



# Children's Rights in National Action Plans (NAPs) on Business and Human Rights

*A thematic supplement to 'National Action Plans on Business and Human Rights: A Toolkit for the Development, Implementation, and Review of State Commitments to Business and Human Rights Frameworks'*

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HUMAN RIGHTS



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The Danish Institute for Human Rights (DIHR) is Denmark's national human rights institution. Its mandate is to promote and protect human rights and equal treatment in Denmark and abroad. The Human Rights and Business Department is a specialized unit within DIHR focusing on the role of the private sector in respecting human rights.



The International Corporate Accountability Roundtable (ICAR) is a coalition of human rights, environmental, labor, and development organizations that creates, promotes, and defends legal frameworks to ensure corporations respect human rights in their global operations.



The United Nations Children's Fund – UNICEF – works in more than 190 countries and territories to help children survive and thrive, from early childhood through adolescence. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

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## INTRODUCTION

Children are one third of the world's population and play a significant and growing role in the global economy. Children interact with businesses every day, whether as workers in their factories and fields, consumers of their goods and services, members of communities in which they operate, or family members of their employees. At the same time, childhood is marked by progressive stages of development that leave children far more susceptible to negative business impact than adults.

Yet, despite this vulnerability, businesses rarely involve or seek the input of the children they affect, and children face many legal, practical, and cultural barriers to having their voices heard. Indeed, in the words of the former Special Representative of the United Nations Secretary-General on Business and Human Rights, Professor John Ruggie, "Children are among the most marginalized and vulnerable members of society and can be disproportionately, severely, and permanently impacted by business activities, operations, and relationships."<sup>1</sup>

While the United Nations Guiding Principles on Business and Human Rights (UNGPs) are not structured around specific human rights, industry sectors, types of impact, or categories of rights holders, they explicitly call for implementation "in a non-discriminatory manner, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized."<sup>2</sup>

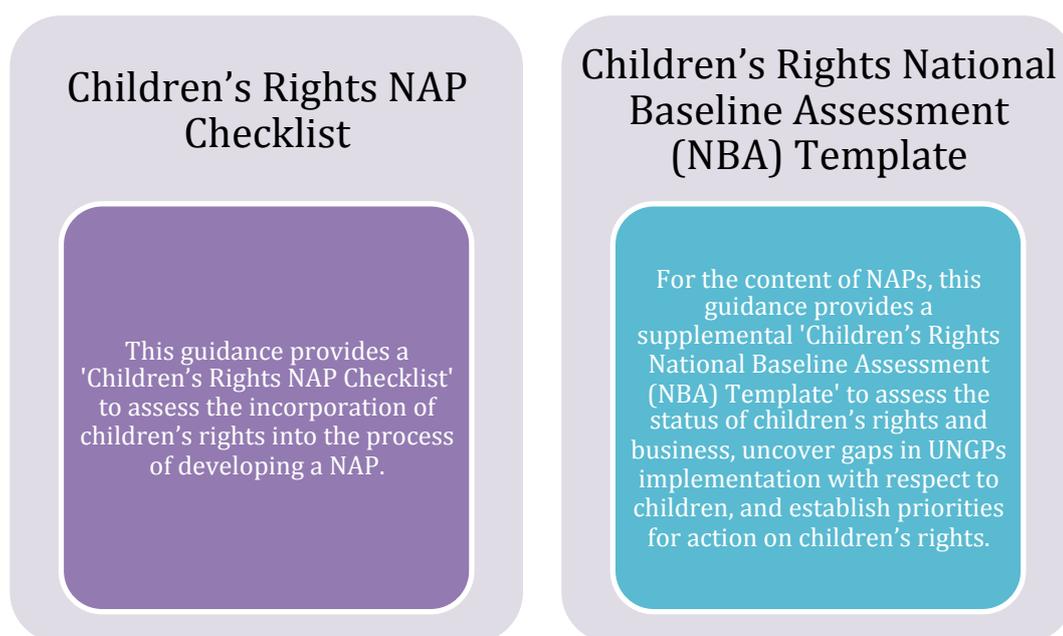
Thus, there is a clear imperative for National Action Plans (NAPs) on business and human rights and similar policies to analyse and identify the relevance and application of the UNGPs to children. Children's rights should be given special and specific consideration, both within the substantive framework of a NAP and in the process through which the NAP is developed. Highlighting issues relevant to children not only makes NAPs more visible to all sectors of society, but also contributes to their greater accessibility, legitimacy, integrity, and overall quality.

This work can be guided by, among other instruments, the Convention on the Rights of the Child (CRC) and the Committee on the Rights of the Child's General Comment No. 16 on children's rights and business (GC16). The CRC enshrines a comprehensive set of civil, political, economic, and social rights for all children, and GC16 sets out how these rights are relevant to the business sector. Along with voluntary initiatives such as the Children's Rights and Business Principles,<sup>3</sup> the CRC and GC16 provide a broad policy base for the incorporation of children's rights into NAPs and other processes to implement the UNGPs.

## ABOUT THIS GUIDANCE

This report provides guidance on how children’s rights can be addressed in NAPs on business and human rights and other similar policies. It complements the existing “NAPs Toolkit” by the International Corporate Accountability Roundtable (ICAR) and the Danish Institute for Human Rights (DIHR).<sup>4</sup> Both ICAR and DIHR have partnered with UNICEF to develop this guidance, which outlines how children’s rights should be considered in the process of developing NAPs and what the content of focus should be when setting priorities for action on children’s rights.

This document contains two application tools:



The Children’s Rights NAP Checklist and Children’s Rights NBA Template are to be used in conjunction with the ICAR-DIHR NAPs Toolkit to develop, evaluate, and revise NAPs. By following this guidance, greater and more effective implementation of the UNGPs with respect to children can be ensured.

## **I. CHILDREN'S RIGHTS IN NAP PROCESSES**

It is essential that States involve children's rights stakeholders in the development of NAPs to effectively address issues and concerns relevant to children's rights and business.<sup>5</sup> Many children's rights stakeholders are within government, often as children's ombudspersons or commissioners and in ministries for youth, family, social affairs, health, or education. Children's rights stakeholders can also include children's parliaments, youth organizations, civil society, international organizations, academic experts, parents/caregivers, labour organizations, community leaders, professionals in contact with children, and children themselves.

### ***Engaging with children's rights stakeholders***

Engaging with children's rights stakeholders not only helps to identify specific risks and opportunities, but also gives a range of perspectives on broader human rights and business issues. Consulting children's rights stakeholders enables States to:

- Listen to and incorporate children's opinions, views, experiences, and information in the NAP process;
- Understand links between children's rights and the wider business and human rights context;
- Gain insight on how to better address concerns related to children's rights and business in the NAP's content;
- Build solid foundations for ongoing consultations and relationships with citizens and communities during NAP implementation, evaluation, and revision;
- Demonstrate respect for children as stakeholders and show commitment to taking children's views and interests seriously in the NAP.

### ***Engaging with children***

States should consider directly engaging children in the NAP process. Under the CRC, all children capable of forming their own views should be able to express themselves freely and have their views taken into account in line with their age and maturity.<sup>6</sup> States are responsible for supporting and encouraging children to express their views, and doing so promises to make NAPs more relevant, effective, and sustainable.<sup>7</sup> Any consultation with children should be:

- *Ethical* – undertaken by experts with an understanding of child rights and child protection issues;
- *Sincere* – following a clear, articulated vision that defines the objectives of and benefits to government and children alike;
- *Complete* – with adequate resources, time, and organizational capacity devoted to ensuring children's successful involvement.

It is important to note that, much like adults, children are not homogenous. Children with certain characteristics may be affected differently by business activity, and States should include the perspectives of groups of children based on gender, age, socio-economic status, location (urban versus rural), disability, nationality, ethnicity, religion, language, and any other identifiable groups that might be at risk.

### ***Considering children's rights***

Children's rights stakeholders must be involved early on in the NBA and NAP processes and remain part of the processes until completion. This provides an opportunity for stakeholders and the government to jointly identify and prioritize key action issues on children's rights and business. Consultation findings and information about NBAs and NAPs should be published in accessible, user-friendly ways and make clear how the input of children's rights stakeholders was considered. Children's rights stakeholders must also be included in efforts to monitor the implementation of the NAP and any future plans to revise or revisit commitments on human rights and business.

### ***The Children's Rights NAP Checklist***

The Children's Rights NAP Checklist on the next page summarizes how States can ensure that children's concerns and opinions are adequately taken into account as States begin the process of developing, evaluating, or revising a NAP. It is designed for use in concert with the NAP Checklist found in Annex 5 of the ICAR-DIHR NAPs Toolkit.

**TABLE 1: CHILDREN’S RIGHTS IN NAPS CHECKLIST**

<b>Governance</b>	<ul style="list-style-type: none"><li>• Ensure that government bodies with a remit addressing children’s rights are included in the NAP process.</li></ul>
<b>Resources</b>	<ul style="list-style-type: none"><li>• Allocate adequate resources for the consultation of children’s rights stakeholders and, where appropriate, children.</li></ul>
<b>Stakeholder Mapping</b>	<ul style="list-style-type: none"><li>• Seek out children’s rights stakeholders as part of a wider stakeholder mapping.</li></ul>
<b>Participation</b>	<ul style="list-style-type: none"><li>• Facilitate the participation of children’s rights stakeholders, including those who represent disempowered or at-risk groups of children.</li></ul>
<b>National Baseline Assessment</b>	<ul style="list-style-type: none"><li>• Incorporate and address children’s rights issues in the NBA by fully involving children’s rights stakeholders in the development and completion of the NBA, and integrate the results of the Children’s Rights NBA Template included in this guidance into the overall NBA process.</li></ul>
<b>Scope</b>	<ul style="list-style-type: none"><li>• Address international and regional standards on children’s rights, including the Convention on the Rights of the Child.</li></ul>
<b>Content</b>	<ul style="list-style-type: none"><li>• Include a statement of commitment to implementing the UNGPs with respect to children, and ensure that all commitments relating to children’s rights are specific, achievable, measurable, relevant, and time-specific.</li></ul>
<b>Priorities</b>	<ul style="list-style-type: none"><li>• Prioritize the most serious business-related children’s rights abuses for action.</li></ul>
<b>Transparency</b>	<ul style="list-style-type: none"><li>• Publish information about the NBA and NAP in an accessible, easy-to-understand format, ensuring that any children and/or children’s rights stakeholders consulted understand how their input was taken into account.</li></ul>
<b>Follow-up</b>	<ul style="list-style-type: none"><li>• Include children’s rights stakeholders in the framework for monitoring and reporting on implementation of the NAP.</li></ul>

## II. CHILDREN’S RIGHTS IN NAP CONTENT

In undertaking NBAs and preparing NAPs, States should analyse and evaluate specific measures to guarantee respect for children’s rights in their own economic dealings, to protect children’s rights from interference by business enterprises, and to ensure that children have access to effective remedies where their rights have been violated. States can do this within the framework of the UNGPs and facilitate the meaningful participation of children’s rights stakeholders in the NAP development process.

In this context, State commitments to children’s rights must be holistic and universal, looking at the full range of ways in which children are affected by business activities, operations and relationships as set out in the CRC, GC16, the Children’s Rights and Business Principles,<sup>8</sup> and other relevant international standards and initiatives.

The ‘Children’s Rights National Baseline Assessment (NBA) Template’ can be used to determine how children’s rights are considered as part of a State’s legal and policy framework on business and human rights and within the wider national, regional, and international contexts. It is designed for use in concert with the full NBA Template found in Annex 4 of the ICAR-DIHR NAPs Toolkit.

The Children’s Rights NBA Template below highlights key areas of implementation for children’s rights and business, drawing out issues likely to be of particular salience. While the full NBA Template endeavours to be comprehensive in its approach, other issues will undoubtedly be relevant to children’s rights and business. As above, children’s rights should be considered separately and specifically wherever relevant in the context of business and human rights.

### Overview of guidance

1. LEGAL AND POLICY FRAMEWORK	2. INITIATIVES AND RESPONSES ON CHILDREN’S RIGHTS	3. IMPLEMENTATION AREAS	4. CONTEXT
<ul style="list-style-type: none"><li>• This section gathers information on the extent to which the government has in place a legal and governance framework on children’s rights.</li></ul>	<ul style="list-style-type: none"><li>• This section gathers information on domestic initiatives and responses on children’s rights in a business context.</li></ul>	<ul style="list-style-type: none"><li>• This section gathers information on key areas of children’s rights implementation. This includes areas such as child labour, decent work for parents and caregivers, product safety and marketing, and security and conflict.</li></ul>	<ul style="list-style-type: none"><li>• This section gathers information on the local context through international and local sources.</li></ul>

**TABLE 2: CHILDREN’S RIGHTS NATIONAL BASELINE ASSESSMENT (NBA) TEMPLATE**

<b>1. LEGAL AND POLICY FRAMEWORK</b>	
<b>INTERNATIONAL STANDARDS</b>	<p>Has the government signed and ratified relevant international children’s rights legal instruments, such as:</p> <ul style="list-style-type: none"> <li>• Convention on the Rights of the Child</li> <li>• Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</li> <li>• Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</li> <li>• Optional Protocol to the Convention on the Rights of the Child on a communications procedure</li> <li>• International Labour Organization (ILO) Convention No. 138 on the Minimum Age for Admission to Employment</li> <li>• ILO Convention No. 182 on the Worst Forms of Child Labour</li> </ul>
<i>Most relevant to Sections 1.1, 1.2, and 2.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>REGIONAL STANDARDS</b>	<p>Has the government signed and ratified relevant regional human rights instruments, such as:</p> <ul style="list-style-type: none"> <li>• African Charter on the Rights and Welfare of the Child</li> <li>• European Convention on the Exercise of Children’s Rights</li> <li>• Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse</li> </ul>
<i>Most relevant to Section 1.1 and 1.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>NATIONAL STANDARDS</b>	<p>What, if any, are the overarching national laws and policies on children’s rights (e.g., an act incorporating the CRC into national law)?</p>
<i>Most relevant to Sections 1.5, 3.1, and 3.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>OTHER STANDARDS</b>	<p>What other relevant children’s rights standards and initiatives has the government signed, engaged with or otherwise endorsed, such as:</p> <ul style="list-style-type: none"> <li>• CRC General Comment No. 16 on children’s rights and business</li> <li>• Children’s Rights and Business Principles</li> <li>• ILO Decent Work Initiative</li> <li>• United Nations Global Compact Principles on Child Labour</li> <li>• UNICEF/International Telecommunications Union (ITU) Child Online Protection Guidelines for Industry</li> <li>• Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism</li> <li>• International Code of Marketing Breast-milk Substitutes</li> </ul>
<i>Most relevant to Sections 1.4 and 2.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

2. INITIATIVES AND RESPONSES ON CHILDREN'S RIGHTS	
<b>PUBLIC SECTOR INITIATIVES</b>	What projects and programs has the government undertaken to foster the promotion and protection of children's rights with respect to the business sector?
<i>Most relevant to Sections 1.4, 3.2, and 3.3 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>NATIONAL PRIORITIES</b>	What priorities has the government identified in national children's rights strategies, including on the recommended role of businesses (if any)?
<i>Most relevant to Sections 3.2 and 3.4 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>COMPANY INITIATIVES</b>	What high-level business-led projects and programs aim to contribute to the promotion and protection of children's rights (if any)?
<i>Most relevant to Section 3.3 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>ENGAGEMENT WITH REGIONAL AND INTERNATIONAL INITIATIVES</b>	With which (if any) regional and international initiatives on business and children's rights has the government engaged (e.g., UNICEF, Save the Children and UNGC Children's Rights and Business Principles, ILO Decent Work Initiative, UNGC Principles on child labour, UNICEF-ITU Child Online Protection Guidelines, Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, International Code of Marketing Breast-milk Substitutes)?
<i>Most relevant to Sections 1.1, 1.2, and 2.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

### 3. IMPLEMENTATION AREAS

#### 3.1 General measures

##### POLICY COMMITMENT

Has an overall policy commitment been made to implementing children’s rights with respect to the business sector by, for example, endorsing CRC General Comment No. 16 and/or the Children’s Rights and Business Principles?

*Most relevant to Sections 8.1 and 10.1 of the full NBA Template.*

Status/Gaps:

##### DUE DILIGENCE

To what extent and in what circumstances are businesses required or expected to undertake child rights due diligence or to consider children’s rights as part of wider human rights due diligence?

*Most relevant to Sections 3.4, 4.1, 4.2, and 6.1 of the full NBA Template.*

Status/Gaps:

##### IMPACT ASSESSMENTS

As a matter of law, policy, or practice, are officials and/or lawmakers required, expected, or encouraged to conduct child rights impact assessments or otherwise consider children’s rights when adopting laws, drafting policies, issuing decrees or orders, and/or making administrative or financial decisions that relate to the business sector?

*Most relevant to Sections 1.5, 3.1, 3.3, and 5.1 of the full NBA Template.*

Status/Gaps:

##### REPORTING

Are companies required to report on or otherwise disclose information about their impact on children’s rights, either in general or with regard to certain issues or contexts?

*Most relevant to Sections 1.5, 2.1, 3.1, 3.3, and 3.4 of the full NBA Template.*

Status/Gaps:

##### PUBLIC FINANCE/ PROCUREMENT/ PRIVATIZATION

What requirements, expectations, or guidelines are in place for officials to consider impact on children’s rights in engaging in commercial relations or supporting or investing in business activity with public funds (e.g., public procurement, export credit, trade missions, and State pension/sovereign wealth funds)? When involving the private sector in the provision of essential services for children (e.g., health, education, and alternative care), what legal and administrative frameworks ensure the ongoing accessibility, affordability, equity, and quality of services provided?

*Most relevant to all sections under Guiding Principles 4, 5, and 6 of the full NBA Template.*

Status/Gaps:

<b>3.2. Child labour/young workers</b>	
<b>PROHIBITION OF CHILD LABOUR</b>	Is there a clear legal prohibition of child labour, including the worst forms?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>EDUCATION</b>	What is the age for completion of compulsory education, if any, and is this equal to the minimum age for admission to employment? To what extent is a free, accessible, and quality public education system available for all children?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>BIRTH REGISTRATION</b>	What are the requirements and expectations on birth registration, and is there an effective registration system in place to reach all children?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>PROTECTION OF YOUNG WORKERS</b>	Are there clear regulations and standards on working conditions for the lawful employment of persons under age 18, including a prohibition on the use of any form of violence, including physical punishment?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>SUPPLY CHAINS</b>	What measures are businesses required, expected, or encouraged to undertake to ensure the absence of child labour in their global supply chains (e.g., auditing, disclosure)? What efforts have been undertaken to raise awareness of these issues within the business community?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>SECTORS/GROUPS</b>	Which sectors of the economy present the highest risks for child labour, and what measures have been taken to address these risks? Are particular groups of children (e.g., girls, ethnic minorities, or indigenous children) at heightened risk of exploitation? What measures have been taken to address child labour in the informal economy?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>MONITORING/ ENFORCEMENT</b>	What mechanisms are in place for monitoring child labour (e.g., inspectorates)? How can children raise violations of their right to be protected from harmful labour? What are the possible sanctions, including criminal penalties that can be imposed on businesses found to be using child labour? What services are available to assist in the rehabilitation and reintegration of children found to be engaging in child labour?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>3.3. Decent work for parents/caregivers</b>	
<b>LIVING WAGE</b>	What is the lawful minimum wage, if any, and what steps have been taken to ensure that this provides a living wage to parents and caregivers?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>FAMILY-FRIENDLY EMPLOYMENT</b>	How are the needs and rights of parents and other employees with childcare responsibilities contemplated within laws and policies around working hours, rest periods, and holiday entitlements?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>BREASTFEEDING</b>	What accommodations and other supportive measures, if any, must employers adopt to facilitate breastfeeding for working mothers?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>PARENTAL LEAVE</b>	What are the minimum legal entitlements for parental leave, both paid and unpaid?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>NON-DISCRIMINATION</b>	Are pregnant women and nursing mothers explicitly protected against discrimination in the workplace?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>ACCESS TO SERVICES</b>	What measures are taken to ensure working families' access to appropriate, affordable, and quality childcare, early childhood development programmes, and other relevant community services?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>MONITORING/ ENFORCEMENT</b>	What mechanisms are in place for monitoring the working conditions of parents and caregivers (e.g., inspectorates)? How can parents and caregivers raise violations of their rights?
<i>Most relevant to Sections 1.5, 1.6, 3.1, and 9.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>3.4. Trafficking and commercial sexual exploitation</b>	
<b>PROHIBITION</b>	Is there a clear criminal prohibition of activities related to child trafficking, the sale of children, the use of children in prostitution and the sale, creation, and possession of child pornography, including through digital and online media? Does criminal, civil, or administrative liability for these actions extend to legal persons, including business enterprises?
<i>Most relevant to Sections 1.5 and 7.4 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>EXTRATERRITORIALITY</b>	Can jurisdiction be asserted over offences related to the commercial exploitation of children committed outside territorial boundaries and, if so, in what circumstances?
<i>Most relevant to Sections 1.5 and 2.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>NON-DISCRIMINATION</b>	Do laws, policies and programs related to child trafficking and commercial sexual exploitation apply equally to girls and boys, and to all children under age 18?
<i>Most relevant to Section 1.6 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>PROTECTION</b>	What measures are taken to ensure child victims of trafficking or commercial sexual exploitation are not viewed or treated as offenders?
<i>Most relevant to Section 1.6 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>REPARATIONS/ REHABILITATION</b>	What mechanisms can child victims of sexual exploitation use to obtain reparations from responsible parties, including business enterprises? What services are available to assist in the rehabilitation and reintegration of child victims of sexual exploitation?
<i>Most relevant to Section 1.6 and all sections under Pillar III of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>3.5. Product safety</b>	
<b>PROTECTION</b>	What measures (e.g., research and testing) are required to ensure that products likely to be used or consumed by children do not pose risks to children’s health or safety? To what extent are there restrictions on children’s access to harmful products on the public marketplace, recognizing children’s right to freedom of expression and information?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>NON-DISCRIMINATION</b>	What protections exist to prevent discrimination against children as an age group or particular groups of children (e.g., ethnic minorities and children with disabilities) in the provision of products and services?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>MONITORING/ ENFORCEMENT</b>	What body, if any, is responsible for ensuring the application of product safety and liability standards? How can businesses be held responsible for the provision of unsafe products? To what extent do liability standards provide children and their families with effective remedies and suitable reparations following the purchase or use of a product or service found to be unsafe?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>3.6. Marketing and advertising</b>	
<b>GENERAL RESTRICTIONS</b>	What, if any, are the legal restrictions and prohibitions on marketing and advertising to children? Which age groups are addressed, and which forms of marketing and advertising are covered?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>HARMFUL PRODUCTS</b>	Have targeted measures been adopted to prohibit or restrict the marketing and advertising of harmful, unhealthy and dangerous products and services to children (e.g., alcohol, tobacco, and unhealthy food/beverages)? Are there clear restrictions on the marketing of breast-milk substitute to the general public?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>CHANNELS/LOCATIONS</b>	Which communication channels, including digital media, and physical settings, including schools and other places where children are likely to spend time, are contemplated in restrictions on advertising and marketing to children?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>TECHNIQUES</b>	Are there restrictions on the use of particular techniques that may appeal to children, such as the use of cartoon characters?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>CONSUMER INFORMATION</b>	Are there requirements for product labelling to display relevant information about publicly available goods and services in a clear, truthful, and easy-to-understand fashion that is accessible and known to children and families?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>USE OF CHILDREN</b>	What restrictions and protections are in place on the use of children in advertising campaigns, including as brand ambassadors?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>MONITORING/ ENFORCEMENT</b>	What body is responsible for monitoring and clearing commercial advertisements? How can businesses that violate advertising and marketing standards be sanctioned?
<i>Most relevant to Section 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>3.7. Media</b>	
<b>PRIVACY</b>	Do children have a recognized right to privacy under the law, including the right to not have data or information electronically stored or made publicly available? Are media outlets prohibited from identifying child victims, children involved in court proceedings, or children in otherwise vulnerable situations?
<i>Most relevant to Sections 1.5 and 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>ACCESS</b>	What measures have been taken to ensure that all children have access to digital and online media services in an equitable, non-discriminatory manner?
<i>Most relevant to Sections 1.5 and 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>PROTECTION</b>	Are there legal frameworks in place to protect children from exposure to material that is harmful to their well being while recognizing children’s right to information and to freedom of expression? What measures have been taken to develop and promote digital literacy for children and families, including an understanding of both the benefits and risks of online activities?
<i>Most relevant to Sections 1.5 and 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>ONLINE PROTECTION</b>	What legal frameworks exist, including under criminal law, to protect children from online exploitation and harassment? What mechanisms are available for reporting and removing illegal content on the Internet? How have safe environments on the Internet for children been cultivated and encouraged?
<i>Most relevant to Sections 1.5 and 3.1 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

<b>3.8. Security</b>	
<b>RECRUITMENT OF CHILDREN</b>	Is there a clear prohibition of the recruitment and use of children by public and private security providers?
<i>Most relevant to Sections 1.4, 5.1, and 7.2 of the full NBA Template.</i>	
Status/Gaps:	
<b>SECURITY</b>	To what extent are public and private security providers required to consider and respect children’s rights in operations and activities to protect business interests?
<i>Most relevant to Sections 1.4, 5.1, and 7.2 of the full NBA Template.</i>	
Status/Gaps:	
<b>MONITORING/ ENFORCEMENT</b>	What sanctions may be sought against businesses that use or recruit children in the provision of security?
<i>Most relevant to Sections 1.4, 5.1, and 7.2 of the full NBA Template.</i>	
Status/Gaps:	

<b>3.9. Conflict zones and situations of emergency</b>	
<b>EMERGENCY RESPONSE</b>	When businesses are invited to participate in emergency response efforts, what measures are undertaken to protect against violations of children’s rights including forced labour, trafficking, and other forms of exploitation?
<i>Most relevant to all sections under Guiding Principle 7 of the full NBA Template.</i>	
Status/Gaps:	
<b>DUE DILIGENCE</b>	What, if any, additional measures are businesses that operate in conflict zones, emergencies or other situations of high risk to children’s rights required, expected or encouraged to undertake to mitigate potential negative impact?
<i>Most relevant to all sections under Guiding Principle 7 of the full NBA Template.</i>	
Status/Gaps:	

<b>3.10. Remedies</b>	
<b>MECHANISMS</b>	What mechanisms are available for children to bring complaints about business-related violations (e.g., courts, national human rights institutions (NHRIs), and children’s ombudspersons)?
<i>Most relevant to all sections under Pillar III of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>STANDING</b>	Are children permitted to file complaints and initiate legal proceedings in their own name and without the need for official authorization or parental approval?
<i>Most relevant to all sections under Guiding Principle 26 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>TIME LIMITS</b>	Are deadlines for bringing cases related to rights violations that occur during childhood extended so that time periods do not begin running until children reach the age of majority?
<i>Most relevant to Section 26.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>LEGAL ASSISTANCE</b>	To what extent is free and child-friendly legal advice and assistance available to child victims of business-related violations considering remedial options or wishing to pursue a complaint, including through official legal aid programs, NHRIs, NGOs, university-based legal aid clinics and pro bono arrangements?
<i>Most relevant to Sections 1.6 and 26.2 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>GROUP LITIGATION</b>	Are collective complaints, class action lawsuits and other forms of group litigation authorized to address multiple and similar violations of children’s rights? If so, does this require the identification and involvement of individual children?
<i>Most relevant to all sections under Guiding Principle 26 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	
<b>RESOLUTION</b>	To what extent are legal proceedings involving children prioritized within the justice system?
<i>Most relevant to all sections under Guiding Principle 26 of the full NBA Template.</i>	
<u>Status/Gaps:</u>	

#### 4. CONTEXT

For this section, it is recommended that the researcher use:

- Country-specific sources;
- The children’s rights and business portal on the Business and Human Rights Resource Centre website;
- Documentation, reports and recommendations of the Committee on the Rights of the Child and other United Nations treaty bodies;
- Information provided by the ILO and other specialized agencies;
- Universal Periodic Review reports;
- International, regional, national and local international civil society reports;
- Media reports.

#### INTERNATIONAL MONITORING

What recommendations on children’s rights and business have the Committee on the Rights of the Child, other United Nations treaty bodies, and the Universal Periodic Review process issued to the government? What statistics, information, and guidance relevant to children’s rights and business in the national context have been produced by international and regional organizations, including UNICEF and the ILO?

*Most relevant to Sections 1.1, 1.2, and 2.2 of the full NBA Template.*

Status/Gaps:

#### CIVIL SOCIETY

What campaigns related to children’s rights and business in the national context have been launched? What relevant information has been published by local, national, regional, and international civil society organizations (e.g., Business and Human Rights Resource Centre – Business and Children Portal; Child Rights International Network)?

*Most relevant to Section 1.4 of the full NBA Template.*

Status/Gaps:

#### MEDIA

What coverage have issues relevant to children’s rights and business received in the local, national, and international media?

*Most relevant to Section 1.3 of the full NBA Template.*

Status/Gaps:

## ENDNOTES

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<sup>1</sup> See UNICEF, SAVE THE CHILDREN, AND THE UN GLOBAL COMPACT, *THE CHILDREN'S RIGHTS AND BUSINESS PRINCIPLES IN CONTEXT* (2014), available at <http://childrenandbusiness.org/>.

<sup>2</sup> John Ruggie, Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, General Principles, 1*, U.N. Doc. A/HRC/17/31 (2011), available at [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

<sup>3</sup> The Children's Rights and Business Principles were released by UNICEF, Save the Children and the United Nations Global Compact in 2012. See UNICEF, endnote 1.

<sup>4</sup> See DANISH INSTITUTE FOR HUMAN RIGHTS AND INTERNATIONAL CORPORATE ACCOUNTABILITY ROUNDTABLE, *NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS: A TOOLKIT FOR THE DEVELOPMENT, IMPLEMENTATION AND REVIEW OF STATE COMMITMENTS TO BUSINESS AND HUMAN RIGHTS FRAMEWORKS* (2014), available at <http://icar.ngo/wp-content/uploads/2014/06/DIHR-ICAR-National-Action-Plans-NAPs-Report3.pdf>.

<sup>5</sup> Analogy may be drawn to the imperative for companies to engage with children's rights stakeholders, as set out in UNICEF, *ENGAGING STAKEHOLDERS ON CHILDREN'S RIGHTS: A TOOL FOR COMPANIES* (2014), available at [http://www.unicef.org/csr/css/Stakeholder\\_Engagement\\_on\\_Childrens\\_Rights\\_021014.pdf](http://www.unicef.org/csr/css/Stakeholder_Engagement_on_Childrens_Rights_021014.pdf).

<sup>6</sup> United Nations, *Convention on the Rights of the Child*, art. 12, G.A. Res. 44/25 (Nov. 20, 1989), available at <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

<sup>7</sup> See United Nations, *Committee on the Rights of the Child, General Comment No. 12 (2013) on the right of the child to be heard*, U.N. Doc. CRC/C/GC/12 (July 1, 2009), available at <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>.

<sup>8</sup> *The Children's Rights and Business Principles* show how businesses can respect and support children's rights in the workplace, marketplace and community. See UNICEF, endnote



