

Business, Women's and Children's Rights

This Fact Sheet is intended to promote awareness and engagement of National Human Rights Institutions on business and human rights with a specific focus on women's and children's rights.

- **National Human Rights Institutions (NHRIs) are recognized to have important roles in advancing all three pillars of the United Nations "Protect, Respect and Remedy" Framework and the Guiding Principles for Business and Human Rights.**
- **NHRIs can work with governments, businesses and civil society organizations to implement good practices for the advancement of women and children's rights in and beyond the workplace, including through the promotion of the Women's Empowerment Principles and the Children's Rights and Business Principles.**
- **NHRIs can undertake an array of actions ranging from identifying and engaging with government agencies and civil society organizations that work on women and children's rights issues in and beyond the workplace to providing information, training and examples of best practices for businesses to respect women and children's rights in the workplace and supply chain.**

NHRIs: Stepping up engagement with business

In October 2010, NHRIs adopted the Edinburgh Declaration on Business and Human rights. This Declaration clearly signals NHRIs' joint commitment to supporting better understanding and respect for human rights in business operations.

Read the Edinburgh Declaration: <http://www.nhri.net/default.asp?PID=624>

In March 2009, the ICC Working Group on Business and Human Rights was formed. It is the first thematic working group of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The Working Group's purpose is to promote capacity building, strategic collaboration, advocacy and outreach by NHRIs in the human rights and business area.

Read more about the Working Group: <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/default.aspx>

Business and Women's Rights

Businesses have a responsibility to respect all universally recognized human rights in their operations and supply chains through a process of on-going due diligence for human rights. Women's rights issues should be a priority for all businesses because of the disproportionate risks of discrimination and violence that women experience around the world, as well as the proven benefits to productivity that comes from the empowerment of women in the workforce.

Gender equality and women's rights are protected by international human rights laws, policies and commitments:

- ▶ The Universal Declaration of Human Rights and the International Conventions on Civil and Political Rights and Economic, Social and Cultural Rights all contain clear statements on the right of women to be free from discrimination.
- ▶ The Convention on the Elimination of All Forms of Discrimination Against Women obliges signatories to undertake actions to ensure gender equality in both the private and public spheres and to eliminate traditional stereotyped ideas on the roles of the sexes.
- ▶ The Committee on the Elimination of Discrimination Against Women has issued General Recommendations No. 13 (equal remuneration for work of equal value), No. 16 (unpaid women workers in rural and urban family enterprises) and No. 26 (women migrant workers).
- ▶ The Fourth UN World Conference on Women in Beijing in 1995 specified a Platform for Action to attain the equality and empowerment standards set by CEDAW.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;*
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction*

--Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women

Operationalizing Women's Rights in Business: the Women's Empowerment Principles

The Women's Empowerment Principles are a set of Principles for business offering guidance on how to empower women in the workplace, marketplace and community. They are the result of a collaboration between the United Nations Development Fund for Women (UNIFEM, part of UN Women) and the United Nations Global Compact. Sub-titled Equality Means Business, the Principles emphasize the business case for corporate action to promote gender equality and women's empowerment and are informed by real-life business practices and input gathered from across the globe.

The seven Women's Empowerment Principles are:

- 1. Establish high-level corporate leadership for gender equality.**
- 2. Treat all women and men fairly at work – respect and support human rights and nondiscrimination.**
- 3. Ensure the health, safety and well-being of all women and men workers.**
- 4. Promote education, training and professional development for women.**
- 5. Implement enterprise development, supply chain and marketing practices that empower women.**
- 6. Promote equality through community initiatives and advocacy.**
- 7. Measure and publicly report on progress to achieve gender equality.**

For more information about the Women's Empowerment Principles: http://www.unglobalcompact.org/issues/human_rights/equality_means_business.html

For examples of good practices by businesses in implementing the Women's Empowerment Principles: http://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/Companies_Leading_the_Way.pdf

Business and Children's Rights

The Convention on the Rights of the Child outlines basic entitlements and freedoms that apply to all children without discrimination, and has four core principles that should underpin any action concerning children, including by the private sector. These four core principles are: the best interests of the child; non-discrimination; child participation; and survival and development.

The corporate responsibility to respect children's rights applies to the business's own activities and to its business relationships. In order to meet this responsibility, all business should put in place appropriate policies and processes as set out in the guiding Principles on Business and Human Rights.

Children's rights in the workplace are protected by international human rights laws, policies and commitments:

- ▶ The Convention on the Rights of the Child and its Optional Protocols.
- ▶ The International Labour Organization's Convention No. 138 on Minimum Age and Convention No. 182 on Worst Forms of Child Labour.
- ▶ The Committee on the Rights of the Child is in the process of finalizing a General Comment on Business and the Rights of the Child.

“Children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

– Article 32 of the Convention on the Rights of the Child

Children's Rights and Business Principles

The Children's Rights and Business Principles are a set of principles to guide companies on the full range of actions they can take in the workplace, marketplace and community to respect and support children's rights. They were developed by UNICEF, the UN Global Compact and Save the Children.

While the business and human rights agenda has evolved significantly in recent years, a child rights perspective has not yet been explicitly addressed. The Principles are built on existing standards, initiatives and best practices related to business and children, and seek to fill gaps to present a coherent vision for business to maximize the positive impacts and minimize negative impacts on children. In doing so, the Principles help to elaborate both expectations of, and opportunities for business, in relation to children; who are often overlooked as stakeholders of business.

The ten Children's Rights and Business Principles are:

- 1.** Meet their responsibility to respect children's rights and commit to supporting the human rights of children.
- 2.** Contribute to the elimination of child labour including in all business activities and business relationships
- 3.** Provide decent work for young workers, parents and caregivers.
- 4.** Ensure the protection and safety of children in all business activities and facilities.
- 5.** Ensure that products and services are safe, and seek to support children's rights through them.
- 6.** Use marketing and advertising that respect and support children's rights.
- 7.** Respect and support children's rights in relation to the environment and to land acquisition and use.
- 8.** Respect and support children's rights in security arrangements.
- 9.** Help protect children affected by emergencies.
- 10.** Reinforce community and government efforts to protect and fulfill children's rights.

For more information about the Children's Rights and Business Principles:
http://www.unglobalcompact.org/Issues/human_rights/childrens_principles.html

Role of NHRIs

Confronted with these issues on women and children, NHRIs play a crucial role in preventing and remedying violations of human rights.

Most States have domestic laws imposing some responsibilities on business operating within their jurisdiction that have an explicit connection with women and children's rights, such as anti-discriminatory and equal opportunity laws, anti-exploitation laws, laws prescribing minimum age of children for employment, labor standards laws, etc. States Parties should periodically assess their existing legislation and regulations and fill the gaps whenever necessary. NHRIs can play an important role here because they have the mandate to undertake legislative review and make recommendations to ensure compliance with international human rights norms and standards.

Even with the presence of sufficient laws, it is the lack of implementation or poor enforcement of laws regulating business activity and operations that poses the most critical problem for women and children. NHRIs can monitor the effective implementation and enforcement of the laws relating to women and children and business. As a result of their monitoring, they can issue advisories, position papers, and recommendations to eliminate discrimination and violence against women in the workplace, and protect their health and safety. Similarly, advisories, position papers and recommendations may be issued to eliminate child labour, promote education and protect children's health and safety.

Most States will have some agencies with oversight of particular standards relevant to women and children's rights. For example, health and safety inspectorates, environmental tribunals and bodies focused on non-discrimination and unequal treatment in the private sector. These agencies may have regulatory powers allowing them to impose administrative sanctions on businesses that violate human rights. With the mandate to protect human rights of women and children, NHRIs can also exercise oversight of business enterprises that provide services that may impact on the enjoyment of women and child rights.

NHRIs can create flexible solutions to issues concerning women and children and at times it may be best for women and the child's interests for concerns raised about a company's conduct to be resolved or settled informally. Where appropriate, NHRIs should undertake mediation and conciliation of complaints.

Most NHRIs have the power to consider individual complaints and petitions and carry out investigations. Cases of discrimination, violence against women, violation of the right to health, right to education, and child labour may be filed before NHRIs. This highlights the role of NHRIs in providing access to remedies under the "Protect, Respect and Remedy" framework.