



Virtual Side Event on a Child Rights Approach to the Draft LBI on Business and Human Rights

21 October 2020 1:00 – 2:30 pm CEST - Zoom ([link below](#))

Background

Business activities and enterprises significantly affect children in all aspects of their lives. As the Committee on the Rights of the Child highlighted, “children are both rights-holders and stakeholders in business”.¹ Children are potential consumers targeted by marketing strategies and possibly using harmful or unsuitable products and services, off and online.² Many are workers in the formal or informal economy. They are family members of business employees and, as such, they may be directly affected by their working conditions and environment. Children are also members or residents of communities and environments, which are affected by business activities or in which business operate.

Children are “often disproportionately affected by the adverse impact of business activities”.³ Yet, the impact of business on children and their rights is often still invisible to many stakeholders: governmental bodies, decision makers within the business sector but also human rights advocates. And the special focus given to child labour or product responsibility towards children has often diverted attention from all the other impacted areas, such as children’s civil, political and economic rights, or their right to development, protection from all forms of sexual exploitation or abuse or non-discrimination, amongst others.

To regulate business activities and their impact on children’s rights, and more generally on human rights, the Human Rights Council endorsed in 2011 the Guiding Principles on Business and Human Rights. In 2013, the UN Committee on the Rights of the Child also adopted General Comment No. 16 on States obligations under the Convention on the Rights of the Child concerning the business sector (CRC GC 16).⁴ Since 2014, a new legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises (LBI) is being discussed by the United Nations. Will it serve to regulate and mitigate the negative impact of business activities on children and their rights? How does the latest draft LBI integrate children’s rights?

To assess this and identify how this new treaty could serve the protection and advancement of children’s rights in the context of business activity, the international Commission of Jurists presents in this side event a paper analysing the 2020 2nd revised draft LBI from a child rights perspective and provides recommendations to strengthen the text in that regard. While all children’s rights may virtually be affected by business activities, the paper will focus on the most salient issues of importance for the prevention and protection of children’s rights and children’s effective access to justice and remedy in case of violations or abuses.

¹ CRC GC 16, para 2

² It is worth recalling in that regard that children would benefit from the same rights and protection online as they would offline, see Resolution of the UN Human Rights Council “The promotion, protection and enjoyment of human rights on the Internet”, A/HRC/38/7, adopted on 5th July 2018.

³ CESCR GC 24, para 8

⁴ CRC GC 16

Objective

This virtual side event is organised ahead of the 6th Session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (OEIGWG) to launching the analysis on a child rights approach to the LBI and create a platform to discuss the inclusion of such approach in the OEIGWG discussions. This event will hear from diverse and relevant stakeholders on how they are addressing the impact of business activities and enterprises on the lives of children and youth and how a legally binding instrument could regulate and mitigate the negative impact on their rights. It will be an opportunity to:

- present the study “A child rights-based analysis. **The 2020 UN revised draft of a legally binding instrument on business and human rights**”;
- hear testimonies / case studies from affected local civil society organisations;
- connect stakeholders who have been working on promoting child rights in a business context with the work of the OEIGWG; and
- contribute to the discussions and negotiations in the framework of the OEIGWG.

Panellists

- **Anita Goh**, International Commission of Jurists: Presentation of the legal analysis
- **Emanuella Ribeiro Halfeld Maciel**, Clínica de Direitos Humanos, Federal University of Minas Gerais, children rights violations and mining tailing dams (Brazil)
- **Gabriela Kühn**, ECPAT International – Case study on child protection from sexual exploitation in the context of business activities
- **Cristina Duranti**, Good Shepherd International Foundation – Case study child rights violations in the context of mining, DR Congo

The side-event will be held on Zoom: <http://bit.ly/ChildRightsSideEvent>

Meeting-ID: 857 4944 6537

Access code: 749664

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Please register here: <http://bit.ly/ChildRightsEventReg>