

Business and Children's Rights: The Role of Children's Rights Impact Assessments (CRIAs)

Tara M. Collins, Ph.D.

School of Child and Youth Care

Ryerson University

May 15, 2013

Key question:

How can children's rights (CR) influence the role and efforts of business?

What are the roles and efforts of: states, international organisations and int'l NGOs, & business to support the relationship between CR and business? How can CRIAs be developed and utilized?

Key Messages:

1. Child rights are relevant and important in relation to business
2. There are contributions by states, IOs and NGOs and businesses.
3. Children's rights should be respected and CRIAs should be developed and advanced in order to influence all business structures, processes and results related to children.

Business defined

- As per UNCRC GC, this sector includes:
“all business enterprises, both national and transnational, regardless of size, sector, location, ownership and structure.”
- UNCRC (2013), General Comment No 16 (2013), On State obligations regarding the impact of business sector on children’s rights, UN Doc. CRC/C/GC/16, para. 3, p. 3

Agenda

- I. Relationship of Child Rights (CR) to Business?
- II. Roles & contributions of different actors
- III. CRIAs for business
- IV. Summary
- V. Case study & Discussion

Int'l attention to HR & Business:

- UN “Protect, Respect and Remedy” Framework
- UN Working Group on TNC

I. Relationship of CR to Business?

As per Ruggie framework:

- States have obligations under CR to “protect” rights as well as provide “remedies” for violations in relation to business
- Business must “respect” CRs

Int'l attention to CR & Business

- *Children's Rights and Business Principles* produced by UNICEF, Save the Children, and The Global Compact (2012);
- UNCRC: General Comment on business and children's rights (2013)

How does business affect CR?

Children affected by roles, activities and results of business.

Positive & negative influences incl.:

- harmful exploitation
- access to education, rest and play
- Children of migrant workers
- Parental support
- Product safety & environ'l practices

“...it is important that businesses work... to better understand human rights and the implications their actions have over people’s lives.”

Young person in Paraguay

Unicef, Global Compact and Save the Children (2012), How Business Affects Us: Children and young people share their perspectives on how business impacts their lives and communities, June-August 2011, Unicef, The Global Compact and Save the Children, http://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/How_Business_Affects_Us.pdf accessed 21 March 2013, p. 8.

II. Roles & Activities of diff. actors: States

- Interministerial working groups to advance Ruggie framework in various states*
- Weak infant formula regulation**
- Cdn gov't funding for int'l development to 3 NGOs in conjunction with Canadian extractive work internationally***

*Guáqueta, Dr. Alexandra (2012), "Global Trends in the Implementation of the UN Guiding Principles on Business and Human Rights: Remarks for the First UN Annual Forum on Business and Human Rights", December 4, Palais des Nations, Geneva, <http://www.ohchr.org/EN/Issues/Business/Pages/StatementsduringForum.aspx>, p. 4.

**Faircloth, C. (2007), "A weak formula for legislation: how loopholes in the law are putting babies at risk", London: UNICEF UK, The National Childbirth Trust and Save the Children UK, 2007, <http://www.crin.org/docs/weakformula.pdf>.

***Schulman, G. and R. Nieto (2012), "Foreign Aid to Mining Firms", Dec. 2011, <http://www.dominionpaper.ca/articles/4300> ; and Payne, E. (2012) "Foreign policy is mining policy", *The Ottawa Citizen*, March 7, 2012, <http://www.ottawacitizen.com/opinion/columnists/Foreign+policy+mining+policy/6266527/story.html>.

IOs/Int'l NGOs

Children's Rights and Business Principles:

- Extensive consultations in 10 cities and online with more than 600 business leaders, civil society and government reps, experts and children*
- Child participation strategy with over 400 children from 7 to 17 years of age in 9 countries*
- Advance role and responsibilities of business

*UN Global Compact (2012), "Development of the Children's Rights and Business Principles" 31 January, http://www.unglobalcompact.org/Issues/human_rights/childrens_principles/development.html

Children's Rights (CR) & Business

Principles: Brief Summary

- respect CR;
- “contribute to the elimination of child labour”;
- provide “decent work for young workers, parents and caregivers”;
- protect and support children’s safety in business and in the products and services;
- respectful marketing and advertising, environmental and land acquisition and use;
- advance CR in security arrangements and child protection in emergencies; &
- support community and government efforts in relation to children’s rights.

CR & Business Principles

- Voluntary
- Effectiveness and impact?

MNCs

- Unilever CEO & others*
- One hundred million treatments of antimalarial developed especially for children delivered to 39 countries by Novartis in cooperation with Medicines for Malaria Venture (MMV)**
- Auditing and codes of conduct incl. SA8000 standard with trained auditors and in relation to child sexual exploitation in travel and tourism

*These leaders include: Richard Branson and Jochen Zeitz Ratan Tata and Muhammad Yunus; Polman, CEO Unilever (2013), "Bata Lecture on Responsible Capitalism" Toronto, York University, 11 February 2013, http://www.unilever.com/images/Paul-Polman-Bata-Lecture-on-Responsible-Capitalism-February-2013_tcm13-345845.pdf , p. 3.

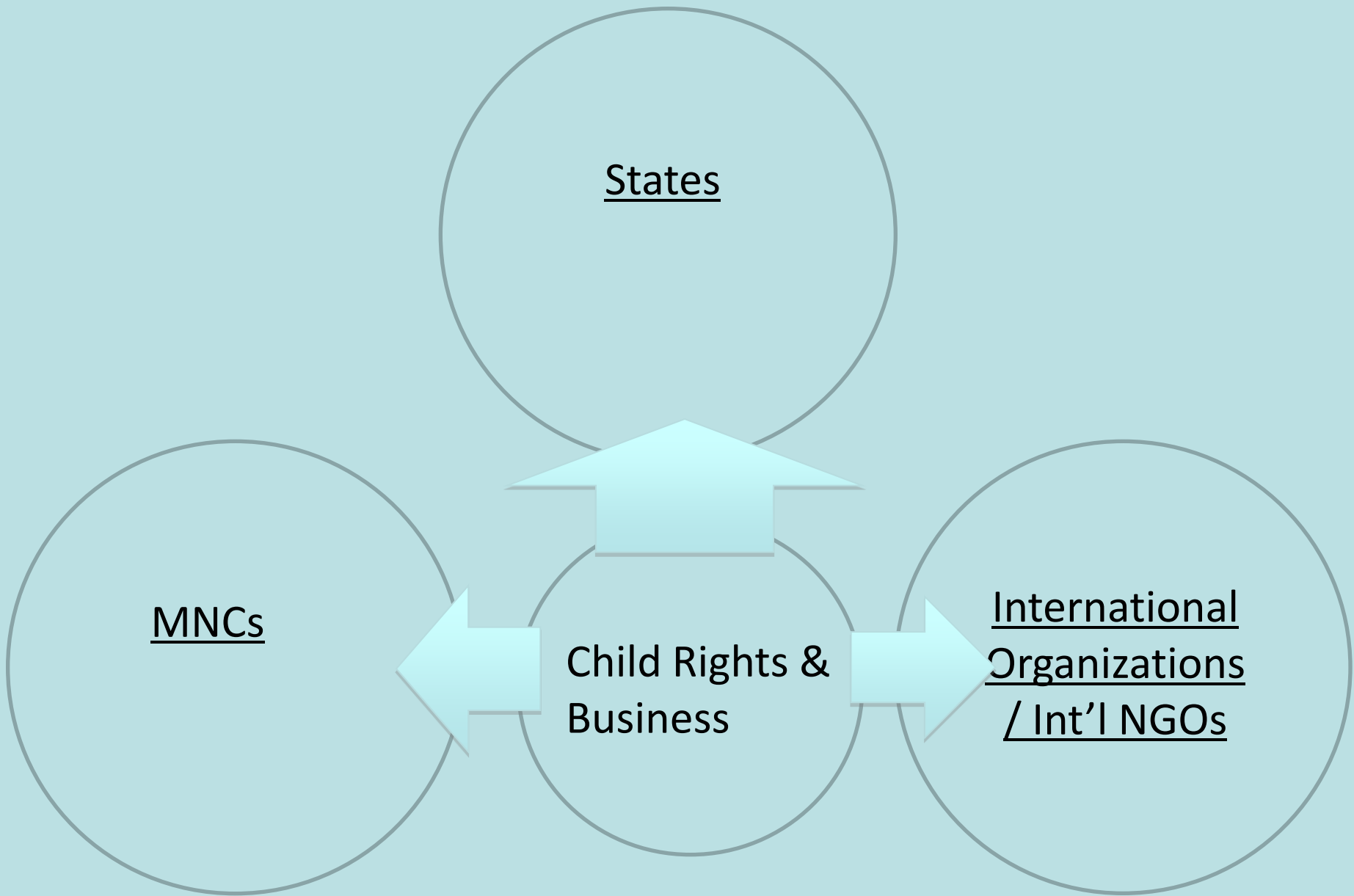
**Medicines for Malaria Venture, Press Release "Delivery of child-friendly antimalarial hits the 100 million mark", Geneva, 22 February, 2012, <http://www.mmv.org/newsroom/press-releases/delivery-child-friendly-antimalarial-hits-100-million-mark>,



“Hotels are on the front lines of the growing and brutal rape trade, ... Hilton is the largest hotel chain to commit to this effective code of conduct, while Choice Hotels, Best Western, Hyatt, and Wyndam are among those that have so far refused to sign.” Ricken Patel, Executive Director at Avaaz, cited in Avaaz.org, “Hilton Worldwide Responds to Avaaz Campaign, Joins Fight Against Sex Trafficking”, November 8, 2010, https://secure.avaaz.org/act/media.php?press_id=219

Issues related to voluntary guidelines

- Lend attractive flexibility
- Lack of details about implementation and accountability
- Leads to inconsistent and/or limited application
- Weak enforcement



States

MNCs

**Child Rights &
Business**

International
Organizations
/ Int'l NGOs

III. CRIAs and business

- “A business model describes the rationale of how an organization creates, delivers, and captures value”, through organisational structures, processes and systems*
- Also need to consider results
- CRIAs are necessary response to the relationship of business to children’s rights
- *Osterwalder, A. & Pigneur, Y. (2009), *Business Model Generation*, Amsterdam: Modderman, http://www.businessmodelgeneration.com/downloads/businessmodelgeneration_preview.pdf [accessed 24 April, 2012] p. 14-15.

CRIAs are:

- tool to support CSR/sustainability agenda
- Reflect good business practice to avoid unintended negative consequences

Challenge: Implementation

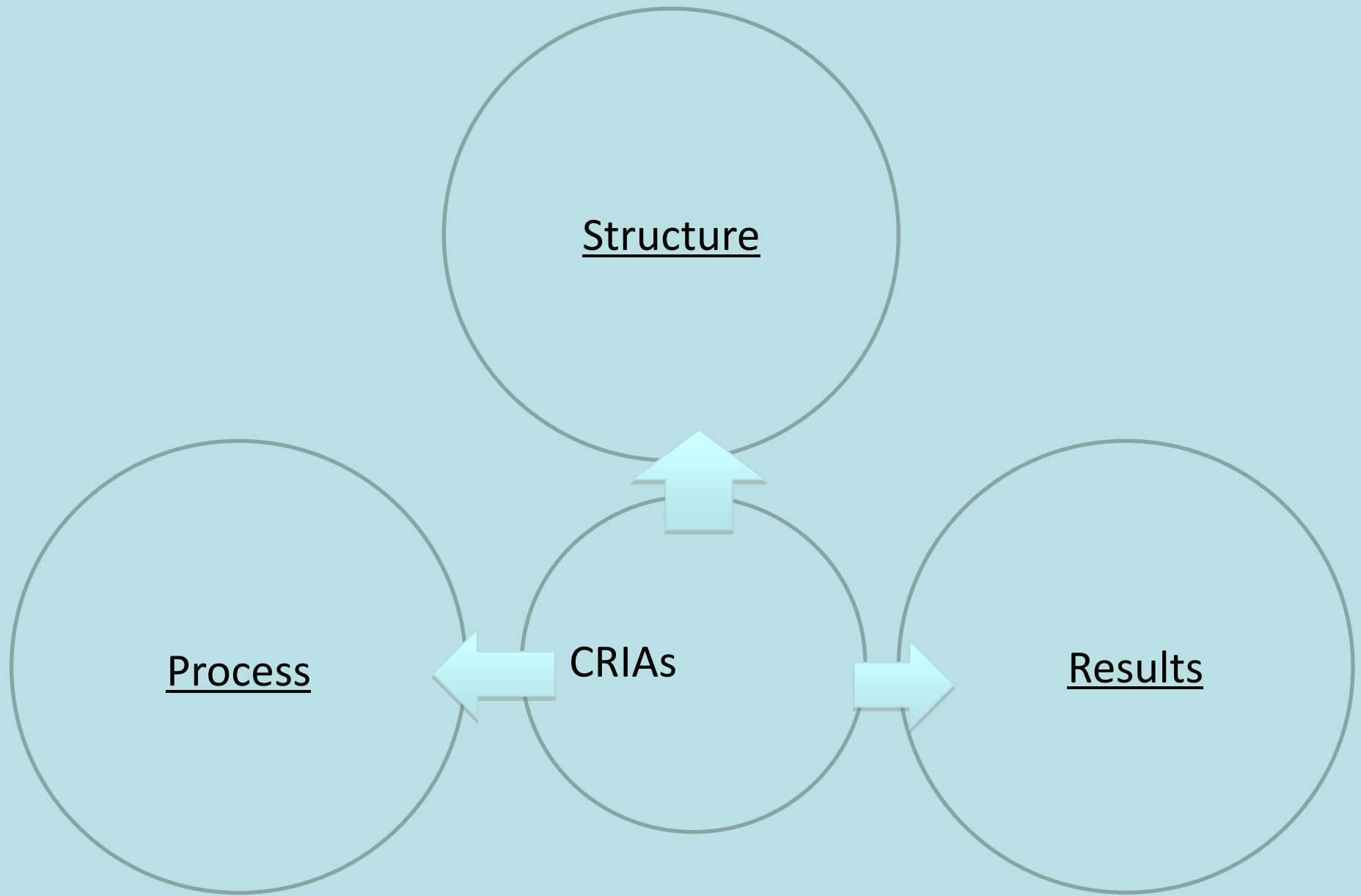
- “CEOs believe that execution is now the real challenge to bringing about the new era of sustainability.”*

Survey of 766 UN Global Compact member CEOs

- *Lacy, P., T. Cooper, R. Hayward and L. Neuberger, “A New Era of Sustainability: UN Global Compact”, Accenture CEO Study, Boston: Accenture and United Nations Global Compact, 2010, p.11
- No global process for business to demonstrate respect of UN Guiding Principles (Mazar and Shift effort)
- Challenge is relevant to CRIAs

Some CRIA considerations:

- CRIsAs can assess impact and support evidence-based decision-making
- Risk assessment focus on both addressing/reducing as well as preventing the risk to children (Powell and Uppal, 2012)
- Assess direct and indirect impacts as well as negative and positive impacts
- Undertaken at regular intervals esp. for changes or new activities (UNICEF) however unexpected CRIsAs also valuable
- Participatory processes
- Initial and full assessments (SCCYP, 2006)
- Monitoring: collect, analyze and report (Collins,



Structure

- leadership on children's rights
- CR awareness-raising and education
- Commitment by corporate governance to CRIAs
- States and other actors can support this dimension

Processes

- product or service design, product manufacturing and service provision as well as marketing
- As examples: lead paint or ink, or harmful stereotypes?
- CRIsAs can monitor decision-making

Results

- Assess reality of CR commitment and efforts determined through procedural considerations including:
 - CRIAs: what role and significance do they have in decision-making?

CRIAs can:

1. Influence activities that directly relate to the business = value focussed, and
2. traditional community-oriented activities
 - positive and/or negative motivations, ie Nike
 - Business case and moral case

States should:

- Conduct thorough independent analysis of status of the Ruggie framework within jurisdictions;
- Advance understanding of, and follow up to the responsibilities of actors including business within their jurisdiction:
- Legislate requirement of due diligence as per Ruggie framework, which should include necessity of CRIAs; Support other states as needed, ie PPIC work
- Support broad participation in monitoring

IOs and int'l NGOs should

- Advance CR awareness
- Work with business
- Support states to realize their responsibilities
- Advance accountability of business

MNCs should

- Improve HR/CR awareness and responses
- Private sector's focus on service provision: Philanthropic or charitable efforts have limited impact: CRBA
- Support CRIAs and both internal and independent monitoring

IV. Summary

As per Ruggie framework,
no need to make the case that
business has a role with respect to
human rights as it has a
responsibility.

Summary:

1. Child rights are relevant and important in relation to business
 - CR and CRIAs offer an opportunity to improve business efforts in relation sustainability, ethics, & CSR.
2. There are contributions by states, IOs and NGOs and businesses.
3. Children's rights should be respected and CRIAs should be developed and advanced in order to influence all business structures, processes and results related to children.

- CCRC: full implementation of child rights not only a moral and legal obligation but also a good economic and social investment.*
- *What relationship does business want with children?*

- Canadian Coalition for the Rights of Children (2011). *Right in Principle, Right in Practice: Implementation of the Convention on the Rights of the Child in Canada* (Ottawa: Canadian Coalition for the Rights of Children) available at: <http://rightsofchildren.ca/monitoring>, p. 1.

“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

Unicef, Global Compact and Save the Children (2012), How Business Affects Us: Children and young people share their perspectives on how business impacts their lives and communities, June-August 2011, Unicef, The Global Compact and Save the Children, http://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/How_Business_Affects_Us.pdf accessed 21 March 2013, p. 12.



All photos by Valerie Burton.

Business and CRIAs: Discussion Questions

- Why should business develop and utilize CRIAs? What are the benefits?
- How should business utilize CRIAs in their processes?
- What should be the role of children's participation (including marginalized children) in business use of CRIAs?
- What are some examples of good and poor monitoring practices by business?

V. Case Study: How would CRIAs work for business?

Value focused example

Press Release: You have been appointed as new CSR official in Unilever, which is seen to be leader on “responsible capitalism”. You have CR understanding but need to develop a strategy to incorporate CRIAs into the company.

What is the pitch for CRIAs and how would you go about implementing CRIAS? What are your considerations and first steps?

Unilever: facts & figures*

- Products sold in more than 190 countries, with sales of €51 billion in 2012.
- Emerging markets now account for 55% of business.
- 14 brands with sales of more than €1 billion a year.
- More than 173,000 people work for Unilever.

*<http://unilever.com/aboutus/introductiontounilever/unileverataglance/>

Unilever: facts & figures*

- 127 million involved with Lifebuoy handwashing programmes since 2010, and 49 million people through Brush Day and Night oral care campaign during 2010-2012.
- 100% of palm oil purchases in 2012 were from sustainable sources.
- 39% of all tea sourced comes from farms certified by Rainforest Alliance.
- Greenhouse gas footprint of the use of products reduced by around 6% since 2010.
- Over half of 252 manufacturing sites across the world send no non-hazardous waste to landfill.

*<http://unilever.com/aboutus/introductiontounilever/unileverataglance/>

UNILEVER & CRIA

- *What is the pitch for CRIAs and how would you go about implementing CRIAS?*
- *What are your considerations and first steps?*

Discussion Questions:

- *What are the lessons learned from these examples?*
- *How should CRIAs be done or not done?*
- *What concerns do you have? How can they be addressed in CRIA design and implementation?*
- *Different sectors or multisectoral approach?*