Children and Adolescent’s Contributions to the draft General Comment on Child Rights and Business Sector

Recently, young people from Argentina, Bangladesh, Costa Rica, Kenya, Paraguay, Sudan and Tanzania were invited to review and share their feedback on the draft version of the Committee on the Rights of the Child’s General Comment on Child Rights and Business Sector. To support their process, each group received a consultation package which included: a facilitator’s guide; power-point presentation; summary of the General Comment; and questions and activities for group discussion. The express aim of the consultations was to explore the details of the draft General Comment and what governments should do to ensure business respects children’s rights. This document is a summary of the collected views, comments, and importantly, the recommendations of young people who took part in the various consultations.

Special thanks are extended to all the children and adolescents who participated and our partners who facilitated their discussions: Colectivo de derechos de infancia y adolescencia (Buenos Aires); Ichchey Media Group & CPD (Bangladesh); Momotaz Huq, Rahmat Ullah, and Kamrun Nahar; Fundacion Pani amor (Costa Rica); Susana Soto González and Walter Esquivel Gutiérrez; Fernando Hamuy (Paraguay); Atif Mahgoub (Sudan)

Who Participated?

- Children and adolescents from Argentina.
- 17 urban children (10 boys, 7 girls between the ages of 12 and 17) participated in a workshop facilitated by Save the Children’s Bangladesh country office. The participants included children with disabilities, mainstreamed children, children from child-led organizations and children from ethnic minority groups.
- 20 teenagers (6 Hatillo; 5 Heredia, and 9 Moravia) from Costa Rica participated. In terms of diversity, children from a minority ethnic group, children living below the national poverty line and children who work were represented. 12 boys and 8 girls participated.
- There were three separate meetings in Kenya. In Nairobi at least 24 children between the ages of 9 and 16 participated at the community-based Agape Hope Centre (founded to assist orphans and vulnerable children). In Molo, 35 children from the Chazon Children’s Centre. Lastly, 20 children drawn from different institutions within Machakos town and its environs participated in a meeting.
- A total of 14 children participated at the Oficina Global Infancia in Asunción, Paraguay. The gender breakdown was 7 boys and 7 girls, representing Asunción, Villa Elisa, Lambaré, Ítauguá, Mariano Roque Alonso and Nueva Italia.
- 25 children who participated in the consultation in Khartoum, Sudan. There were 14 boys and 11 girls in the age range of 12-16. This group included children who came from different socio-economic backgrounds; five children with different disabilities; four refugee children; two children living in institutions and four school drop-outs who are enrolled in alternative education programmes.
- 58 children from Tanzania took part in the consultation. These children, including some with disabilities, came from different parts of the country.
Methodology

A facilitator’s ‘package’ was disseminated to various partners with the purpose of exploring, with children and adolescents, their views and perspectives on the draft General Comment. Through the package, participants would be led through a process that would look at:

- Children’s Rights and the CRC
- The Committee on the Rights of the Child
- General Comments (in general)
- What is Business?
- The Draft General Comment about Business
- Group Discussions

The draft General Comment is twenty pages and has five different sections:

1. Introduction
2. Objectives of the General Comment
3. General Obligations
5. Framework for Measures of Implementation

To facilitate children’s discussions, a brief summary of each section was provided and participants were led through various questions and group activities. The bulk of the young people’s recommendations, however, apply specifically to sections 3 through 5.

The sections that follow provide an overview of the children and young people’s discussion, comments and recommendations relating to sections 3, 4 and 5 of the draft General Comment.
Observations of Children and Adolescents

Section 3: General Obligations

Summary: Section 3 of the draft General Comment deals with the General Obligations that various governments have to abide by under the Convention on the Rights of the Children (CRC).

The five-part section engendered good dialogue among the young people. Their comments and recommendations follow the brief description of each part.

Part A: Obligations under the Convention

Summary: Governments should respect and ensure that the rights of the child are protected in their country.

Observations from Children and Adolescents:

ALL THE RIGHTS FOR ALL THE CHILDREN
Young people from Bangladesh affirmed that all of the rights of children should be ensured and that children should be provided due respect and love.

COORDINATION
In the Costa Rica meeting, young people saw a need for greater coordination between central government, local government and business sector to strengthen enforcement of the rights of children and adolescents.

EDUCATING BUSINESS
Young people in Sudan feel that it is imperative that businesses be made aware of children’s rights.

CHILD PROTECTION
Young people in Tanzania called upon government to implement a strong child protection mechanism whose progress could be monitored.
Part B: The Obligation to Respect, Protect and Fulfil Children’s Rights in the Context of Business Activities and Operations

Summary: Governments should do everything they can to make sure business respects, protects and fulfils children’s rights in whatever they do.

“Economic exploitation…creates lack of unity in the family, because of the few hours our parents are at home and besides because of the little money from the salary. It also can generate lack of education and opportunities in the child’s life that has to work and cannot go to school.”

~ Young Person from Argentina

Observations from Children and Adolescents:

DANGEROUS WORK AND ENVIRONMENTAL CONCERNS
Children from Argentina raised their concerns about the danger of open-pit mining and called upon the government to give priority to the rights and health of the family over the economic interests of companies. These same young people called on the government to ensure freedom in the media to report the personal and environmental risks associated with dangerous work, and more generally to improve the overall working conditions for the workers. Young people from Paraguay felt that companies need to demonstrate a better commitment to the environment.

DANGEROUS/UNHEALTHY PRODUCTS
There was some consensus that businesses have an obligation to children and adolescents in terms of the products they sell. Young people from Paraguay, for example, raised the contentious issue of the sale of motorcycles to minors and the subsequent deaths and accidents related to these sales. In Tanzania, young people called on the government to tighten restrictions for drivers and their vehicles as they have caused great harm to children. Similarly, young people from Sudan spoke to the ill effects of selling cigarettes and other tobacco products to children.

LISTENING TO YOUNG PEOPLE
Young people from both Bangladesh and Argentina urged the governments to listen to their opinions about the business sector.

BUSINESS’ COMMITMENT TO COMMUNITY
While the perception of business was – as far as young people from Costa Rica were concerned – “mostly positive”, these young people still see an opportunity for the business sector to assume a stronger commitment to enforcing the rights of minors; including, but not limited to the elimination of child labour. These same young people called upon both government and business to assist in developing and improving access to health care, educational opportunities, and employment opportunities for young people. In Kenya, young people called for further restrictions on businesses that produce chang’aa (alcoholic beverage) and employ children to work for them. In Tanzania, young people believe that more funds are generally needed in the educational sector to help children get the quality education they need.
Part C: Obligations in the Context of Business’ Global Operations

**Summary:** Many businesses operate in more than one country. And while they may be following the rules/laws in one country, children’s rights may be violated by the same business in another country (for example: a company may use exploitative forms of child labour to manufacture their goods and products).

Observations from Children and Adolescents:

**RESPECTING THE LAWS**
There was a general consensus that foreign companies should respect existing laws.

**MINIMUM AGE**
Specifically, young people from Argentina call upon states and businesses to respect the minimum age at which children and adolescents can begin to work outside of the home.

**ACCOUNTABILITY AND MONITORING**
In Bangladesh, young people believe that a system of accountability must be put into place and that governments should include at least one child representative in this system. These same young people feel that the government should ensure that businessmen are not using children in drug peddling or in any kind of hazardous work and that the state should monitor the situation and, if necessary, close down the business.

Part D: Obligations in the Context of Business Operations in Conflict Situations

**Summary:** Businesses operating in a place where there is war, need to ensure they are not causing or supporting children’s rights violations (e.g., funding groups that use child soldiers).

Observations from Children and Adolescents:

**A SEPARATE CATEGORY**
Children and adolescents from Argentina put forth the possibility for a separate category that in many ways parallels the “conflict situation” one. Namely, these young people feel that the operations of companies working under “controversial situations”, is a category that must be considered. The category might include the take-over of companies on farmers’ territories often undertaken by strength of guns and by crop and home-destroying machinery.
Part E: Obligations in the Context of International Organizations

**Summary:** To create and build stronger economic and trade opportunities, sometimes governments become members of large international economic organizations. Governments should ensure their involvement in these organizations will help to respect and protect children’s rights and not cause violations.

“They (companies) have the responsibility to take care of the world we all live in.”
~ Young Female from Costa Rica

Observations from Children and Adolescents:

**ENVIRONMENTAL CONCERNS**
In Bangladesh, young people feel that international agencies should ensure that business is not harming to the environment.

**CHILDREN’S RIGHTS**
There was a consensus that international agencies should ensure that the rights of children are not being violated by business and that these agencies should ensure the security and safety of the children.

“There is a lot of discrimination, especially for disabled, since they are not given a chance to enjoy other things that normal children enjoy, for example albino children being sold or killed”
~ Young Person from Machakos, Kenya

**NON DISCRIMINATION**
Young people from Argentina feel that international companies should guarantee that there is no discrimination when working with children and adolescents.
Section 4: State Obligations and the General Principles of the Convention in the Context of Business Activities and Operations

Summary: There are four different parts in Section 4. These are actually the four general principles of the CRC that governments should follow at all times when it comes to child rights. The young people’s comments and recommendations follow each principle.

Part A: The Right to Non-Discrimination

Observations from Children and Adolescents:

ENGENDERING DISCRIMINATION
Young people from Argentina feel that some of the campaigns undertaken by certain companies can actually cause more discrimination. These same young people added that children with disabilities are never a priority for these companies.

Part B: Principle of the Best Interests of the Child

Part C: The Right to Life, Survival and Development

“*The companies and schools should have the obligation to inform or teach coaching classes on environmental issues. Make aware and sensitive about that topic and involvement in the Child Rights.*”

~ Young Person from Argentina

Observations from Children and Adolescents:

THE DISSEMINATION OF INFORMATION
Young people from Argentina believe that companies have an obligation to inform children about environmental issues through classes in school. Children from the Villa Fiorito neighbourhood, for example, spoke to the negative effects of factory chimneys, rubbish, waste and toxic minerals, especially in the open pit mining industry.

Part D: The Right to Be Heard

Observations from Children and Adolescents:

A SAFE PLACE TO SHARE OPINIONS
Young people from Argentina believe that their rights to give an opinion about the things of our concern about business activities should be respected and that their suggestions should be seriously considered. By extension of this, these young people want to feel secure in organizing and presenting their concerns in a meaningful way to an audience that is respectful and willing to seriously consider their findings. Likewise, young people in Bangladesh feel that governments and businessmen should develop a space for children where children can provide their opinion.

ACCOUNTABILITY AS A SEPARATE PRINCIPLE
Children from Bangladesh believe that “Accountability” should be considered as another principle.
Section 5: Framework for Measures of Implementation

*Summary:* There are five different parts in the draft’s Section 5: Framework for Measures of Implementation. This section describes ways to prevent abuses of child rights by businesses. It also describes ways to help fix abuses that may have already happened. The young people’s comments and recommendations follow the brief description of each part.

Part A: Legislative and Regulatory Measures

*Summary:* Governments should make laws and rules for businesses to follow to protect children’s rights.

Observations from Children and Adolescents:

IMPLEMENTATION
There was a general consensus among the young people that governments should fully implement policies and laws to protect children’s rights. The young participants from Bangladesh believe that funds should be allocated to fully implement these policies and laws. In Costa Rica, the young people called for the adoption of new laws and regulations whilst encouraging state and business to comply with existing ones. Young people from Paraguay felt that there are enough laws at both the local and national level, but that compliance with these laws is not so easily secured.

AWARENESS
There was also a general consensus that governments should raise the profile of these laws and policies so that everyone will be aware of them.

GETTING GOOD FEEDBACK
Young people from Bangladesh believe that governments should develop a process of getting feedback regarding the laws and policies so that they may be changed or adapted accordingly.

ENVIRONMENTAL PROTECTION LAWS
In Argentina, young people call for laws that prohibit multinational companies from polluting the environment (e.g., through the growing of soya with polluted products and/or through expansive open pit mining activities).

CHILD AND DISABILITY ACT
Young people from Tanzania called upon the government to implement the Child and Disability Act, an act that stipulates the rights of children with disabilities.
Part B: Remedial Measures

Summary: Governments need to investigate and punish those businesses that have violated children’s rights.

Observations from Children and Adolescents:

ONGOING INQUIRIES
There was consensus among the young people that governments should carry out serious studies/inquiries on the impact that business activities have on children and adolescents.

INQUIRY TEAM
Young people from Bangladesh feel that governments should develop an “inquiry team” consisting of children, adults and governmental officials to review the practices of businesses as it applies to children and their rights.

PUNITIVE MEASURES
By extension, young people in Argentina and Sudan feel that those businesses found to be negatively affecting children’s rights should be fined and that the funds be used for programs and social policies that protect and nurture child rights. These same young people believe that in some cases, those businesses that are found to be violating children’s rights should be closed down. Young people in Kenya and Sudan called for the punishment of any business whose operations violate the rights of children. Young people from Sudan suggested measures such as closing a business, imposing fines and incarceration are penalties that should be considered.

“There should not only be punishment to business but government should give prize to the businessmen who are doing good work for us children.”

~ Nipu (member Ichchey Media Group, Bangladesh)

REWARDS
While young people in Bangladesh agreed that there should be punitive measures issued to those businesses found to be violating children’s rights, they also believed that rewards could also be provided to those who are doing a good job of respecting children and their rights.
Part C: Policy Measures

**Summary:** Governments should make the rules clear for businesses to follow. Governments should also show how these rules will be good for everyone involved.

Observations from Children and Adolescents:

**CLARITY**
There was a general consensus that governmental policies should be very clear and understandable to all of the involved parties including those in the business world, the community, children, and importantly within the various governmental agencies.

**PRIORITY TO CHILDREN AND ADOLESCENTS**
In Argentina, young people feel that governmental policies regarding business operations should give priority to the development of children and adolescents. Along these same lines, young people in Kenya called on tighter restrictions for issuing permits to businesses that may in some manner affect children’s rights. Likewise, young people from Paraguay call on the government to make these commitments to children and their rights as part of their regular policies.

**CHILD LABOUR**
In Kenya, young people feel that most of the businesses within their community employ children and therefore promote child labour and school dropouts. And so, these children have called for tougher legislation regarding child labour and for the government to ensure that all children should go to school. Likewise, young people in Costa Rica have called for the complete eradication of child labour. Young people in Bangladesh feel that governments should follow the rules concerning child labour as stated in the UNCRC. And young people in Sudan believe that those children who do work should be paid fairly for their efforts, should not work too many hours (no more than 3 hours a day), and that they should only work after school.

**TEENAGE WORKERS**
The young participants in Costa Rica suggested that processes businesses use to recruit teenagers for employment should be done in compliance with equity and security requirements and also in compliance with existing legislation.

“*Companies [should] relate to the community, with the people who live here, and are not just buildings.*”

~ Young Male from Costa Rica
COMMUNITY INVOLVEMENT
Young people in Costa Rica feel that business should cultivate a positive relationship with the communities in which they operate. Young people from Paraguay believe that businesses should, necessarily, be deeply involved with their respective communities as to support the growth of educational opportunities.

REPRESENTATION IN THE MEDIA
Young people from Paraguay stress the importance for business to represent children within their advertising campaigns in a dignified manner and in a way that respects the rights of children and adolescents. Similarly, children from Sudan believe that businesses must observe children’s rights in their commercial promotions. One young girl from Tanzania stated that she wishes that journalists would write positive stories about children and about children’s rights in particular. Unfortunately, according to her, the opposite is too often the norm. By extension, young people in Tanzania called on the government to monitor and consider serious actions against those journalists and editors who publish questionable material that may violate the rights of children.

Part D: Administrative Measures

Summary: Governments should collect information about how businesses in their country are affecting children’s rights.

Observations from Children and Adolescents:

TRANSPARENCY AND MONITORING
There was a general consensus among the young people that governments should monitor and make public the results of implementing these rules so that all can see whether or not they are working. By extension, governments should be transparent about the activities of companies especially when considering any negative impacts these activities may have on particular communities.

CHILD PARTICIPATION IN DATA COLLECTION
Young people from Bangladesh believe that governments should involve children’s groups, child-led groups, NGOs, and media and social organizations to collect information.

“Children can provide opinion to government on what can be done and government can do that.”

~ Firoz (member Ichchey Media Group, Bangladesh)
Part E: Collaborative and Awareness-Raising Measures

**Summary:** Governments, businesses and other organizations should work together to help raise awareness about how children’s rights and business are connected.

**Observations from Children and Adolescents:**

**A SAFE PLACE TO SHARE OPINIONS**
Young people from Argentina suggested that various representatives and senators be invited to assemblies so that they might hear first-hand, the various laws that many young people want implemented. Similarly, young people from Bangladesh highlighted the importance of finding spaces in the community for businesses and young people to talk.

**TEACHING PARENTS ABOUT CHILD RIGHTS**
Young people in Kenya suggested that governments could teach children and their parents about child rights.

> “NGOs should help to educate children on their rights, especially those that relate to business”

~ Young Person from Kenya, member of Chazon Children Centre

**CHILD PARTICIPATION AND AWARENESS RAISING INITIATIVES**
There was a general consensus among the young participants that governments should involve children's groups, child-led groups, NGOs, and media and social organizations to create awareness about how business is directly involved with children and their rights. These initiatives could include public campaigns through television, newspapers, rallies, photo exhibitions and theatre shows.

> “…not just listen or read what we say, but take it into account.”

~ Young Female from Costa Rica