

Evolution of the international framework for the protection of human and children’s rights in a business context

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Abstract:

During the last two decades, changing perceptions and new rules which focus on the connections between societal and economic progress have been conceptualized related to the human rights discourse in business contexts. The driving force behind this development can be recognised in the increasing importance of non-state-actors in the political process. Economic globalisation, new information technologies and privatisation of governmental functions contribute to cross border business transactions which cannot be easily attributed to a state or a territory. This article shows the complex status quo and illustrates the challenges of a fragmented multi-layered legal framework, which is characterised by the predominant role of the state’s obligation to protect human rights on the one hand and the evolving of business oriented non-binding codes of conduct on the other. It outlines the recent developments towards a shared responsibility and harmonisation of these different strings in the “protect, respect and remedy-framework” of the UN Human Rights Council. It focuses on the marginalised role, children’s rights play within this model and calls for a more inclusive approach to effectively implement children’s rights in a business context. The Committee on the Rights of the Child’s General Comment on Child Rights and Business will play an important role in this regard.

Introduction: The Complexity of the Issue

The debate on human rights and especially children’s rights in a business context is in many regards particularly challenging. First of all, it takes place in an environment that is typically characterized by an imbalance with economically powerful companies on the one side and children as some of the most vulnerable members of society on the other. From a conceptual perspective, the discussion on business and human rights involves different disciplines – economics, different areas of law, such as economic law and human rights law –

which developed fairly independently from each other, resulting in a rather fragmented body of regulations.¹ Another layer of complexity lies in the fact that the debate is characterized by a variety of actors and instruments. Unlike in traditional international law, non-state actors such as businesses and non-governmental organisations play an important role. Accordingly, rules are often framed as formally non-binding or even voluntary instruments such as codes of conduct.

Whoever deals with human rights and business issues therefore faces a complex and dense web of regulations, some of a binding, others of a non-binding nature, some situated at the national, others at the international level.

The goal of this contribution is to unravel this “ball of rules” and shed light on where the debate stands today and how it could be further advanced with regard to child rights.

I. Changing the Rules of the Game

1. The Business of Business is Business?

In 1962 Nobel Prize winner Milton Friedman took a clear stand on what in his view the responsibility of business should be:

“There is one and only one social responsibility of business – to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud.”²

In 1974 Friedman further elaborated on his earlier statement in an interview:

“In the first place, the only entities who can have responsibilities are individuals; a business cannot have responsibilities. So the question is, do corporate executives, provided they stay

¹ Christine Breining-Kaufmann, *The Legal Matrix of Human Rights and Trade Law: State Obligations versus Private Rights and Obligations*, in: Thomas Cottier/Joost Pauwelyn/Elisabeth Bürgi (Hrsg.), *Human Rights and International Trade*, Oxford 2005 (Oxford University Press), p. 95-136

² Milton Friedman, *Capitalism and Freedom*, 1st edition 1962, Chapter VIII Social Responsibility and Labor. Emphasis by the author.

within the law, have responsibilities in their business activities other than to make as much money for their stockholders as possible? And my answer to that is, no they do not."³

Friedman's argument has been summarized ever since with the often quoted phrase. "The business of business is business." Yet, the "rules of the game" that Friedman referred to in 1962 seem to have substantially changed as the following examples illustrate:

In 2006, the International Employers' Association submitted "Business proposals for effective ways of addressing dilemma situations in weak governance zones" to the then Special Representative of the UN Secretary-General for business and human rights, Professor John Ruggie. The proposal contained a statement that could hardly be in sharper contrast with Friedman's view:

"The international business community strongly supports respect for human rights not only because it is the right thing to do, but also because protecting human rights benefits all actors in society. To flourish, both domestic and international companies require the same basic principles, government policies and national institutions to protect human rights."⁴

This new approach which focuses on the connections between societal and economic progress has been conceptualized differently across different disciplines. In international law, business responsibility has been part of a broader debate on the fragmentation of the international legal order⁵ while the discussion in economics is focussed on the concept of corporate governance⁶ and creating shared value.⁷ All these approaches have in common that they represent a change in paradigm and react to a changing environment.

³ "Milton Friedman Responds", Interview with Milton Friedman, conducted by John McClaughry, in *ChemTech* (February 1974) pp. 72-78, at 72.

⁴ International Organisation of Employers (IOE), in collaboration with the International Chamber of Commerce (ICC) and the Business and Industry Advisory Committee (BIAC) to the OECD, Business proposals for effective ways of addressing dilemma situations in weak governance zones, December 2006, para. 7. Available at <http://www.reports-and-materials.org/Role-of-Business-in-Weak-Governance-Zones-Dec-2006.pdf>.

⁵ Christine Breining-Kaufmann, Legal Matrix of Human Rights and Trade Law: State Obligations versus Private Rights and Obligations, in: Thomas Cottier/Joost Pauwelyn/Elisabeth Bürgi (eds.), *Human Rights and International Trade*, Oxford 2005 (Oxford University Press), 95-136, at 97-107.

⁶ Andreas Georg Scherer, Guido Palazzo, Dirk Matten, *Globalization as a challenge for business responsibilities*, *Business Ethics Quarterly*, 19 (2009), 327-347.

⁷ The concept was first introduced in 2006 and significantly expanded in 2011: Michael E. Porter, *Strategy and Society, The Link between Competitive Advantage and Corporate Social Responsibility*, Harvard

2. Changing Perceptions and New Rules

At the international level, responsibility of business first became an issue in the UN General Assembly after the alleged involvement of the US based multinational company ITT in the overthrow of the Allende regime in Chile in 1973.⁸ It gained new momentum in the 1990s with liberalization, technology, and innovations in corporate structure enabling businesses to operate globally to an unprecedented extent. This development contributed to an increased awareness of governance gaps which had already – in a different context – been at the heart of the debate in the 1970s: Besides the economic benefit, which many countries were able to participate in, the existing legal framework as well as existing institutions were ill suited to accommodate new actors, keep up with the speed of market expansion and address the potential negative impacts of these developments.⁹

In a system of international law that is still substantially based on the Westphalian concept of the sovereign state as the prime legal subject, regardless of their impact on people's live, multinational companies cannot be accommodated easily. During the Nuremberg Tribunals which were the first international tribunals to decide on forced labour in a business context, managers and directors of the German companies IG Farben and Krupp were charged with abusing forced labourers from concentration camps in their business activities. The Tribunals did not acknowledge legal personality of the involved companies under international law but attributed the crimes against humanity either to the German state or the involved individuals.¹⁰

Eventually, John Ruggie abandoned the traditional approach of strictly separating the realm of binding state obligations and voluntary corporate behaviour. The Protect, Respect and

Business Review 84 (2006), 78-92; Mark R. Kramer, Michael E. Porter, Mark R. Kramer, *Creating Shared Value*, Harvard Business Review, 89 (2011), 62-77.

⁸ Intelligence Activities, Senate Resolution 21, Hearings before the Select Committee to Study Governmental Operations with Respect to Intelligence of the United States Senate, 94th Congress, 1st session, Vol. 7 *Covert Action*, December 4 and 5, 1975: Appendix A: Covert Action in Chile 1963-1973, pp. 158-160.

⁹ Protect, respect and remedy framework, Ruggie 2008, para. 104.

¹⁰ United Nations War Crimes Commission, Law Reports of Trials of War Crimes, Volume X, The I.G. Farben and Krupp Trials, London 1949, Case No. 57 (I.G. Farben), Case No. 58 (Krupp).

Remedy Framework of 2008 and the complementary Guiding Principles of 2011 were both accepted by the UN Human Rights Council.¹¹ In order to understand the current legal state of affairs, it is important to look at the driving forces behind these developments.

II. Driving Force: Increasing the Importance of Non-State Actors

1. Political Influence of Multinational Enterprises

The increasing political influence of multinational enterprises has been recognized as one of the key driving forces for the agenda of business and human rights. The privatisation of governmental functions, for instance in outsourcing prisons, schools and the provision of other public services to private companies raised the question whether contractors are bound by human rights. A recent example for regulating privatised governmental functions is the Montreux Protocol on Private Military and Security Firms which acknowledges the state's duty to protect human rights when entrusting private firms with security and military services.¹²

2. Globalisation and Trade Liberalisation

Economic globalisation allows businesses to organise their supply chain across national borders according to their needs. As a result, a company will not only face local differences and particularities but also different laws and regulations imposed on them by different states. In addition, a business may find itself confronted with violations of children's rights not because of its own actions but because of the actions of its suppliers. Outsourcing parts of the supply chain can be linked to "insourcing" human rights issues.

A second important feature often linked to globalisation is the regulatory competition between states to attract foreign investment which according to some scholars may result in

¹¹ Protect, Respect and Remedy: a Framework for Business and Human Rights, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, A/HRC/8/5, 7 April 2008; Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, A/HRC/17/31, 21 March 2011.

¹² UN General Assembly/UN Security Council, Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict, UN/A/63/467-S/2008/636, 6 October 2008.

a "race to the bottom" which involves the lowering of human rights related standards such as labour conditions in order to lower production costs.¹³

Generally, the business community has an interest in harmonised regulations to align the legal world with market reality so as not to hamper trade by legal obstacles. The liberalisation of international trade can be understood as the legal complement to economic globalisation. Cross border economic activities require free movement of capital, goods and people. International trade law mirrors these developments with the establishment of the World Trade Organization and a comprehensive body of international trade laws in 1994.

3. Access to Information

Today, information technology allows for news spreading at unprecedented speed around the globe. Social networks facilitate the mobilisation of consumers, workers and citizens at large.¹⁴ These new dynamics strengthen civil society's influence on decision-making, both at the national and international level. In addition, with information about cross-border issues becoming more easily available, we observe a shift of competences away from governments to international organisations.

4. Privatization of Conflicts

The number of internal conflicts is increasing around the world, with the number of internally displaced persons on the rise. Actions of international terrorist networks and international organised crime cannot be attributed to one state alone and often affect not only a particular state but the entire international community. The privatisation of security services further contributes to blurring the lines between state and private behaviour.¹⁵

¹³ For the different concepts see Christine Kaufmann, *Globalisation and Labour Rights*, Oxford: Hart, 2007, 232-234. In the context of the financial crisis Dani Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy*, New York: Norton 2011, 264.

¹⁴ Douwe Korff, *Social media and human rights*, in: Council of Europe, *Human rights and a changing media landscape*, Strassburg 2012, 175-206; for the Arab Spring: Philip N. Howard/ Muzammil M. Hussain, *The Role of Digital Media*, *Journal of Democracy* 22:3 (2011), 35-48.

¹⁵ Simon Chesterman/Angelina Fisher (eds), *Private Security, Public Order: The Outsourcing of Public Services and its Limits*, Oxford/New York: Oxford University Press 2009.

III. Status Quo: Multi-layered Legal Framework

1. Human Rights as Primary Obligation of States

The increasing role of private actors in a business and economic context has not yet been mirrored in traditional human rights law. Under current international law, human rights are still primarily state obligations; they do not generally bind private actors such as companies directly. Companies are thus not recognized general subjects of international law. Yet, changes are possible: in an amicus brief to the US Supreme Court, John Ruggie states that there may be signs of an emerging corporate responsibility for international crimes.¹⁶

As a result, the key bearers of responsibilities under international human rights law are still states and to a lesser extent individuals.

The UN human rights covenants impose a threefold set of obligations on states: a duty to respect, protect and fulfil human rights. While the duty to respect essentially requires the state to abstain from negatively interfering with human rights, the duty to protect and fulfil are of a positive nature as they call for concrete actions.¹⁷

It is the duty to protect which becomes most relevant with regard to business and human rights because it requires states to take the necessary measures for preventing human rights violations by third parties, including private actors such as businesses.

2. Horizontal Effects of Human Rights: What Does It Mean?

While this so called horizontal obligation is fairly undisputed as being legally binding for states, its content in a business context is less clear. There is no specific binding framework under international law for business. All we have are very few and very specific provisions such as the prohibition to trade slaves which also binds private actors. Depending on the country, companies face different or no human rights obligations at all.

¹⁶ US Supreme Court, *Kiobel vs. Royal Dutch Petroleum*, 10-1491, Brief amici curiae of former UN Special Representative for business and human rights, Professor John Ruggie; Professor Philip Alston; and the Global Justice Clinic at NYU School of Law in support of neither party, 12 June 2012, p. 7-8.

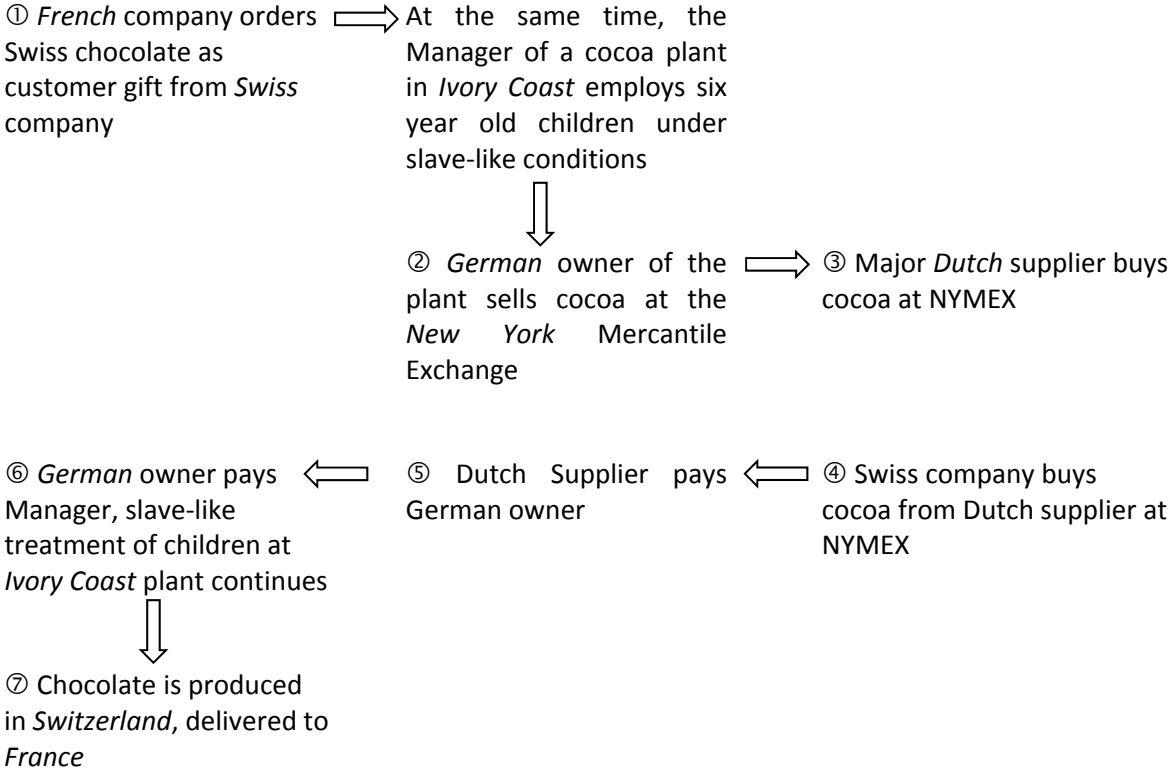
¹⁷ Walter Kälin/Jörg Künzli, *The Law of International Human Rights Protection*, Oxford/New York: Oxford University Press 2009, 96-98.

From a substantial point of view, the content of human rights in a business context requires further clarification. Companies need to know for example what the prohibition of child labour means for concluding a contract with a supplier in Asia. Does it mean that no child must be involved or does it only preclude hazardous work? There are no easy answers, particularly when child labour is involved.

An additional set of questions arises when human rights are infringed by business operations of a multinational company. Which country is in charge? Is it the country where the human rights violation took place? Is it the company's home country, where it is registered or has its headquarters? How are we addressing extraterritoriality and the principle of non-interference according to the UN Charter?

Before turning to recent developments and solutions a fictive example shall illustrate the challenges.

Layers of complexity: chocolate as a customer gift



Legal challenges:

- Is the French company responsible for the human rights violations in Ivory Coast? The Swiss producer? The Dutch supplier? The German owner?
 - Which country is responsible for protecting human rights at the plant in Ivory Coast?
 - What are the criteria?
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IV. Responses in International Law

1. Traditional: Binding Human Rights Obligations for Companies (Hard Law)

Since the 1970s all attempts of the international community to tackle the business and human rights challenge had for decades consisted in developing a binding legal framework for holding multinational enterprises accountable under international law.

Not surprisingly, these efforts were doomed to fail. The last proposal in this endeavour, the “Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights” tried to overcome the existing conceptual limits by legally binding *states* only while at the same time defining precise rules which as part of the state duty to protect should have been imposed on companies.¹⁸ What was a well meant and – given the rigid framework of traditional international law – a logical approach, unfolded a whole matrix of problems: Why had only some human rights such as labour rights been included in the draft and not others? How could the sphere of influence which had to be established in order to hold companies responsible be defined?

While business associations such as the International Chamber of Commerce took a firm stand against the Draft Norms on an operational level,¹⁹ many multinational companies had started defining social policies that would include at least some human rights.

When John Ruggie was entrusted with the mandate as Special Representative of the UN Secretary-General in 2005,²⁰ to essentially solve all of the remaining problems, to many observers this seemed to be a mission impossible. Despite turning and twisting concepts around for decades, the fact that the international community was not willing to accept companies as subjects of international law, which would have been a prerequisite to hold them legally accountable, had remained unchanged.

2. Business-oriented: Voluntary Codes of Conduct

In parallel to the UN’s struggle to develop binding norms and in reaction to other international organisations’ initiatives, in 1999 the then UN Secretary-General Kofi Annan launched the Global Compact, a voluntary initiative which was intended to involve top level business leaders and obtain their commitment for considering social values such as human rights, environmental protection and later the fight against corruption in their business

¹⁸ Economic, social and cultural rights: Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights, E/CN.4/Sub.2/2003/12/Rev.2, 26 August 2003.

¹⁹ Joint views of the IOE and ICC on the draft norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights, E/CN.4/Sub.2/2003/NGO/44, 29 July 2003.

²⁰ Based on Commission on Human Rights Resolution 2005/69, 20 April 2005; Renewal of the mandate by the Human Rights Council Res. 8/7, Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, 18 June 2008.

operations.²¹ The Global Compact has been both a success and a disappointment. It is a success because a large number of companies signed up to the principles and local Global Compact Networks were established around the world. From the perspective of many non-governmental organisations, it has been disappointing given its lack of an efficient monitoring mechanism.

3. “Principled Pragmatism”

The Special Representative on business and human rights, Professor John Ruggie quickly realised that reaching a consensus on an overreaching legal concept for reconciling business and human rights was not a realistic endeavour. He therefore decided to leave the beaten track of developing new legal concepts and focused on the goal. What does the international community want to achieve? What does it mean for this goal that there is already an abundance of non-binding voluntary guidelines?

In essence, John Ruggie’s approach built on existing binding obligations for states and on the accepted ethical responsibility of companies. Substance is more important than form – or in the words of Sullivan “form follows function”.²² The result is a farewell to “legal purism” and a very warm welcome to “principled pragmatism”.²³

V. Protect, Respect and Remedy Framework

1. A Word of Caution

Before engaging in a more detailed discussion of the Framework and the related Guiding Principles it is important to note that the essence of these instruments is rather on procedures than on substance. They do not re-define the content of human rights but instead develop a framework for implementing them in a business context. They are an important, yet only a first step on a journey that has just begun.

²¹ <http://www.unglobalcompact.org/>.

²² Louis H. Sullivan, The tall office building artistically considered, Lippincott’s Magazine 57, March 1896, 403-409, printed in: Leland M. Roth, America Builds: Source Documents in American Architecture and Planning, New York 1983, 340-346.

²³ Promotion and protection of human rights: Interim report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, E/CN.4/2006/97, 22 February 2006, para. 81.

2. A Three Pillar Framework

In 2008, the Human rights council adopted the “Protect, respect and remedy framework” as a conceptual underpinning for addressing human rights in a business context.²⁴

The *state duty to protect* human rights builds on existing legal obligations. It requires states to prevent, investigate, redress and punish human rights abuses by private actors. State policies need to be coherent, both vertically among different levels of government such as in federal states, and horizontally among different parts of government, for instance trade and foreign affairs departments.

The second pillar refers to the *corporate responsibility to respect* human rights. It does not build on existing legal obligations but on perceived corporate commitment not to contribute to human rights abuses.²⁵ Business is required to act with due diligence in order to avoid infringements of business activities on human rights. This implies compliance with national laws and respect of internationally recognized human rights.

Providing access to remedy for victims of human rights violations is a shared responsibility of states and businesses. This third pillar acknowledges the fact that access to formal judicial systems may be difficult for victims. It therefore includes non-judicial mechanisms and encourages states and business to explore such avenues.

3. Guiding Principles

Given the rather broad nature of the framework, the *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework* which were unanimously adopted by the UN Human rights Council in 2011²⁶ provide further guidance to both states and businesses on the content of the three pillars. In addition, the Office of the High Commissioner for Human rights published an interpretative guide on “the corporate responsibility to respect human rights.”²⁷

²⁴ Framework (Fn 11).

²⁵ At the time of this writing, 302 companies with a human rights statement were listed on the Business and Human Rights Resource Center’s website: <http://www.business-humanrights.org/Documents/Policies>.

²⁶ Guiding Principles (Fn 11).

²⁷ The Corporate Responsibility to Respect Human Rights – an Interpretative Guide, New York/Geneva 2012.

4. Children’s Rights and the Framework

It is surprising how little attention has been paid to children’s rights in the discussion. They are neither specifically addressed in the Framework nor in the Guiding Principles. Given, the leverage that a discussion of children’s rights in a business context could develop, it is regrettable that this opportunity has not yet been taken. The Children’s Rights and Business Principles, a joint initiative by UNICEF, the UN Global Compact and Save the Children provide some clarification but fail to substantially advance the debate. Examples from particularly exposed industries such as the cocoa production and tourism illustrate how challenging it is to develop a children’s rights policy that serves both the interest of the child and business objectives.²⁸

The Committee on the Rights of the Child reacted in two ways. It promptly started applying the Framework, for instance when it requested Australia to take measures against the violations of children’s rights by mining companies.²⁹ In addition it started working on a General Comment on Child Rights and Business.³⁰

VI. The Road Ahead

1. A Common Starting Point

While opinions on the specifics of the new Framework may vary, it cannot be emphasised enough that for the first time in decades a consensus on a shared responsibility of states and business to implement human rights has been achieved. The fact that the Human rights council unanimously adopted the Guiding Principles together with their incorporation into other instruments such as the *OECD Guidelines for Multinational Enterprises*,³¹ the

²⁸ For the cocoa industry: Fair Labor Association, Addressing Child Labor in Nestlé’s Cocoa Supply Chain in Côte d’Ivoire, Stakeholder Consultation, 26 November 2012, http://www.fairlabor.org/sites/default/files/documents/reports/nestle_cocoa_consultation.pdf; for tourism: Kuoni, Assessing human rights impacts: Kenya Pilot Project Report, November 2012, http://www.kuoni.com/docs/assessing_human_rights_impacts_0.pdf.

²⁹ Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations: Australia, CRC/C/AUS/CO/4, 28 August 2012, para. 27.

³⁰ <http://www.business-humanrights.org/ChildrenPortal/UNCommitteeGeneralComment>.

³¹ OECD Guidelines for Multinational Enterprises, 2011 Edition, <http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/48004323.pdf>

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*Sustainability Framework of the International Finance Corporation*³² or the new *Corporate Social Responsibility Strategy* developed by the European Commission³³ as well as industry-led initiatives³⁴ prove that human rights and business are on the agenda of the international community.

2. Filling the Framework with Content

Filling the Guiding Principles with content requires a multi-dimensional joint effort.³⁵ The UN Working Group on the Issue of Human Rights and Transnational Corporations which succeeded Professor John Ruggie, expects states to proceed in three steps: First to analyse the current state of affairs by mapping existing regulations, second to identify potential gaps or discrepancies with the Guiding Principles and third, based on steps one and two, to develop a country-specific action plan. According to the EU special representative for human rights, 19 out of 27 member states started developing action plans.³⁶

At the international level, the Working Group calls on all UN organisations to mainstream the business and human rights agenda into their activities. The OECD and the IFC may serve as role models. The UN Treaty bodies will play a particularly important role in further developing the Guiding Principles with regard to specific human rights.

With regard to the business sector, pillar two of the Framework calls for concrete steps. Businesses are expected to develop a human rights commitment, assess their activities’

³² International Finance Corporation, *Sustainability Framework: Policy on Social and Environmental Sustainability*, 2012, http://www1.ifc.org/wps/wcm/connect/b9dacb004a73e7a8a273fff998895a12/IFC_Sustainability_+Framework.pdf?MOD=AJPERES.

³³ A renewed EU strategy 2011-14 for Corporate Social Responsibility, COM(2011) 681 final, 25 October 2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:EN:PDF>.

³⁴ For example the International Code of Conduct for Private Security Service Providers 2010, <http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla.Par.0001.File.tmp/INTERNATIONAL%20CODE%20OF%20CONDUCT%20dtdc.pdf>; the “Thun Group” of Banks: http://www.menschenrechte.uzh.ch/index/Thun_Group_Statement_Final.pdf.

³⁵ Working Group member Alexandra Guáqueta talks about a 21st Century Governance Experiment: Global Trends in the Implementation of the UN Guiding Principles on Business and Human Rights Remarks for the First UN Annual Forum on Business and Human Rights, 4 December 2012, <http://www.ohchr.org/EN/Issues/Business/Pages/StatementsduringForum.aspx>

³⁶ Presentation by Stavros Lambrinidis at the First UN Forum on Business and Human Rights, 4 December 2012, <http://www.ohchr.org/Documents/Issues/Business/ForumSession1/SubmissionsStatements/StavrosLambrinidis.pdf>.

impact on human rights and eventually include human rights into their daily business operations (due diligence). State guidance on what is expected from the business community will contribute to more efficient business policies.

3. Conclusion

The next years will be decisive in using the General Principles' momentum to advance the implementation of human rights and children's rights. States, businesses as well as international organisations and civil society at large are equally called upon to act. We need to start with education, at home and abroad, to make human and children's rights a natural part of any business activity. States cannot delegate the issue to business but need to lead the process by setting clear standards and provide legal security. Business is called to take its responsibility seriously by developing strategies on making human rights part of daily business procedures.

The General Comment on Child Rights and Business will be an important step in this process.