severity of the impact, and whether terminating the relationship would have adverse human rights consequences, following the approach set out in Principle 19 of the Guiding Principles on Business and Human Rights.

non-discrimination – one of the four core principles enshrined in the Convention on the Rights of the Child, this provides for equal treatment of an individual irrespective of race, colour, sex, language, disability, religion, political or other opinions; national, social or

indigenous origin; and property, birth or other status. In short, it means that all children – in all situations, all of the time, everywhere – have the same right to develop to their full potential.

policy commitment – a statement that sets out the business’s responsibility to respect rights, including children’s rights, as described in the Guiding Principles on Business and Human Rights. A policy commitment should be approved at the most senior level of the business and be informed by relevant expertise. It should stipulate the business’s expectations of personnel, business partners and others directly linked to its operations, products or services. It should be publicly available, communicated internally and externally, and embedded in relevant policies and procedures. It may also include a statement of the business’s commitment to support rights.

remediation – both the processes of providing a remedy for an adverse human rights impact and to the substantive outcomes that can counteract, or make good, the adverse impact. Where a business identifies that it has caused or contributed to an adverse impact on human rights, it should provide for or cooperate in their remediation through legitimate processes, including effective operational level grievance mechanisms or judicial mechanisms, as appropriate. Operational level mechanisms should be accessible to girls and boys, their families and those who 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.

survival and development – one of the four core principles in the Convention on the Rights of the Child, this recognizes that there are optimal conditions for childhood. Rights such as social security, health, adequate nutrition and standard of living, a healthy and safe environment, education, leisure and play are all relevant to ensuring the healthy development of each child. Protection from violence and exploitation is also vital to each child’s survival and development.

value chain – a business’s value chain encompasses the activities that convert inputs into outputs by adding value. It includes entities with which the business has a direct or indirect business relationship and which either a) supply products or services that contribute to the business’s own products or services, or b) receive products or services from the business.

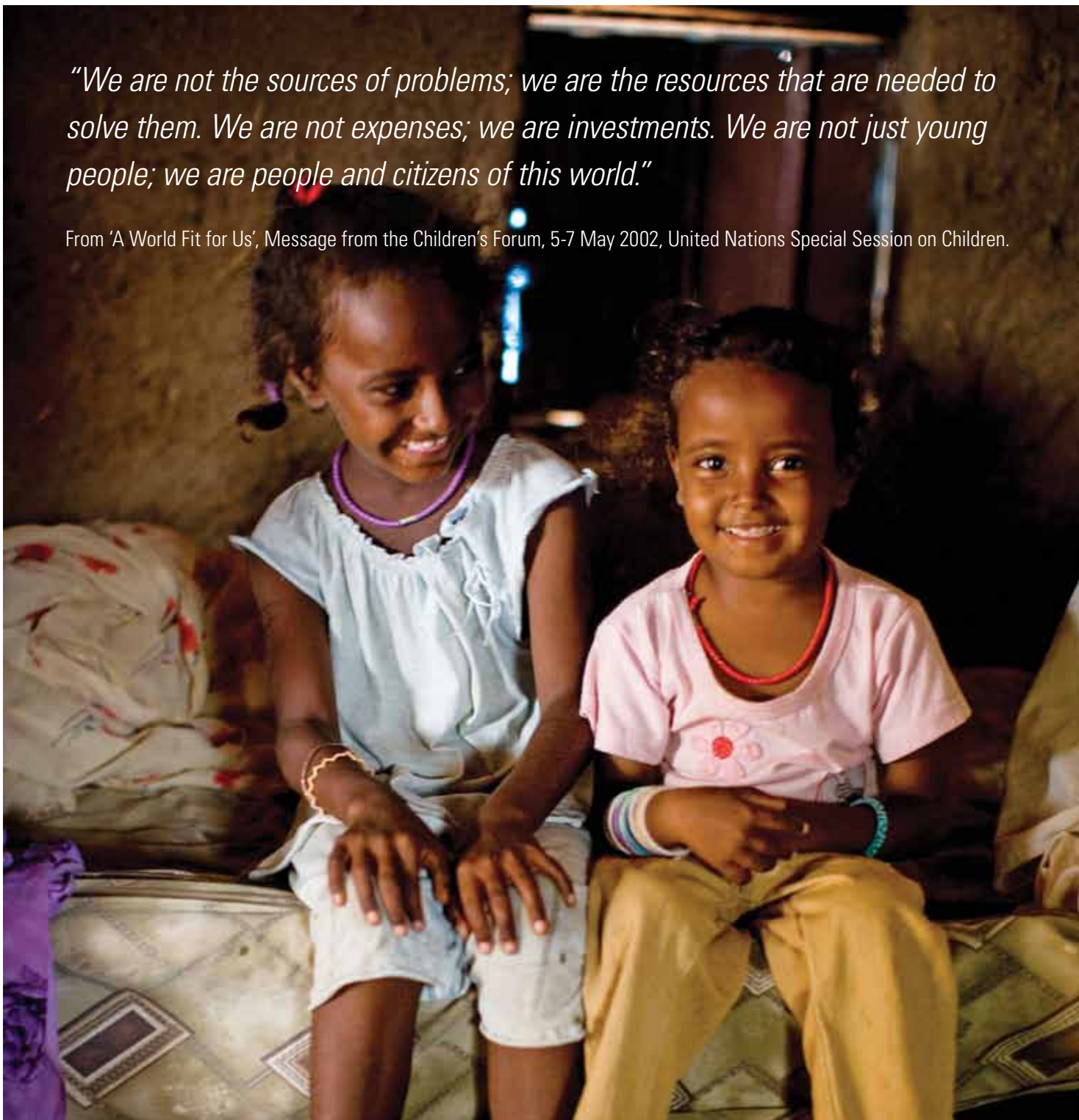
young worker – a child who is above the minimum legal working age and engaged in economic activity. It is an age group that is subject to designation as child labour if the work or working conditions are hazardous.

² When direct consultation with affected stakeholders is not possible for small and medium sized business with limited human rights risks, due to legitimate financial, geographical or other constraints, the business should seek other independent external expert resources and insights offered by organizations or individuals that legitimately convey the perspectives – or likely perspectives – of those who may be affected by the enterprise’s activities or relationships.

³ Regarding suppliers, in addition to communicating clearly expectations of conduct, steps that business may take also include examples of capacity building efforts and collaborating with other business to increase leverage. For further guidance, see UN Global Compact supply chain sustainability guidance: http://www.unglobalcompact.org/docs/issues_doc/supply_chain/SupplyChainRep_spread.pdf

"We are not the sources of problems; we are the resources that are needed to solve them. We are not expenses; we are investments. We are not just young people; we are people and citizens of this world."

From 'A World Fit for Us', Message from the Children's Forum, 5-7 May 2002, United Nations Special Session on Children.



Children in Fact

- There are 2.2 billion children under 18 years old in the world - this is almost one third of the world's population.
- Adolescents, age 10-19, represent 18 per cent of the total population.
- 1 billion children are deprived of one or more services essential to survival and development.
- 2 million children under age 15 worldwide are living with HIV.
- 215 million children are engaged in child labour.
- 101 million children are not attending primary school.
- 51 million children are unregistered at birth.

For more statistics on children, see <http://www.childinfo.org/index.html>

ALL BUSINESS SHOULD →→→

- 1 Meet their responsibility to respect children's rights and commit to supporting the human rights of children
- 2 Contribute to the elimination of **child labour**, including in all business activities and business relationships
- 3 Provide decent work for **young workers, parents and caregivers**
- 4 Ensure the **protection and safety of children** in all business activities and facilities
- 5 Ensure that **products and services** are safe, and seek to support children's rights through them
- 6 Use **marketing and advertising** that respect and support children's rights
- 7 Respect and support children's rights in relation to the **environment and to land** acquisition and use
- 8 Respect and support children's rights in **security arrangements**
- 9 Help protect children affected by **emergencies**
- 10 Reinforce **community and government efforts** to protect and fulfil children's rights

Preamble

All children have rights, everywhere and at all times.⁴ And all children’s rights are equally important and interrelated. The Children’s Rights and Business Principles (the Principles) call on business everywhere to respect and support children’s rights throughout their activities and *business relationships*, including in the workplace, the marketplace, the community and the environment. The Principles identify a comprehensive range of actions that all business should take to prevent and address any adverse impact on children’s human rights, as well as measures all business is encouraged to take to help advance children’s rights. The Principles aspire to be a key reference point for existing and future voluntary and other initiatives on business and children, and to promote multi-stakeholder collaboration. They are for all business, transnational and other, regardless of their size, sector, location, ownership and structure. The Principles also seek to inform other societal actors, including governments and civil society, in their engagement with business.

As a result of their rapid physical and psychological development, children have survival and development needs that differ from those of adults. Children are particularly vulnerable to violence, exploitation and abuse, especially during emergencies. The impact of climate change and pollution on children can also be more serious and long-lasting than those on adults. At the same time, children make important contributions to their households, communities and societies. Children are key stakeholders of business – as consumers, future employees and business leaders, and as members of the communities and environments in which a business operates. They should be empowered to have a voice in decisions that affect them in line with the principle of child participation as outlined in the Convention on the Rights of the Child.

The Principles are derived from the internationally recognized human rights of children, and do not create new international legal obligations. In particular, they are founded on the rights outlined in the Convention on the Rights of the Child and its Optional Protocols. The Convention is the most widely ratified human rights treaty: 193 countries are currently States parties (governments that have signed and ratified the Convention). The Principles are also based on the International Labour Organization’s Conventions No. 182 on the Worst Forms of Child Labour and No. 138 on the Minimum Age.⁵

⁴ The Convention on the Rights of the Child defines children as every human being under 18 years old, unless under the law applicable to the child, majority is attained earlier.

⁵ Other international standards with relevant provisions include the Convention on the Elimination of all Forms of Discrimination against Women (1979), the Convention on the Rights of Persons with Disabilities (2006) and the United Nations Declaration on the Rights of Indigenous Peoples (2007). The United Nations Study on Violence against Children (2006) is another key reference document.

The Principles also elaborate on existing standards for business, such as the United Nations Global Compact’s ‘Ten Principles’⁶ and the Guiding Principles on Business and Human Rights endorsed by the United Nations Human Rights Council.

Governments at all levels have the duty to protect, respect and fulfil children’s rights. However, all societal actors, including business, must comply with applicable national law and respect international standards on children’s rights. Responding to the international community’s call on all members of society to join in a global movement that will help build a world fit for children, the Principles seek to elaborate business’s role in respecting and supporting children’s rights.⁷

Nothing in the Principles should be taken to justify application of standards lower than those in force in a particular country or under international law.

The Principles were developed in consultation with children, business, investors, trade unions, national human rights institutions, civil society, governments, academics, United Nations entities, child rights experts and business experts.



⁶ See www.unglobalcompact.org

⁷ A World Fit for Children (2002). See also, A World Fit for Children Plus 5 (2007).

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ALL BUSINESS SHOULD →→→

"Do not take advantage of us, we ask you to be responsible. Do not support us because you feel pity for us; instead support us because we deserve it. We purchase your products and services, but we ask you to invest in our development. We do not want gifts; we want you to be responsible."

Young person in Peru, 'Children's Participation in CSR', 2010, Save the Children.



Actions for all business include:

a. Recognizing the core principles underpinning children's rights

The Convention on the Rights of the Child outlines basic entitlements and freedoms that apply to all children without discrimination, and has four core principles that should underpin any action concerning children, whether taken by governments, parents, communities or the private sector. These four core principles are: *the best interests of the child; non-discrimination; child participation; and survival and development.*

b. Meeting the responsibility to respect children's rights

This requires avoiding the infringement of children's rights and addressing any adverse impact on children's rights with which the business is involved. The corporate responsibility to respect applies to the business's own activities and to its *business relationships*, including but not limited to those activities and relationships identified in subsequent Principles.

In order to meet this responsibility, all business should put in place appropriate policies and processes, as set out in the Guiding Principles on Business and Human Rights endorsed by the United Nations Human Rights Council.⁸

These include:

- i. **Policy Commitment:** a statement that sets out the business's responsibility to respect rights, including children's rights, as described in the Guiding Principles on Business and Human Rights. A *policy commitment* should be approved at the most senior level of the business and be informed by relevant expertise. It should stipulate the business's expectations of personnel, business partners and others directly linked to its operations, products or services. It should be publicly available, communicated internally and externally, and embedded in relevant policies and procedures. It may also

Meet their responsibility to respect children's rights and commit to supporting the human rights of children



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- Identify and assess any actual or potential adverse impact on children's rights. This should draw on human rights expertise and involve meaningful consultation with children and other potentially affected groups and relevant stakeholders. It should take into account that girls and boys may face different risks.
- Integrate the findings from their impact assessments across relevant internal functions and processes and take appropriate action (as defined in the Guiding Principles). Where a business causes or contributes to an adverse impact on children's rights, or where it may do so, it should take the necessary steps to cease or prevent the activity, or its contribution to it, and use its leverage to mitigate any remaining impact. Where a business is linked to an adverse impact by a business relationship, it should use its leverage and consider other relevant factors in determining the appropriate action to take.
- Monitor and track the effectiveness of the business's responses in order to verify whether an adverse impact on children's rights is being addressed, using appropriate qualitative and quantitative indicators and drawing on feedback from internal and external sources, including affected children, families and other stakeholders. The business should consider using tools such as performance contracts and reviews, surveys and audits (self-assessments or independent audits) on a periodic basis.
- Be prepared to communicate externally on their efforts to address the business impact on children's rights in a form and with the frequency that reflect such an impact and that is accessible to its intended audiences. The business should provide sufficient information to evaluate the adequacy of its responses. Such communication should not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

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