



University of  
Zurich <sup>UZH</sup>

Competence Center for Human Rights



# CHILD RIGHTS AND THE BUSINESS SECTOR: URGING STATES AND PRIVATE COMPANIES TO MEET THEIR OBLIGATIONS

Organized by the

**International Institute for the Rights of the Child (IDE)**

In collaboration with the

University Institute Kurt Bösch (IUKB)

International Commission of Jurists (ICJ)

Competence Centre for Human Rights, Zurich University (MRZ)

## PROGRAMME

**Course Director:** **Mr Carlos Lopez**  
International Commission of Jurists

**Dates:** From October 14<sup>th</sup> to 17<sup>th</sup>, 2012

**Venue:** Institut international des Droits de l'Enfant  
Chemin de l'Institut 18, 1967 Bramois, Switzerland  
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E-mail: [ide@childsrighs.org](mailto:ide@childsrighs.org) - Web: [www.childsrighs.org](http://www.childsrighs.org)

**Languages:** French and English, with simultaneous translation throughout  
the plenary sessions

### With the sponsorship of the

International Association of Youth and Family Judges and Magistrates

### With the support of the

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Swiss Centre for Expertise in Human Rights (SCHR)

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## BACKGROUND

The focus of this international seminar is to raise awareness and discuss ways and means to enhance the protection of the rights of the child in a business environment. It will primarily address the obligation of the States Parties to the Convention on the Rights of the Child to provide a protective framework, and remedy possible violations committed through the activities of companies. This will be done from the perspective of the rights of the child.

It is well known that business activities affect different aspects of children's lives, and can have both a *positive and negative* impact on children, communities, governments and may impinge on the enjoyment of the rights recognized by the Convention on the Rights of the Child (CRC) and its two Protocols. They can cause, or significantly contribute to, a wide range of violations of child rights, but they can also be an essential catalyst for societies and economies to strengthen and advance child rights through employment creation, technological innovation, educational improvement, and socially mindful investment.

**Children** are not a single homogenous constituency and they are impacted in various and different ways by businesses. Indeed, in relation to business, they might be employees, consumers, beneficiaries of services, directly or indirectly affected by their parents' employers, or victims of rights violations caused by trafficking, sexual exploitation, child labor, environmental pollution or land acquisition. All rights enumerated in the CRC and its Protocols are relevant in this context, but certain provisions are more directly related to the activities of the business sector, for instance, art. 3 par. 1 (best interests of the child), art. 18, par. 3 (provision of child care for working parents), art. 24 (right to health), art 28-29 (right to education), and art. 32 (economic exploitation).

**Companies and corporations** are highly diverse with regard to their nature, size, structure, operational context, location, ownership and relationship with the State. In many instances, a State can own or control businesses or can delegate powers and specific tasks to private companies (e.g., privatization or providing services and goods). In other cases, entities within the business world operate independently from the State, albeit within a framework of taxes, labor and other laws, and frequently enjoy export credits and investment insurance provided by the State.

The Sion seminar will deal with the complex issue of how States, businesses and child rights interact and the possible impacts of business activities on the enjoyment by the children of their rights. The seminar will host well known international specialists and will close with a high level debate involving professionals from a variety of backgrounds.

The programme will begin by examining the question of the responsibility of States. The Convention on the Rights of the Child imposes three types or levels of obligations on States parties: the duty to *respect*, the duty to *protect* and the duty to *fulfill child rights*.<sup>1</sup> Those obligations should find expression in the context of State actions regarding the business sector, including legislation, policies, administrative measures, regulations, etc. In certain cases the State's own responsibility will be engaged by the acts of private actors acting on behalf or under the instructions of the State.<sup>2</sup> In other cases, the State has the responsibility to ensure the respect of rights of the child by private actors through appropriate measures, including the provision of effective remedies in cases of violations.

The second part of the meeting will be devoted to the activities and responsibilities of the business sector and whether the efforts made by the international community have improved the situation. In

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<sup>1</sup> See among others Committee on Economic, Social and Cultural Rights, [General Comment 12](#), para. 15

<sup>2</sup> International Law Commission (ILC), Articles on the Responsibility of States for Internationally Wrongful Acts, Report of the International Law Commission on the Work of its 53rd session, [A/56/10](#), August 2001, UN GAOR. 56th Sess [Supp No 10, UN Doc A/56/10\(SUPP\)](#) (2001). Article 5: "The conduct of a person or entity which is not an organ of the State... but which is empowered by the law of that State to exercise elements of the governmental authority shall be considered an act of the State under international law, provided the person or entity is acting in that capacity in the particular instance"

particular, the seminar will refer to the work done by the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises,<sup>3</sup> the establishment and operations of the UN Global Compact and other similar instruments. The UN "Protect, Respect and Remedy" Framework and Guiding Principles on Business and Human Rights<sup>4</sup> will be the focus of special attention. Specifically with regard to child rights, in March 2012, UNICEF, Save the Children and the UN Global Compact launched a campaign in favor of the "Principles for Child Rights and Business". Several multinational corporations have already integrated policies and processes, including through the appointment of human rights Compliance officers to promote rights sensitive practices. However, very little is known about the effectiveness of these policies and practices as well as about the challenges that remain.

The third major goal of the seminar is to engage States, actors of the business sector, UN agencies, NGOs and the public at large, in the search for avenues towards innovative solutions to increase awareness among States regarding their responsibilities and the willingness of private companies to adopt efficient control mechanisms. In particular, participants will discuss the need and feasibility of new international instruments, including binding (such as currently pondered by the European Union) instruments. Concrete models of instruments and methods to improve business respect for child rights will be assessed. For instance a system of labels for goods and services will be considered. These are but a few of the challenges set for the upcoming meeting in Sion!

In addition to plenary presentations, workshops will also allow participants to discuss concrete issues, cases and examples, as well as the issue of the responsibility of States to protect child rights from violations committed by companies outside of the country of residence, in their global operations (or extra-territorial jurisdiction). The seminar will also constitute an important contribution to the discussions around the drafting of a General Comment on "**CHILD RIGHTS AND THE BUSINESS SECTOR**" by the UN Committee on the Rights of the Child. Recommendations of the seminar will be taken into consideration by the Committee.

## OBJECTIVES

The Seminar aims at:

- *Providing a forum for stakeholders to discuss about the impacts of businesses on child rights and understanding the obligations and responsibilities of States and businesses in this context.*
- *identifying instruments, best practices, and models through exchange of experiences between international organizations, NGOs, UN agencies, State officials, private industry, trade unions with a view to enhancing protection of child rights in this context;*
- *identifying possible synergies between the various stakeholders and identifying possible actions in the short, mid and long run;*

## TARGET AUDIENCE

States Parties' representatives, Companies' CEOs and Compliance officers, Members of NGOs active in the field, UN bodies, representatives from concerned circles, economists, social workers, sociologists, lawyers, psychologists, researchers and final-year students. And anyone else concerned (media, politicians...).

## PROGRAMME

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<sup>3</sup> [OECD Guidelines for Multinational Enterprises](http://dx.doi.org/10.1787/9789264115415-en), OECD Publishing. <http://dx.doi.org/10.1787/9789264115415-en>

<sup>4</sup> Protect, Respect, Remedy: a Framework for Business and Human Rights, [UN doc. A/HRC/8/5](#); Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, [UN doc. A/HRC/17/31](#)

## SUNDAY OCTOBER 14TH 2012

- 05:30 p.m. Registration and Distribution of Documents at the IDE
- 06:00 p.m. Opening Ceremony and Welcome Speeches:  
**Mr Jean Zermatten**, Director, International Institute for the Rights of the Child (IDE)  
**Prof. Philip D. Jaffé**, Director, University Institute Kurt Bösch (IUKB)
- 06:15 p.m. Film (English and French) or Debate
- 08:00 p.m. Welcome Cocktail

## MONDAY OCTOBER 15TH 2012

*Session chairperson: Mr Jean Zermatten, IDE Director*

### Part I: Responsibilities of the States

- 09:00 a.m. Welcome Address  
**Mr Marcel Maurer**, Mayor of Sion  
**Minister Esther Waeber-Kalbermatten**, President of the Cantonal Government  
**Ms Elda Moreno**, Head of Gender equality and human dignity Section, Council of Europe, Strasbourg  
**Mr Martin Michelet**, Head of Human Rights Policy Section, Federal Department of Foreign Affairs, Bern  
**Mr Carlos Lopez**, Course Director, International Commission of Jurists, Geneva
- 09:45 a.m. United Nations Framework, Resolution 2008 and 2011  
**Dr Michael Addo**, Member of the UN Working group
- 10:30 a.m. *Break*
- 11:00 a.m. Evolution of the international framework for protection of human rights in relation with the Business sector  
**Mrs Christine Kaufmann**, University of Zurich (MRZ)
- 11:30 a.m. Rights of the child and the business sector: Respect, Protect and Fulfil, the challenges  
**Mrs Marta Maurás Perez**, Vice-Chairperson UN Committee on the Rights of the Child
- 12:00 p.m. Discussion in plenary
- 12:30 p.m. *Lunch*
- 01:45 p.m. Debate: Obligations of the States vis-à-vis Business Sector  
**Ms Valérie Berset Bircher**, Substitute for the chief of the international Business of work, State Secretariat for Economic Affairs SECO, Federal Department of Economic Affairs DEA, Bern  
**Ms Virginia Brás-Gomes**, Ministry of Social Affairs and Member of the UN CESCR, Portugal  
**Ms Chantal Peyer**, Business and Human Rights, Pain pour le prochain, Lausanne

- 03:00 p.m. Workshops
- 05:30 p.m. End of the day
- 07:30 p.m. *Valaisan Evening*

## TUESDAY OCTOBER 16TH 2012

*Session chairperson: Mrs Marta Mauras Perez, CRC Committee Vice-Chairperson*

### **Part II: Role of the Business Sector (good and bad practices)**

- 09:00 a.m. Responsibility of companies towards children's rights
- Ms Talia Bongni**, Head of ECPAT Switzerland / Swiss Foundation for Child Protection, Bern
- Mr Matthias Leisinger**, Vice President Corporate Responsibility, Kuoni Travel, Zurich
- 09:30 a.m. Delegation of tasks to the private sector (education, health, security, prisons...)
- Mr Jürgen Buxbaum**, Coordinator Public Administration and Multinational Enterprise, Public Services International, Ferney-Voltaire (*solicited*)
- 10:00 a.m. What is the process in a private company toward more responsibility? Possible effects toward promotion of children's rights? The perspectives of civil society and companies
- Ms Patricia Feeney**, Executive Director, RAID, Oxford
- Mr David Schofield**, Group Head of Corporate Responsibility, AVIVA, London
- 10:30 a.m. *Break*
- 11:00 a.m. Extraterritorial Jurisdiction
- Ms Gamze Erdem**, PhD Candidate, University of Antwerp Law Research School, Belgium
- Mr Michel Doucin**, Ambassador in charge with the bioethics and the social responsibility of the companies at the French Ministry of the Foreign Affairs
- 11:30 a.m. The child as consumer or as a worker ?
- Mr Simon Steyne**, Head of the Social Dialogue and Partnership Unit, ILO, Geneva
- Mr Christian Frutiger**, Deputy Head, Global Public Affairs, Nestlé, Vevey
- Ms Aline Clerc**, Responsible for food and agriculture, Fédération romande des Consommateurs, Lausanne
- 12:30 p.m. *Lunch*
- 01:45 p.m. Workshops
- 04:15 p.m. End of the day

## WEDNESDAY OCTOBER 17TH 2012

*Session chairperson: Prof. Philip D. Jaffé, IUKB Director*

### Part III: New Instruments to promote Children's Rights

- 09:00 a.m. Need of a binding Convention? **Prof. Jorge Cardona**, Member of the CRC Committee, Spain
- 09:45 a.m. The Child Rights and Business Principles: the added value  
**Mr Bo Viktor Nylund**, Senior Advisor for Corporate Social Responsibility, UNICEF  
**Mr Mattias Forsberg**, Manager, Child-Rights & Business, Save the Children Sweden  
**Mr Neel Gammelgaard**, LEGO (*solicited*)
- 10:30 a.m. *Break*
- 11:00 a.m. Relevance of labels and certifications with regard to the promotion of Child Rights  
**Mr Gilles and Mrs Marie Concordel**, Tutator Foundation, Nyon
- 11:30 a.m. A view from the Business and trade union sectors: what business need  
**Mr Matthias Thorns**, Main Counsellor, International Organisation of Employers, Geneva  
**Mr Dwight Justice**, Policy Advisor, International Trade Union Confederation, Brussels
- 12:00 p.m. Exchange with speakers
- 12:30 p.m. *Lunch*
- 01:45 p.m. Continuation of workshops and drafting of recommendations
- 03:45 p.m. *Break*
- 04:00 p.m. Closure
- Session Chairperson: Prof. Christine Kaufmann, Zurich University (MRZ)*
- 04:00 p.m. **Workshop recommendations of the 4 working groups**
- 04:45 p.m. Synthesis **Mr Carlos Lopez**, Course Director
- 05:15 p.m. Veillard-Cybulski Award  
**Mr Xavier Lavanchy**, President, Association Fonds Veillard-Cybulski
- Closing ceremony **Mr Jean Zermatten**, IDE Director
- 05:30 p.m. End of the day

## **WORKSHOPS**

### **Workshop 1: Governments: the Duty to protect under the CRC: how to ensure harmonious Child Development in a Business Environment?**

- **Prof. Hatem Kotrane**, Member, UN Committee on the Rights of the Child, Tunisia
- **Mr Awich Pollar**, Member, UN Committee on the Rights of the Child, Uganda
- **Ms Virginia Brás-Gomes**, Ministry of Social Affairs, and Member of the UN CESCR, Portugal

### **Workshop 2: Civil Society Initiatives: practical Issues**

- **Mr Bernard Gastaud**, Member, UN Committee on the Rights of the Child, Monaco
- **Mr Miguel Coleta**, Philip Morris
- **Ms Patricia Feeney**, Executive Director, RAID, Oxford

### **Workshop 3: Extra Territorial Jurisdiction**

- **Prof. Jorge Cardona**, Member, UN Committee on the Rights of the Child, Spain
- **Mrs Christine Kaufmann**, University of Zurich (MRZ)
- **Mrs Renate Winter**, Judge, former President of the UN Appeal Chamber and of the Special Court for Sierra Leone, Austria
- **Ms Gamze Erdem**, PhD Candidate, University of Antwerp Law Research School, Belgium

### **Workshop 4: Implementation of the Obligations: Different Instruments: Code of Conducts, Guiding Principles, Certifications...**

- **Mrs Marta Mauras Perez**, Member, UN Committee on the Rights of the Child, Chile
- **Mr Benoit Falleur**, Operation and Sales Manager, Codethic, Geneva
- **Ms Talia Bongni**, Head of ECPAT Switzerland / Swiss Foundation for Child Protection, Bern