* 1. **Oral Statement International Commission of Jurists, DKA Austria, Child Rights Connect, ECPAT International, Geneva Infant Feeding Association, NGO Congregation of Our Lady of Charity of the Good Shepherd, Clínica de Direitos Humanos UFMG and Clínica de Direitos Humanos PPGD/PUCPR**

***Open-ended intergovernmental working group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights, Resolution A/HRC/26/9***

**Geneva, Palais des Nations, Room XX**

* 1. **Sixth Session 26 to 30 October 2020**

**Monday 26 October, 2020 at 10h00 to 13h00**

**General Oral Statement**

On behalf of the International Commission of Jurists, DKA Austria, Child Rights Connect, ECPAT International, Geneva Infant Feeding Association, NGO Congregation of Our Lady of Charity of the Good Shepherd, Clínica de Direitos Humanos UFMG and Clínica de Direitos Humanos PPGD/PUCPR.

We thank the intergovernmental working group for all the work undertaken in the past years in bringing forward the development of a legally binding instrument regulating the activities of transnational corporations and other business enterprises with respect to human rights.

The informal network of organisations mentioned above has been working on a proper integration of children’s rights in the treaty. Our aim is not to add the term children in every provision but to examine closely each article from a child rights’ perspective and give wording recommendations on how the LBI could respect, protect and fulfil the rights of children.

Children are “often disproportionately affected by the adverse impact of business activities”.[[1]](#footnote-1) Yet, the impact of business on children and their rights is often still invisible to many stakeholders such as governmental authorities and decision makers within the business sector, but also human rights advocates. The special focus typically given by companies to child labour or product responsibility towards children has often diverted attention from the full range of other impacted human rights

Children are potential consumers targeted by marketing strategies and prone to using harmful or unsuitable products and services, off and online.[[2]](#footnote-2) Many are workers[[3]](#footnote-3) 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 operates.

With this in mind, a children’s rights-based analysis of the 2020 Draft LBI was conducted by the International Commission of Jurists at our request. This study underlines on one hand the ways in which children are impacted by business activities and on the other hand the ways in which the LBI should best guarantee the fulfillment of children’s rights. We will highlight the findings during the sessions this week and thank you in advance for taking note and considering our proposals.

Thank you Chair!

1. Committee on Economic, Social and Cultural Rights, General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities (CESCR General Comment No. 24), 2017, para 8, available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en>. [↑](#footnote-ref-1)
2. It is worth recalling in that regard that children benefit from the same rights and protection online as they do offline, see Resolution of the UN Human Rights Council “The promotion, protection and enjoyment of human rights on the Internet”, A/HRC/RES/38/7, adopted on 5th July 2018, available at: <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/38/7> [↑](#footnote-ref-2)
3. It is important to recall at the outset the difference between appropriate work for children, which is legal, and child labor, which consists of work that is harmful to children, as defined under art. 32 CRC. When mentioning “child workers”, this paper refers to child work permitted under the CRC and does not in any way condone child labor. [↑](#footnote-ref-3)