



GLOBAL MARCH
Against Child Labour
Contra el Trabajo Infantil
Contre le Travail des Enfants

Global March Against Child Labour's Comments towards the General Comment by the UN Committee on the Rights of the Child on Child Rights and Business

Global March Against Child Labour

The Global March Against Child Labour is a worldwide coalition of civil society, teacher and trade union organization united in their determination to protect and promote the rights of all children, in particular the right to receive a free, meaningful and good quality education, to be free from economic exploitation and from performing any work that is likely to be harmful to their physical, mental, spiritual, moral or social development.

The Global March began its journey to raise awareness of the prevalence of child labour through a physical march launched in Manila, Philippines, on 17 January 1998. The torch was taken up by organizations in over 100 countries on all continents and the march travelled 80,000 kilometres across the globe before arriving in Geneva, Switzerland, in June 1998. At that time, the annual conference of the International Labour Organization (ILO) initiated discussions on what was to become ILO Convention No. 182 on eliminating the Worst Forms of Child Labour as a priority for the international community.

The march marked a turning point in the fight against child labour, bringing together like-minded organizations, institutions and individuals in a worldwide movement of national coalitions. These coalitions have sustained efforts in their countries to raise public awareness, support policy changes, foster partnerships and enhance knowledge to help reduce the exploitation of children.

Stichting Global March Against Child Labour, Rokin 38-I, 1012 KT Amsterdam, The Netherlands
Global March International Secretariat: L-6, Kalkaji, New Delhi-110019, India
Tel: +91 11 41329025; Fax: +91 11 40532072; Email: info@globalmarch.org; Website: www.globalmarch.org

Since 1998, the Global March and its partners have focused on promoting universal ratification and implementation of the ILO Convention No. 182 and 138 on the Minimum Age of Employment which sets the benchmark for the elimination of all forms of child labour, as well as the application of the UN Convention of the Rights of the Child (UN CRC), achievement of the Millennium Development Goals (MDG) and other international instruments related to the protection of children.

Child rights and businesses

The world today is a world in crisis, both socio-political, economic and environmental – the Arab Spring has unleashed a wind of change ushering democratic and economic reforms, global turmoil in the financial markets has put national budgets under pressure, and escalating unemployment, food insecurity, water scarcity, hunt for renewable energy and climate change have added to the list of global problems. *Business-as-usual* will buckle under sustained pressure from these crisis. And, under duress the world community must collectively engage to find solutions, reflecting and innovating for sustainable change and development.

Further, the process of globalization and other global developments over the past decades have seen non-state actors such as transnational corporations and other businesses play an increasingly important role not only internationally, but also at the national and local levels. The growing reach and impact of business enterprises have given rise to a debate about the roles and responsibilities of such actors with regard to human rights.

More and more companies have recognised that they must operate responsibly and work to uphold international agreements on human rights and promote decent work for adults. However, in recent times there is a growing awareness that the goods and services supply chains are not immune to the presence of child labour. Of all the exploited workers, children are the most vulnerable, physically, mentally and emotionally.

While ‘corporate social responsibility’ efforts have reached a critical point in time, with much learning and improvement, there also have been many setbacks. The current prevalent system hinged on ‘policing’ is largely perceived as flawed and ineffective in preventing slavery and

human trafficking in goods and services supply chains. There are more children, women and men in slavery now than at any time in world's history. Greater accountability and transparency clubbed with real stakeholder engagement, that integrate business practices for the implementation of workplace monitoring and verification with state labour inspectorate and trade union dialogue should be the skeletal framework for ethical business.

Children's rights are everyone's business

At this stage of consultation, Global March would like to refer to the *Annotated Outline of the General Comment by the UN CRC regarding Child Rights and Business Sector*. The main focus of the organisation and its worldwide network of members, including teachers' and civil society organisations and trade unions, is that of the elimination of child labour. In this respect, as a general comment, Global March is concerned at the limited reference to the causes and consequences of child labour, especially in the global supply chains, and the impact businesses have on child rights, especially child labourers. There is a well-documented correlation between the incidence of child labour and their presence in the various manufacturing and processing sectors, including agriculture which hosts the largest numbers of child labourers (60%) in the world.

With 215 million child labourers worldwide, and some 115 million children in hazardous work, child labour has to be given prominence in the General Comment as it is integral to the workings of an enterprise and is a violation of a child's right to be free from economic exploitation (Article 32 of CRC). The business sector operates in the normative space provided by the State, and it is imperative that the State upholds the right of the child to be free from economic exploitation and child labour.

It is vital to keep in mind that the issue of child labour is an integral element of the bigger picture of poverty alleviation, human development and decent work principles. Child labour has to be tackled through holistic approaches that target any issue that affects children's development, including household poverty, social and cultural norms, education, social protection, and employment. Therefore, a comprehensive policy and legislative framework, set within efforts to bring about social change, is paramount. But, the same holistic vision has to apply to the issue of how business practices can impact on child labour.

The Global March believes that to counter the problem of child labour a combination of reactive and proactive measures at the government, business, trade unions and the civil society are needed. The civil society and trade union organisations which make up the membership and governance of the Global March have lobbied for many years for greater transparency and accountability along the supply chains to ensure that core labour standards are respected, applied and enforced at all stages of goods and services in different industries in different countries.

This approach has been manifest in a number of sectoral initiatives around the world, for example tobacco, carpets, football-stitching, surgical instruments, garments, cocoa, etc., which have experienced varying degrees of success and which can all contribute significantly to knowledge development, resources and management.

Global March's Recommendations:

Recommendation 1

Child rights due diligence: State parties should develop regulatory framework for the protection of children's rights that are impacted by the business sector – including stringent child rights due diligence processes that are holistic, in the best interest of the child, prevent and respond to the violations.

State parties must ensure that business respect and comply with existing laws, norms and standards in relation to children's rights, both at national and international level. To ensure this due diligence of business impact on child rights including child labour is critical. The due diligence, building on the regulatory framework for the protection of children's rights, must derive from the international and national policy and legislative frameworks with clear measures to respond to violations and reparations both legal and non-legal.

With transnational corporations spanning numerous State boundaries, it is important that State parties at both home and host States are responsible and fulfil their obligations towards children's rights with the national and international frameworks. The state parties should develop mechanisms to ensure the fulfilment of the obligations by the principal employer who is the ultimate beneficiary of the goods or services or the proceeds of their sale, to ensure reparation by the transnational corporations.

Recommendation 2

Transparency and accountability: State parties should promote strong transparency and accountability frameworks, including integration of the independent voluntary business practices with the state labour and welfare mechanisms

There is a lack of transparency and of an effective monitoring system of how businesses impact children's rights. The business reporting mechanism consists, at best, in a self-assessment exercise and it does not provide effective monitoring and verification of the principles.

The state parties should develop transparency and accountability frameworks for the businesses to operate in including national corporate social responsibility guidelines, transparency in the supply chains and accountability of the business action. An example of transparency framework is the *California Transparency in Supply Chain Act of 2010*, a disclosure law in the state of California, U.S.A. that rests on a process of human rights due diligence by the companies and public disclosures of the same.

Recommendation 3

Implementation and enforcement: State parties should develop implementation and enforcement mechanisms, including the reporting of the General Comment regarding child rights and business sector in their regular reports to the CRC. The implementation and enforcement of the General Comment should be mandatory by the state parties.

The transparency and accountability frameworks, as mention in Recommendation 2 could be a mechanism to promote businesses to report as well as to submit to independent monitoring as well as for reparations on businesses that act in ways that violate child rights.

Data and information should be collected related to child rights including making use of relevant indicators by systematic compilation and analyses for impact of business on

child rights to enable comparisons between member states' actions on protecting and enforcing child rights.

Additionally, on 19 December 2011, the UN General Assembly approved a third optional protocol on a Communications Procedure, which will allow individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols. Provisions should be made within the new protocol for reporting on the impact of business on child rights and reparation mechanisms for violations reported by children.

As a general note, Global March recommends more detailed understanding on what is already being done with respect to the business impact on child rights particularly portrayal of children in media and advertising, private sector as service provides, family-friendly policies at workplace, public procurements and legal liability of businesses towards violations. Over the several years huge investments have been made by businesses towards child rights, and the issue of 'conflict of interest' has been raised making it crucial to understand the impact businesses have had on child rights and their well-being.

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