The Business of Child Rights
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Executive Summary
The initiative of the UN Committee on the Rights of the Child to develop a General Comment on child rights and business is much appreciated. It is important for CRC States parties and business, whether small, medium or large, to consider the role of business and its impact upon children and their rights. Accordingly, it is argued that: business must be engaged in the development and implementation of this General Comment; and that a new business model must be advanced that affirms a child rights-based approach. Business and states parties must recognise their roles and responsibilities in relation to children and their human rights. This submission addresses in turn the procedural concern and substantive concerns related to the general comment. Recommendations for progress in the relationship of the business of child rights are included throughout the text and collated as an appendix.

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I. INTRODUCTION
The relationship between child rights and business must be elaborated consequently
the UN Committee’s effort to develop this General Comment is much appreciated to contribute to consistent child rights interpretations and implementation. The international community has advanced the relationship of human rights with the corporate sector,² but clarity is lacking about the role of business and child rights, impeding implementation and exacerbating violations. Child rights as enunciated in the Convention on the Rights of the Child (hereinafter CRC) and other international

¹ The author thanks the UN Committee on the Rights of the Child for the opportunity to contribute this submission. It is noted that the views expressed therein are those of the author and do not necessarily reflect the views of the organisations with which the author is associated. The valuable support of Penny Collenette, Gabby Collins and Tracey Fyfe during the development of this submission is much appreciated. Many thanks!

and regional human rights instruments are relevant to the work of business. While rights have traditionally concerned the state and relations with individuals, there is now greater understanding of the private sector’s relevance. In considering business, there are numerous positive contributions but also many concerns in relation to children and their human rights. Hence, this brief submission considers how the business relationship with child rights can be improved.

Many businesses are generally concerned about children. There are numerous examples including:

- one hundred million treatments of antimalarial developed especially for children delivered to 39 countries by Novartis in cooperation with Medicines for Malaria Venture (MMV); 
- ‘Success By 6’, an early childhood development initiative in almost 250 communities in British Columbia, Canada, involves not only the provincial government, credit unions and volunteer non-profit organisations but also engages key leaders including business;
- Indian companies have established non-profit foundations to benefit communities and a Brazilian private foundation set up by toy manufacturers is actively supporting street and working children;
- microfinancing improves the situation of children directly and indirectly around the world including in Haiti where it helps families send children to school, and
- UNICEF acknowledges that one-third of its funding comes from the private sector comprising individuals, corporations, foundations and organizations.

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In light of these positive examples, business has already demonstrated its commitment to children and it is now time to expand these efforts. Furthermore, business should develop and adopt a rights-based approach to children for sustainable, effective efforts. Consequently, this submission addresses two main questions:

- How may CRC States parties effectively address and support the connection between business and child rights?
- How can business better respect child rights obligations?
- How can business be engaged to support child rights?

While recognising the particular cultural, historical and geographic contexts of business, it is important for states parties and business, whether small, medium or large, to consider the role of business and its impact upon children and their rights. Accordingly, it is argued that: business must be engaged in the development and implementation of this General Comment; and that a new business model must be advanced that affirms a child rights-based approach. “A business model describes the rationale of how an organization creates, delivers, and captures value”, implemented through organisational structures, processes and systems. Due to the relevance of children, strategies must be developed that reflect various actors’ roles, responsibilities and the impact upon others, whether direct or indirect. The General Comment could be considered the currency, or the medium of exchange that transmits the rights-based values, policies and practices to render the relationship of business to child rights meaningful to others.

To this end, it is submitted that the business of child rights stresses the importance of children and their human rights, in addition to the standard value propositions of business to customers of various goods and services. While many businesses and their leaders support children’s organisations in various ways, charity or generosity to children does not necessarily reflect this approach. Rather, as Eglantine Jebb explained in 1922, rights evoke efforts along “constructive rather than charitable lines.” This orientation reflects the fact that the international community has affirmed child rights in international law, which are also significant for law, policy and practice. A rights-based approach to children advances improved understandings of children, and the people and contexts around them. This approach, aims to implement international rights; provides a tool to analyse issues; strengthens relevance; affirms the legitimacy of claims; allows measurement of progress; and efforts will likely be more effective and sustainable. Consequently, a rights-based

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16 Ibid., p. 16.
approach is fundamentally different from a charitable one. “Accordingly, rights demand and inspire approaches, which are neither reflections of generosity, nor vagaries of political whims, resources constraints or other excuses. Rights should involve responses to established legal obligations and duties to human beings.” Furthermore, rights are internationally understood and affirmed to be the “foundation of freedom, justice and peace in the world.”

Not only could the rights-based approach improve efforts, it is relevant to a range of actors and requires ongoing and comprehensive action to respect the CRC commitment. If business improves the relationship with children and their rights, the sector should develop a more sustainable and effective business practices and model. Moreover, full CRC implementation is not only a moral and legal obligation but also a good economic and social investment as the Canadian Coalition for the Rights of Children has pointed out.

It should be noted that this submission relies on the definition of the business sector used in the Annotated Outline (p.2), namely “all business enterprises, both transnational and others, regardless of their size, sector, location, ownership, control and structure.” First, the submission considers the procedural concern related to the development of the General Comment. Second, substantive concerns in relation to the General Comment are discussed. Various recommendations for consideration are identified throughout the text and also collated in an appendix.

II. PROCEDURAL CONCERN RELATED TO THE GENERAL COMMENT

The development process for the General Comment should include the participation of business if it has not yet been advanced. The Annotated Outline’s introduction identifies various supporters of the UN Committee’s working group but there is no identification of business representation. High-level business representation should be included in the upcoming multi-stakeholder consultations. While civil society has expressed concern about the role of corporate power, nevertheless business is relevant to this dialogue and must be engaged. Analogous to the argument that we

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should not talk about children without them, we cannot approach the topic of business without representation from this sector. Moreover, how will business respect the outcome if this sector remains outside of the process? The recent publication of the Children’s Rights and Business Principles has also inspired such concern. Hence, it is recommended that the UN Committee invite the participation of the business sector.

It is also suggested that the UN Committee and its members should identify opportunities to engage with business at national, regional and global levels. For instance, the UN Committee might consider engagement with the World Economic Forum (WEF), which describes itself as “committed to improving the state of the world”, since it connects business with governments and civil society. The WEF has identified 49 issues including food security, education and health, which are generally relevant to children, but it has not yet officially focussed on a rights-based approach or children as priorities. However, it already recognises for instance “…that economic progress without social development is not sustainable, while social development without economic progress is not feasible. Our motto is ‘entrepreneurship in the global public interest’.” Consequently, the UN Committee and its members could engage with the WEF to stress the relationship of child rights to effective and sustainable social development and economic progress at WEF regional meetings and annual meetings in order to urge for coordinated action. After all, the WEF recently had Archbishop Desmond Tutu urge men to put an end of child marriage so the precedent of considering children’s issues exists. Invitations for the upcoming consultations could be extended to some WEF members or strategic partners, which represent various global companies from various regions and industries. Other potential participants are: the Conference Board, a global, independent business association; the International Labour Organisation (ILO), which already engages employers and workers to support social dialogue; the Organisation for Economic Co-operation and Development (OECD), which has regional roundtables and programmes on corporate governance; or active business participants across sectors and geographic regions, representing different types of ownership, in the UN’s Global Compact for example, since their participation


37 OECD, “Corporate governance”, and “regional roundtables and programmes, http://www.oecd.org/topic/0,3699,en_2649_37439_1_1_1_1_37439,00.html, http://www.oecd.org/document/9/0,3746,en_2649_34813_2048457_1_1_1_1_00.html [accessed 4 May 2012].
indicates relevant interest in corporate citizenship and sustainability. With such engagement, informed action and responses from business can follow. It must be noted that these actors may not initially understand the relevance of this initiative in relation to their work, necessitating effort to establish linkages (for instance presenting child rights as an ethical and legal obligation as well as necessary investment) in order to support communication.

III. SUBSTANTIVE CONCERNS RELATED TO THE CONTENT

A new business model should reflect a child rights-based approach and not only be reflected in States parties’ measures of CRC implementation but also in the values and efforts of businesses. To be clear, States parties must be active in regulating business activity that affects children. This expectation is already supported by the general population in some contexts. For example, 90 per cent of British voters in a 2006 poll believe government should set out enforceable rules to ensure companies are socially responsible. Nevertheless, governments are not always supporting child rights. There are various concerns about retroactive or weak legislative efforts in relation to business including as examples: the Alberta and British Columbia provincial governments in Canada weakened child labour standards; and weak infant formula regulation by states. Indeed, Vogel points out: “The most effective strategy for reconciling private business goals and public social purposes remains what it has always been, namely effective government regulation… CSR should not be regarded as a long-term substitute for the rule of law.” Effective supervision is required to improve the relationship between child rights and business.

This submission now focusses on CRC measures of implementation in relation to business and child rights, relying on the structure of the second half of the Annotated Outline.

38 For instance, there are currently 5535 active business participants in all sectors; UN Global Compact, “Participant Search”, http://www.unglobalcompact.org/participants/search?commit=Search&keyword=&joined_after=&joined_before=&business_type=2&sector_id=all&listing_status_id=all&cop_status=active&organization_type_id=&commit=Search [accessed 26 April, 2012].
39 For example, the Conference Board has identified common issues that do not identify children or rights however an entry may be made in relation to “governance and business ethics” under the theme of “Corporate Leadership”; http://www.conference-board.org/topics/businessissues.cfm [accessed 26 April 2012].
Measures of Implementation

1. Legislation and regulation

While the Annotated Outline acknowledges the importance of implementing and enforcing legislation, it would be beneficial if the General Comment could also consider the following issues.

a) Piecemeal approaches to legislate and regulate the relationship between business and child/human rights at the national level should be avoided as they are time consuming and inefficient. As the issues related to rights are similar, new legislation in terms of child or human rights should not focus on one issue or any one industry, such as mining, but rather should affect the whole business sector.

b) States parties should legislate explicitly the requirement of due diligence, as outlined in the UN “Protect, Respect and Remedy” Framework, by the business sector in both national and international activities.

c) The Annotated Outline does not address the problem for child rights from the distinction between public and private spheres of activity, where public actions implicate state responsibility, and private actions are outside of such public regulation, which causes difficulty in relation to effectiveness of legislation. This distinction, which traditionally excludes rights abuses, conveniently excuses the state from providing full legal protection to children. This distinction also impedes enforcement action in relation to business activities. Charlesworth and Chinkin enunciate that economic globalisation is redefining the role of the public sphere so that it facilitates privatisation and requires government primarily to serve commercial interests rather than social justice and human rights. The authors identify economic globalisation as one of the major challenges to all human rights. Due to the significance for government regulation, it is recommended that the Committee consider the relevance of the public and private distinction in relation to child rights.

d) The Annotated Outline inadequately addresses pervasive marketing practices affecting children, which should be better regulated. Marketing uses scientific advances in order to transform children into consumers with significant ethical consequences for child well-being and health. While families play a role in mediating this influence, greater government efforts are required. Much

45 Collenette, Professor Penny and students of CML, 4107: A New International Corporate Reality: The Business of Human Rights course, Law Faculty, University of Ottawa, spring 2012.
46 Ibid.
49 See further Chinkin, C. (1999), op cit.
52 Ibid., 249.
research focusses on the American context\textsuperscript{54} but the reality of globalisation means that marketing and commercialisation are worldwide issues. Consequently, effective legislation and regulations and their effective implementation are required to restrict and better monitor such marketing practices.

e) It is recommended that the UN Committee should regularly request States Parties to describe in their CRC reports how their legislation is making an impact upon business and its practices.

2. Judicial and non-judicial mechanisms

In order to redress violations, remedies are essential to support child rights obligations but remedies are not clearly determined due to the absence of: an international judicial authority in the human rights sphere; and a coherent or consistent approach to remedies for state violations.\textsuperscript{55} Several international instruments and mechanisms affirm access to effective judicial or appropriate remedies at both the national and international levels.\textsuperscript{56} But as children tend to be less visible and more vulnerable than adults in society, violations are more likely to be hidden with less costly consequences for the state. Consequently, the UN Committee’s General Comment on national human rights institutions\textsuperscript{57} and the recent adoption of the Optional Protocol to the CRC on communications (OPIC) are important.\textsuperscript{58} However, as the OPIC preamble notes, this Protocol is to “reinforce and complement national and regional mechanisms allowing children to submit complaints for violations of their rights” and encourages the development of “appropriate national mechanisms”.\textsuperscript{59} The state decides whether the right to remedy by competent authority may be executive, administrative or judicial.\textsuperscript{60} While there are some arguments favouring judicial restraint or activism,\textsuperscript{61} the courts have an appropriate and important role in relation to all child rights. National remedies however, must address issues of children’s capacity and appropriate support to be effective. Moreover, international human rights are more easily adjudicated in monistic legal systems, posing a challenge for those in dualistic legal systems. As a result, awareness-raising and training about children’s


\textsuperscript{56} See for example: article 8 of the Universal Declaration on Human Rights, UN Doc. A/RES/217 A (III), 10 December 1948; article 2(3) of International Covenant on Civil and Political Rights, UN Doc. A/RES/2200 A (XXI), 16 December 1966, entered into force 23 March 1976; and the UN Committee on Economic, Social and Cultural Rights, General Comment 12, UN Doc.E/C.12/1999/5, para.32.

\textsuperscript{57} UNCRC (2002), CRC General Comment 2, UN Doc. CRC/GC/2002/2.

\textsuperscript{58} Although this instrument is not yet in force, it is influential and as of 25 April, 2012, it has been signed by 21 states. United Nations, Treaty Collection: “Chapter IV: Human Rights, 11.d Optional Protocol to the CRC on a communications procedure”, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&clang=en


\textsuperscript{60} See for instance, ICCPR a. 2(3); Schachter, O. (1991), International law in theory and practice, Dordrecht: Martinus Nijhoff, 240.

\textsuperscript{61} For instance, see Manfredi, C. (1993), Judicial Power and the Charter, Toronto: McClelland & Stewart.
rights and their applicability in national law must be specifically available to and utilised by judges, lawyers and others in the latter systems.

The students and professor of a human rights and business course at the University of Ottawa have developed several pertinent recommendations, which are valuable given the difficulties for children and their advocates to challenge alleged rights violations caused by businesses. First, the jurisdiction to adjudicate alleged rights violations by the corporate sector should be ensured in at least one court in the country. Second, there should be reverse onus, whereby business would have the burden of proof to disprove any allegation of rights violations. Third, dispute resolution should be considered as an alternative to adjudication in order to resolve disputes quickly and provide restitution as appropriate. However, adjudication should remain an option for some conflicts to bring about systemic change. Fourth, in some situations where compensation for damages must be made, a national victims fund should be established. As the Annotated Outline acknowledges (p. 6), provisions in the CRC already call for compensation and measures to promote recovery after harm. Hence, it is recommended that a proportion of this victims’ fund should be designated specifically to redress, compensate and support children adversely affected by business action, inaction, or oversight.

3. **Administration**

Every State Party should undertake a thorough independent analysis of the status of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework in its national context. Such analysis is essential to identify the relationship of the State Party, its corporate sector and the expectations and efforts of relevant actors. This analysis should include a focus on children and their human rights. Then, a national strategy should be developed to respond appropriately and effectively to the research findings as an important next step.

4. **Policy**

The general lack or weaknesses of domestic remedies highlights the importance of monitoring to reveal the situation of child rights and to advance progress. The Annotated Guidelines recognise monitoring as an administrative concern. However, it is argued that it should be a matter of policy to reflect commitment to the process as well as be an administrative matter. As a result, discussion of this subject is included in this section and considers the following issues: accountability of business; voluntary codes; independent monitoring; and resources.

In addition to States Parties’ responsibilities, the Annotated Outline identifies the importance of holding businesses accountable to reporting their child rights impacts. While business makes various positive contributions to children’s lives (as described

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62 Collenette et al., op cit.
63 For example, Federal Court should probably have this authority in Canada; ibid.
64 Ibid.
65 This fund would be particularly important in situations where children need special care and families are struggling to provide this care.
earlier), the business sector generally tends to stress service or goods provision to children to reflect community commitment. However, this approach restricts the availability of resources to support research and policy work, which also influence children’s lives but in a less direct fashion. In light of the challenge of lack of information and limited research, there is room for improvement of business support of these activities. For instance, the corporate world has been urged to adopt a “triple bottom line” to reflect environmental and social justice concerns, examined through auditing. Due to lack of information and limited research of business activities, this is often a challenge for businesses to ascertain. A positive exception is the Gap clothing corporation’s monitoring of sweatshops among its suppliers, potentially influencing *inter alia* child labour and other North American retailers. However, a report that enslaved children escaped a Gap sub-contractor highlights the ongoing challenge of regulating suppliers. Furthermore, just as many states parties often present limited information and reflect questionable willingness and capacity in their CRC reports, generally businesses are averse to publicising their problems due to the potential negative impact on their image and market value. Nevertheless, such contributions provide more information about child rights and the roles and impacts of other actors. Hence, it is recommended that such corporate monitoring efforts should be appreciated and expanded. Broad participation in monitoring beyond state governments is necessary so that there are more data to improve understanding and overcome the obstacles of limited participation and contributions as well as support ongoing dialogue among all relevant actors.


69 Himes et al. (note 72 above), 165.


72 Collins (2007), op cit., 40.

Voluntary codes of conduct in particular countries or areas have been generally beneficial to increase awareness. These codes have not only supported the connection between human rights and business actors and their practices, but also supported interactions among stakeholders. For instance, there is greater recognition of the role of hotels in relation to child sexual exploitation. Avaaz, a global networking website, successfully encouraged Hilton hotels for example to sign a global Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in 2012. While this is a positive development, it took over 300,000 signatures on the online petition to achieve this success. Avaaz recognizes: “… 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.” While Avaaz argues that other hotel chains have a similar responsibility, does Avaaz have to target every global or national hotel chain with a global campaign in order to apply such pressure and achieve this success? Moreover, how can attention to these signatories be sustained following such campaigns? While there is an annual reporting obligation under what is considered a strong code, it is imperative that effective and consistent monitoring assess the impact of this code of conduct upon signatories and support the code’s ongoing relevance and progress for child rights.

Additional efforts are needed in relation to voluntary guidelines due to evidence revealing their weak and limited influence. For example, Doane and Holder found: violations of three significant sectoral codes; contradictions between the market and the codes; failure to enforce sanctions under established governance arrangements; and lack of government support of the codes. In general, codes are inconsistently and/or inadequately applied. It is fair to ask whether some actors are only motivated by good public relations, rather than supporting child rights? Weak enforcement is also a problem. In another study about child care, there is a documented trend towards self-evaluation, deregulation, and administrative simplification, which does not serve child rights. While governments continue to support this approach, states parties must ensure their active participation in regulating the business sector and imposing sanctions and fines as appropriate to support child rights.

Independent monitoring of child rights is another important area to advance. This is particularly evident due to a new Canadian development where non-governmental

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76Ibid.
organizations (NGOs) are struggling from reduced governmental funding.\textsuperscript{79} Some organizations that have been traditionally independent have agreed to work directly with mining companies to obtain federal international development assistance in order to minimize the impact of extractive efforts upon the population affected.\textsuperscript{80} It will be interesting to see how this new funding model evolves, especially its impact upon the efforts of these more embedded NGOs and child rights. Nevertheless, in order to ascertain the situation of children affected by these new arrangements without undue interference, independent monitoring is strongly recommended. Various actors and mechanisms may undertake such general evaluations of their work to identify and rectify obstacles but their subjectivity may make them more perfunctory than meaningful exercises. It is independent monitoring that illustrates a commitment to child rights through learning about the strengths and weaknesses of efforts as well as advance the best interests principle and other child rights.\textsuperscript{81} For example, the Business and Human Rights Resource Centre is carrying out such valuable independent work, involving regional researchers, an international advisory network and academic partners, to highlight both positive and negative human rights impacts worldwide, covering over 5000 companies operating in over 180 countries, and facilitating dialogue among the concerned actors.\textsuperscript{82} This organisation includes attention to children.\textsuperscript{83} Independent monitoring could be carried out by NGOs if uninvolved in the specific situation, however they tend to focus on specific issues or populations rather than the role and efforts of business. Academics could fulfil this function but resources must be available.

Lack of, or limited resources (comprising financial, human, organisational and technical) however, hamstring the overall system, actors and impact of monitoring efforts.\textsuperscript{84} Resources are fundamental to ensure efficiency and effectiveness of monitoring, but how can the cost/benefit issue be resolved to ensure dedicated resources are justified?\textsuperscript{85} If monitoring does not benefit practical understanding of child rights, the value of the results and the process come into question. In general, research has found that monitors inadequately justify the value and significance of their work and yet complain about insufficient resources.\textsuperscript{86} Success of monitoring must be measured by degree of effectiveness, accuracy, respect of child rights, and the contribution to understanding the child rights situation. Using an illustrative economic formula, Stigler for instance argues a “rational measure of enforcement procedure could in principle be established in almost any area”; so enforcement costs will not be

\textsuperscript{81} Collins (2007), op cit., 91-92.
\textsuperscript{83} For instance, using ‘child rights’ as the search term identified 440 items; \url{http://www.business-humanrights.org/Search/SearchResults?SearchableText=child+rights} [accessed 25 April, 2012].
\textsuperscript{84} Collins (2007), op cit., 284-285.
\textsuperscript{85} Pearson, L. Senate of Canada (2002), Interview with author, Ottawa: 26 September.
\textsuperscript{86} Collins (2007), op cit., 285.
out of proportion with the return and be rationally guided and justified. Independent decision-makers are likely well-placed to deliberate the cost/benefit issue and best use of resources. In sum, independent evaluations are necessary to facilitate "monitoring the monitors" as Hammarberg identifies, in order to contribute to strengthening efforts and procedures and serve child rights.

5. Collaboration and Awareness-raising
There is a significant challenge in that inadequate numbers of people are aware or understand child rights due to lack of experience, education, training, exacerbated by the distinction between domestic and international law and in some countries, the absence of constitutional recognition. Thus, the population may not be aware of international child rights or may ignore its relevance to their work, a position that often percolates into national and local business practice. Members of the business sector also reflect this problem, exploiting children in various ways, as exemplified in a reported incident in Zimbabwe involving an 18 month-old child in a horrific attempt to improve a business venture. While there has been some success in raising awareness among those working directly on child policies and programmes, too many adults and children do not know about child rights due to unfamiliarity with human rights, concerns about conflicts with rights of adults or parents, and difficulties with awareness-raising. The barrier may be particularly evident in those countries with dualist legal traditions separating international law from the domestic legal system. Better understanding of child rights principles is needed through awareness-raising and training including business in these efforts since child rights demand more commitment and support.

IV. CONCLUSION
The international community has affirmed and elaborated child rights for several reasons. This rationale includes the understandings that: children are entitled to equal respect and concern without discrimination; recognition of their need for protection and their place within family and society; support of societal progress in order to ensure full individual development; and increasing respect of rights reflects increasing consideration of children as persons. If these rights are not respected, the impact of these violations is manifold. Violations not only affect the children

90 Yalden, Max, member of the UN Human Rights Committee (HRC) (as he then was) (2003), Interview with author, Ottawa: 23 January.
themselves and their families, they adversely influence the health of communities and country as well as potentially affect international reputation and relations with other states. Such violations can also affect the role, efforts and reputation of business. Hence, there should much more effort to improve the respect of child rights by the business sector because human rights are inherently and constantly demanding of progress. As the former UN High Commissioner for Human Rights expressed: ‘The final goal in the implementation of human rights is the improvement of the human rights situation in all countries: there is always room to improve current situations [of human rights].’ 96

The essential point is that business has a responsibility to respect child rights at local, regional and global levels. Their activities affect both the implementation and violation of child rights. Business is already making a positive contribution in relation to children, which should now advance in a child rights-based manner. States parties also have an obligation to support this development and regulate business activities and their impact upon child rights. Together with international organisations and civil society, business and states parties must recognise their roles and responsibilities in relation to children and their human rights. Consequently, it is submitted that the UN Committee and its members should support the development of a new business model that affirms a child rights-based approach. Through engagement with business, this new business model would not only support the legal and moral obligation to child rights, but also advance the economic and social investment in children that is quickly realised. In addition to developing this General Comment, the Committee can highlight positive case studies of leading businesses taking action in support of children’s rights around the world, thereby inspiring others to follow suit. While there is much more work to be done, the General Comment will be an important contribution to elaborating the business of child rights.

APPENDIX: Collated List of Recommendations for UN Committee & other CRC stakeholders

Recommendation 1: The UN Committee on the Rights of the Child should invite business representatives to the development of the General Comment on business.
Recommendation 2: The UN Committee should engage with business at various fora on matters related to child rights.
Recommendation 3: Any new legislation in terms of child or human rights should not focus on one issue or specific to any one industry but should affect the whole business sector.
Recommendation 4: States parties should legislate the requirement of due diligence, as outlined in the UN “Protect, Respect and Remedy” Framework, by the business sector in both national and international activities.
Recommendation 5: The Committee should consider the relevance of the public and private distinction upon child rights.
Recommendation 6: States parties should effectively legislate to regulate marketing affecting children.

97 CCRC, op cit.
Recommendation 7: The UN Committee should regularly request States Parties to describe in their CRC reports how their legislation is making an impact upon business and its practices.

Recommendation 8: One court at the national level should have the jurisdiction to adjudicate alleged rights violations by the corporate sector.

Recommendation 9: There should be reverse onus, whereby businesses have the burden of proof to disprove any allegation of rights violations.

Recommendation 10: Dispute resolution should be considered as an alternative to adjudication.

Recommendation 11: A national victim’s fund should be established and a proportion of this fund should be designated specifically to redress, compensate and support children adversely affected by business action, inaction, or oversight.

Recommendation 12: Every State Party should undertake a thorough independent analysis of the Guiding Principles on Business and Human Rights followed by the development of an appropriate national strategy to implement these Guiding Principles.

Recommendation 13: Corporate monitoring should be acknowledged and expanded.

Recommendation 14: Additional progress in relation to voluntary guidelines is needed.

Recommendation 15: Independent monitoring must be advanced to support understanding of the situation and support child rights progress.

Recommendation 16: Resources must be ensured for monitoring with due consideration of the cost/benefit issue.

Recommendation 17: The UN Committee should urge States parties to dramatically improve their child rights awareness and education efforts that include business.