

# Protecting children's rights: an introduction session for businesses

---

*30/01/2024*



# Agenda



	<b>AGENDA POINT</b>	<b>LEAD</b>
13.30	<b>Introduction</b>	<i>Sophie Tüllmann, SWISSCO</i>
13.35	<b>Child rights: key issues for businesses</b>	<i>Monika Althaus, UNICEF Switzerland &amp; Liechtenstein and Sandra Groth, Save the Children Switzerland</i>
13.50	<b>Implications of current and future Human Rights Due Diligence Legislation</b>	<i>Sarah Dekkiche, ICI</i>
14.00	<b>Approaches to identify, prevent and address child labour in the cocoa sector</b>	<i>Megan Passey, ICI</i>
14.15	<b>Case study: An SME's HRDD journey to identify, prevent, monitor and address child labour in their operations and supply chains</b>	<i>Nicoletta Lumaldo, SWISSCO &amp; Sarah Dekkiche, ICI</i>
14.55	<b>Wrap-up</b>	<i>Sophie Tüllmann, SWISSCO</i>

# Technical Notes

The session is not a lecture event and **interaction** is explicitly desired!  
However, please note the following:



Please **mute** yourself during the presentations by clicking on the microphone icon.



Please signal your contributions with the **raise your hand** function.



We invite you to turn on your **camera** when speaking to make the session more interactive.

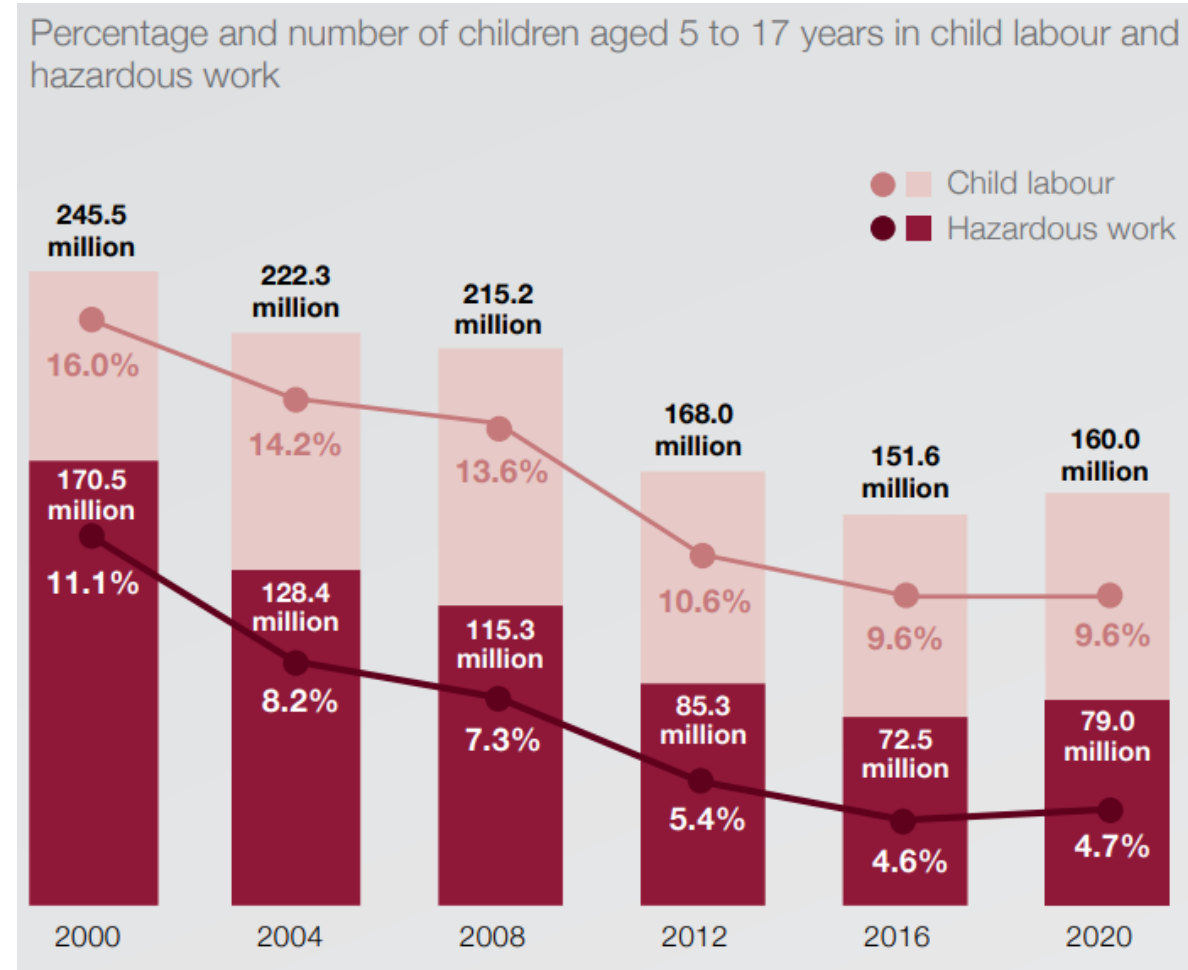
The background features a dark brown color with stylized, lighter brown graphics. On the left, there are several overlapping leaf shapes with prominent veins. In the center, a hand is depicted with fingers slightly spread. On the right, another large leaf shape is visible. The overall aesthetic is clean and modern.

# Child rights: key issues for businesses

Monika Althaus, UNICEF Switzerland & Liechtenstein &  
Sandra Groth, Save the Children Switzerland

# Child labour: A global challenge

- Globally, **160 million children are in child labour**;
  - **1 in 10** children
  - **50%** of these children do **hazardous work**
  - **1/3** are not in school
  - The **agricultural sector** accounts for almost **3/4** of child labour
- Most children in child labour work **within their own family** (approx. 72%)
- Child labour is often most prevalent in the **second, third or lower tiers** of the supply chain
- Cocoa-specific numbers follow in next input.



- [Quelle: ILO / UNICEF \(2021\): Global Estimates of Child Labour 2020, Alliance 8.7 \(2019\): Ending forced labour, child labour and human trafficking in global supply chains; US Department of Labour, List of Goods Produced by Child Labour or Forced Labour](#)

# Definition

The term “child labour” is defined as work that

- is **mentally, physically, socially or morally dangerous** and harmful to children.

It refers to work that

- is **harmful to children's physical and mental development**, with potentially lifelong consequences
- interferes with their **schooling**
- deprives children of their **childhood, their potential and their dignity**.

Cf. [International Labour Organization](#)



# Regulatory framework on child labour



## UN Convention on the rights of the child

- 196 signatories
- Art. 32: Prohibition of economic exploitation of children

## Covenant on economic, social and cultural rights

- Art. 10: Prohibition of economic exploitation



## ILO Core conventions Conventions

- No 138: Definition of a minimum age for work
- No 182: Elimination of the worst forms of child labour



## Ghana: National legislation

CRC; ILO Conventions 138 + 182	Ratified
Minimum Age for employment	<b>15</b> (Section 89 and 92 of the Children's Act (27))
Minimum Age for Hazardous Work	<b>18</b> (Section 91 and 92 of the Children's Act (27)), <a href="#">List of hazardous work</a>
<a href="#">National Accelerated Action Plan Against Child Labour 2023 - 2027</a>	



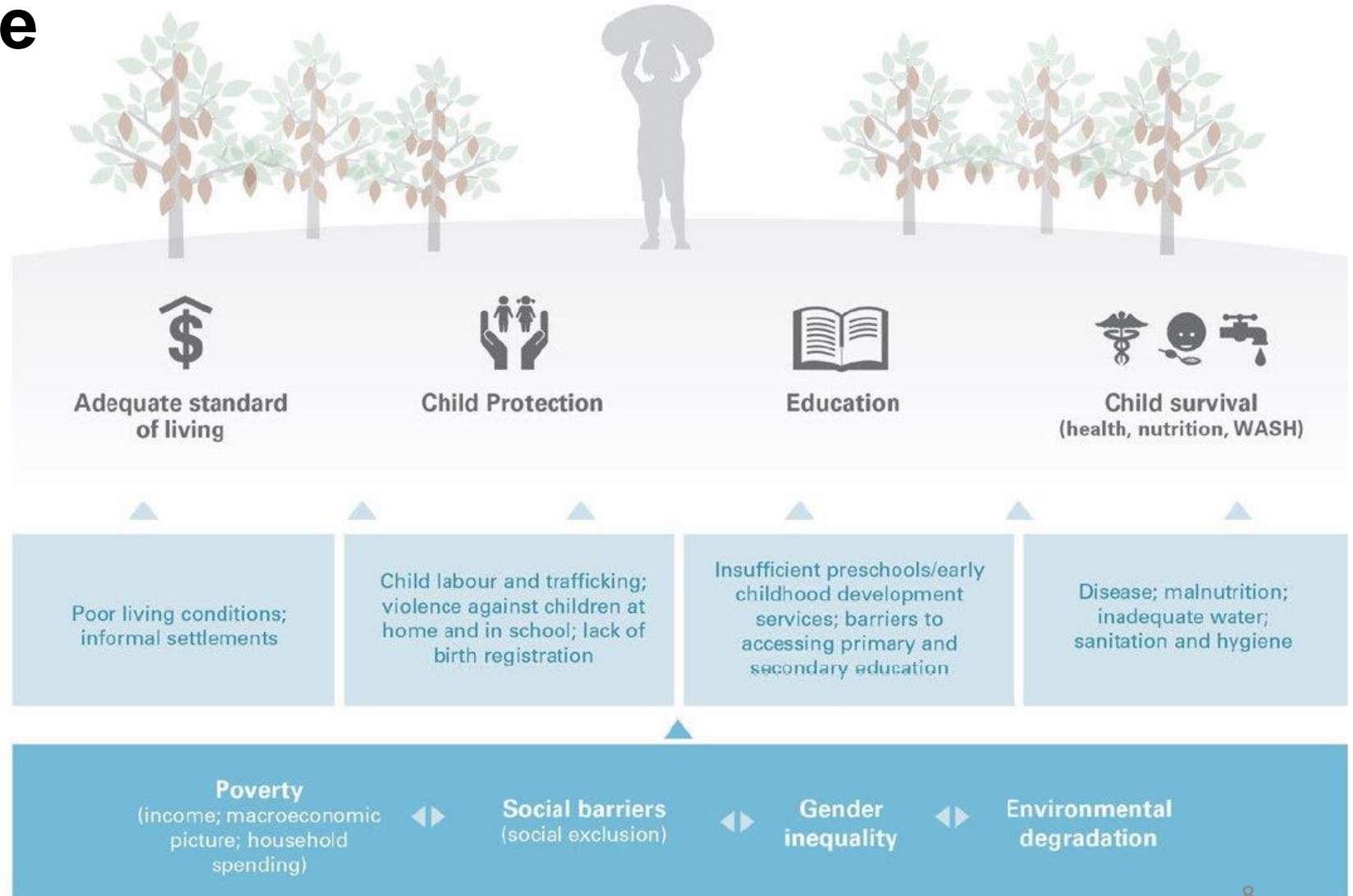
## Côte d'Ivoire: National legislation

CRC; ILO Conventions 138 + 182	Ratified
Minimum Age for employment	<b>16</b> (Article 23.2 of the Labor Code; Article 16 of the Constitution (22,30))
Minimum Age for Hazardous Work	<b>18</b> (Article 4 of the Prohibitions of Hazardous Work List (31)), <a href="#">List of hazardous work</a>

## Regulations on mandatory Human Rights Due Diligence (mHRDD), including child labour

- Are covered in next input

# Beyond child labour – salient children's rights issues in the cocoa context

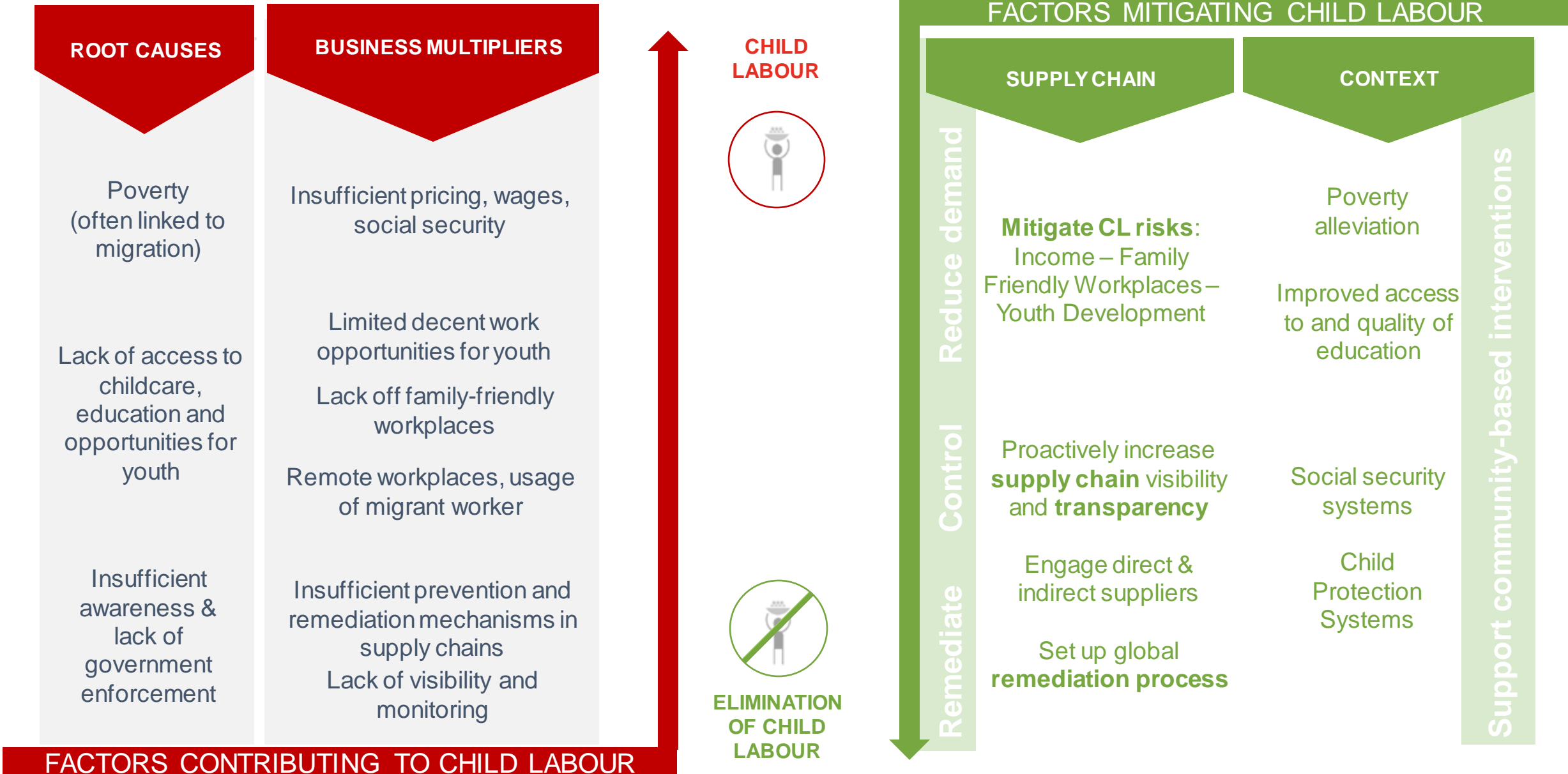


Source: UNICEF (2018): [Children's rights in Cocoa-Growing Communities of Côte d'Ivoire](#)



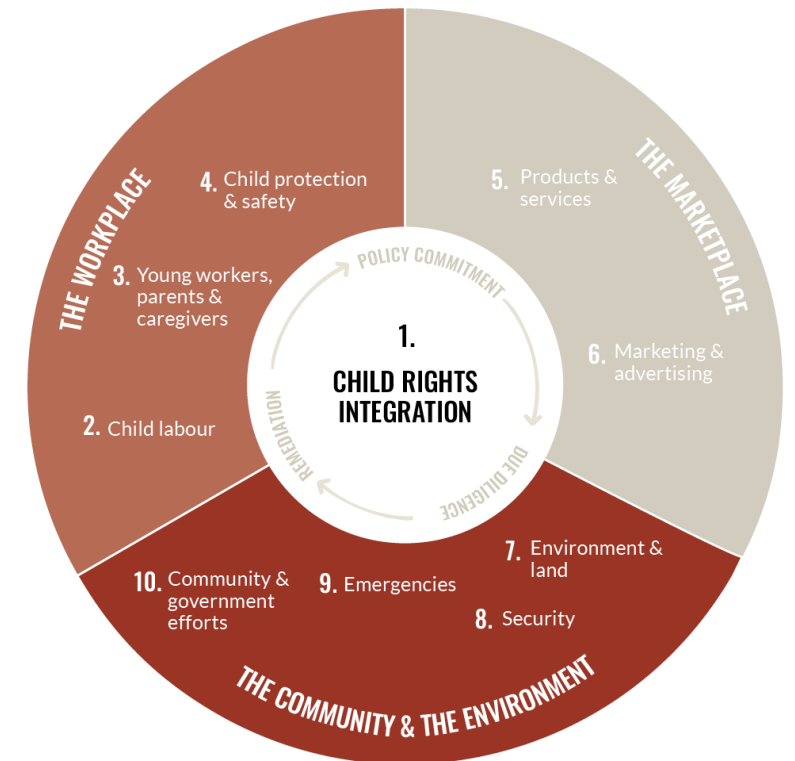


# The role of business



# Child Rights & Business

- The **reasons for child rights violations** in global supply chains are **complex**
- In order to tackle them, businesses need to follow a **child-centred approach** that not only focusses on their own supply chain but addresses root causes
- Any measures intended to benefit children should incorporate **child participation**
- **Child labour is just one touch point of businesses and children** – in order to fully understand the impact on Child Rights, a broader perspective, as described within the **Child Rights and Business Principles**, is needed



[Child Rights and Business Principles](#) – a lens for business to understand material impacts on children

The background features several stylized, monochromatic brown graphics. In the upper center, there is a hand with fingers spread. To the left, a branch with several leaves is visible. In the lower center, a large leaf contains four circular holes. To the right, another large leaf is shown. The overall aesthetic is clean and modern.

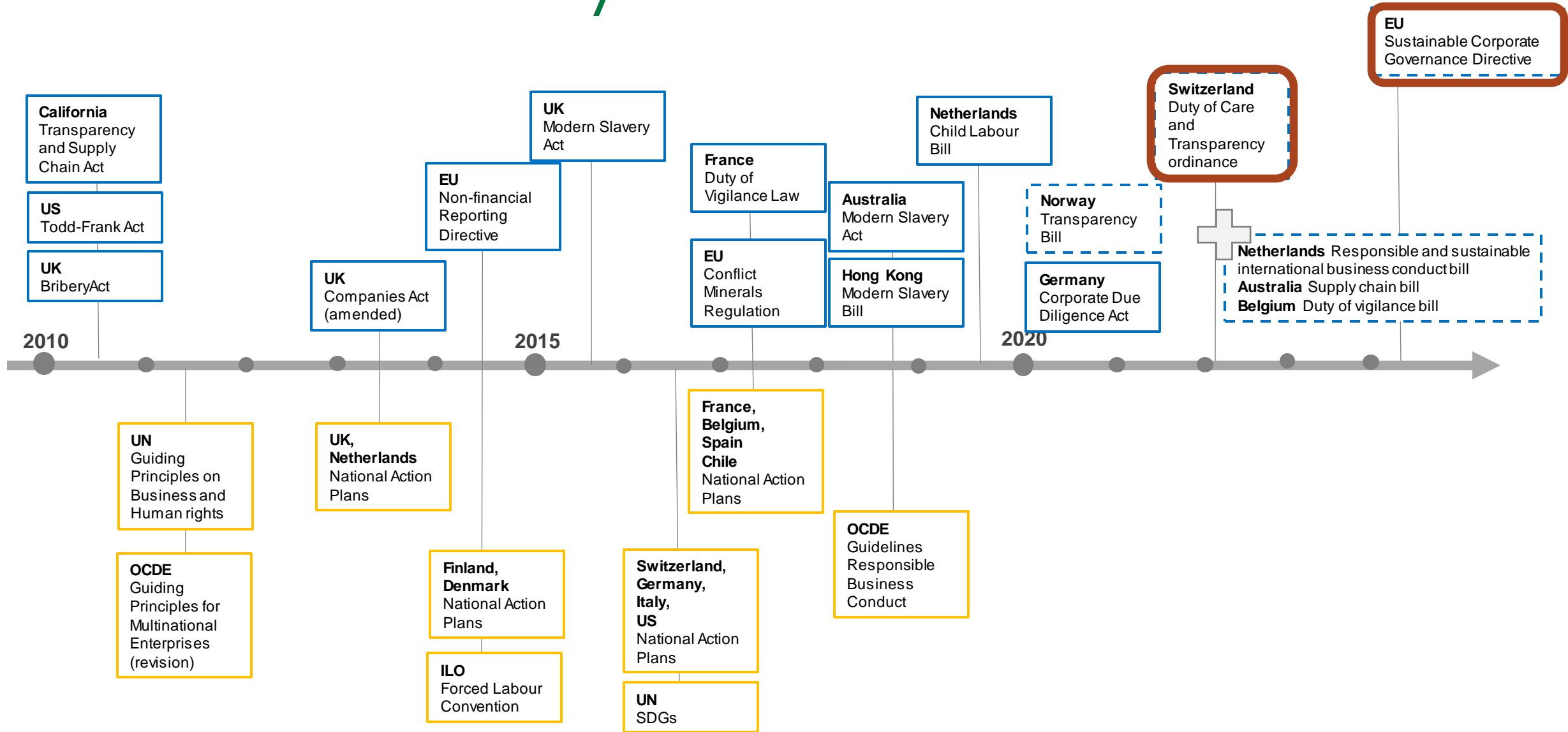
# Q&A

The background features a dark brown color with stylized cocoa leaves and a hand. The leaves are depicted with thick, dark brown outlines and some have circular patterns. A hand is shown in a similar dark brown color, with fingers slightly spread, positioned in the upper right quadrant of the slide.

# Implications of current and future Human Rights Due Diligence Legislation

Sarah Dekkiche, International Cocoa Initiative

# Towards mandatory HRDD





# Corporate Sustainability Due Diligence Directive [draft]

<b>Scope</b>	<ul style="list-style-type: none"><li>• EU and parent companies with &gt; 500 employees and a worldwide turnover &gt; 150 million Euro.</li><li>• Companies with &gt; 250 employees and with a turnover of &gt; 40 million euro if at least 20 million are generated in a high-risk sector, including agriculture.</li><li>• Non-EU companies and parent companies with equivalent turnover in the EU (the Commission will have to publish a list of non-EU companies that fall under the scope of the directive)</li></ul> <p><i>* garment &amp; footwear, agriculture, minerals</i></p>
<b>Obligation</b>	<p><b><u>Conduct human rights and environmental due diligence through:</u></b></p> <ul style="list-style-type: none"><li>• Embed DD into policy existing policies, have a human rights policy</li><li>• Identify actual or potential adverse impacts</li><li>• Prevent, minimise potential adverse impacts</li><li>• Brining actual adverse impacts to an end and mitigating their extent</li><li>• Complaints procedure</li><li>• Monitor the effectiveness of the policy and measures</li><li>• Communicate publicly</li></ul>
<b>Reach</b>	<ul style="list-style-type: none"><li>• Own operations + Supply chain</li></ul>
<b>Sanction</b>	<ul style="list-style-type: none"><li>• Civil liability included, with better access to justice and remedy for victims. The agreement establishes a period of 5 years to bring claims by those concerned by adverse impacts (including trade unions or civil society organisations).</li><li>• Administrative in form of pecuniary fines (a minimum maximum of 5% of the company's net turnover)</li></ul>

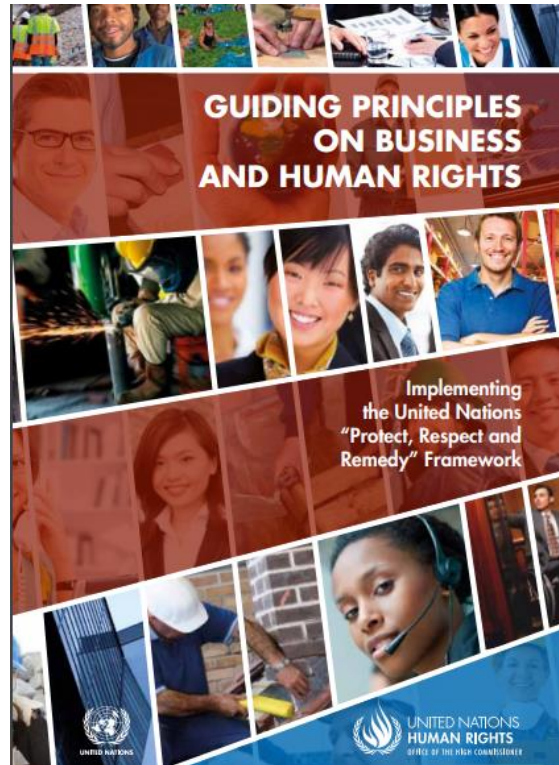


# Ordinance on Due Diligence Obligations and Transparency Regarding Child Labour

<b>Scope</b>	<ul style="list-style-type: none"><li>• Companies meeting two of the following criteria:<ul style="list-style-type: none"><li>- Balance sheet of 20 Mio CHF</li><li>- Turnover of 40 Mio CHF</li><li>- 250 full time employees</li></ul></li></ul>
<b>Obligation</b>	<ul style="list-style-type: none"><li>• For companies with “grounded suspicion” of child labour:<ul style="list-style-type: none"><li>- Establish a policy and management system</li><li>- Traceability: Provide a written list of production sites and contractors.</li><li>- Risk identification and evaluation</li><li>- Take measures to eliminate, prevent or reduce to the minimum the identified and evaluated risks</li><li>- Consolidated reporting</li><li>- Exceptions to the due diligence requirements for companies presenting low risks and companies complying to international standards</li></ul></li><li>• Exemptions for companies:<ul style="list-style-type: none"><li>• Presenting low risks (based on the UNICEF Children's Rights in the Workplace Index)</li><li>• Complying with or fulfilling international standards (ILO Conventions n° 138 and 182; ILO-IOE child labour guidance tool; OECD DD Guidance)</li></ul></li></ul>
<b>Reach</b>	<ul style="list-style-type: none"><li>• Own operations + Supply chain</li></ul>
<b>Sanction</b>	<ul style="list-style-type: none"><li>• Administrative: Fine of max 100,000 CHF</li></ul>

# The corporate responsibility to respect human rights

## According to the UN Guiding Principles on Business and Human Rights

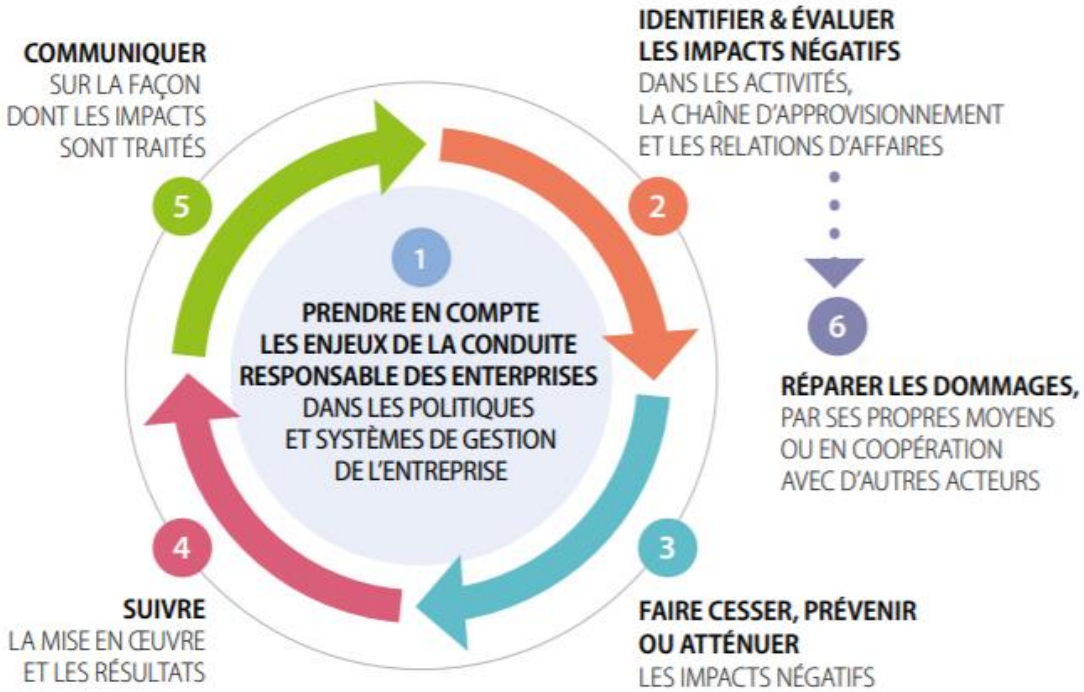


- Companies have a responsibility to respect human rights, which requires enterprises to:
  - a) **Avoid causing or contributing to** adverse impacts through their own activities;
  - b) **Seek to prevent or mitigate** adverse impacts that are directly linked to their operations and supply chains, even if they have not contributed to those impacts (UNGP 13)
- In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should **carry out human rights due diligence** (UNGP 17)
- **Identify and assess any actual or potential adverse human rights impacts** with which they may be involved either through their own activities or as a result of their business relationships (UNGP 18)
- In order to verify whether adverse human rights impacts are being addressed, business enterprises should **track the effectiveness of their response** (UNGP 20)
- In order to account for how they address their human rights impacts, business enterprises should be prepared to **communicate this externally** (UNGP 21)



# Risk-based due diligence on human rights

## Based on the OECD Due Diligence for Responsible Business Conduct



*Process of continuous improvement*

The background features several stylized, monochromatic brown graphics. In the upper center, there is a hand with fingers spread. To the left, there are several leaves of varying shapes and sizes, some with prominent veins. In the lower center, there is a large leaf with four circular holes, resembling a cookie. The overall aesthetic is clean and modern.

# Q&A

The background features a dark brown color with stylized cocoa leaves and a hand. The leaves are depicted with thick outlines and some have circular patterns. A hand is shown in a similar dark brown color, with fingers slightly spread, positioned in the upper right quadrant.

# Approaches to identify, prevent and address child labour in the cocoa sector

Megan Passey, International Cocoa Initiative

# Scale of child labour in cocoa



child labourers globally



child labourers in agriculture globally



1.56 million

child labourers in cocoa in Côte d'Ivoire & Ghana<sup>1</sup>

61 million

child labourers in agriculture in Africa

Not unique to cocoa, but cocoa-specific drivers...

- Labour intensive crop
- Smallholder farms
- Fragmented supply-chain
- Migration
- Low yields & low farmer income
- Poverty
- Poor social infrastructure

... and both a symptom and cause of an unsustainable supply-chain.

1 NORC, 2020. Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana.

2 UNICEF: Global estimates, 2020, trends and the road forward

# Examples of hazardous activities for children in the cocoa industry

---



Use of  
sharp tools



Carrying  
heavy loads



Exposure to  
agro-chemicals



Night work



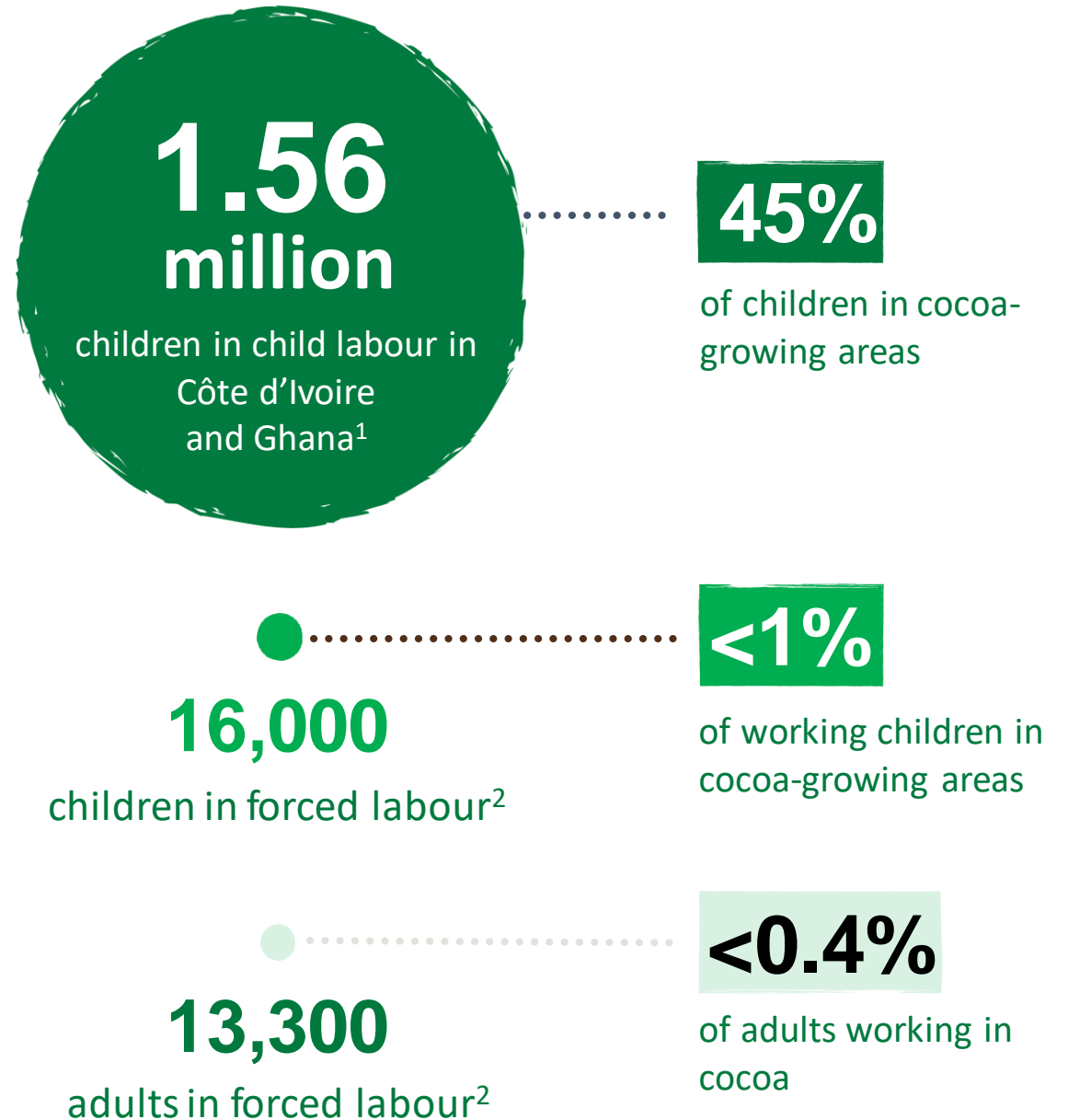
Working long  
hours

# Scale of child labour and forced labour in cocoa

Forced labour is far less widespread than child labour, but impacts are more serious.

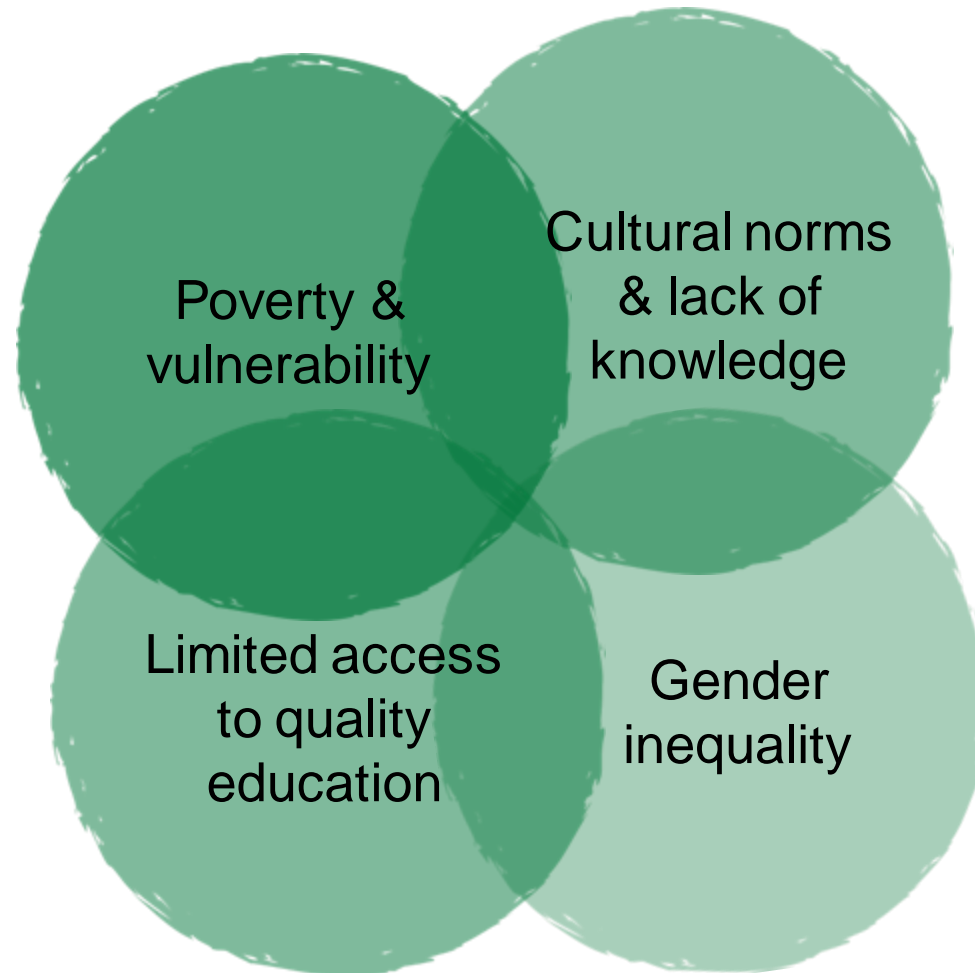
1 NORC, 2020. Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana.

2 Walk Free Foundation, 2018. The Prevalence of Forced Labour and Child Labour in the Cocoa sectors of Côte d'Ivoire and Ghana.



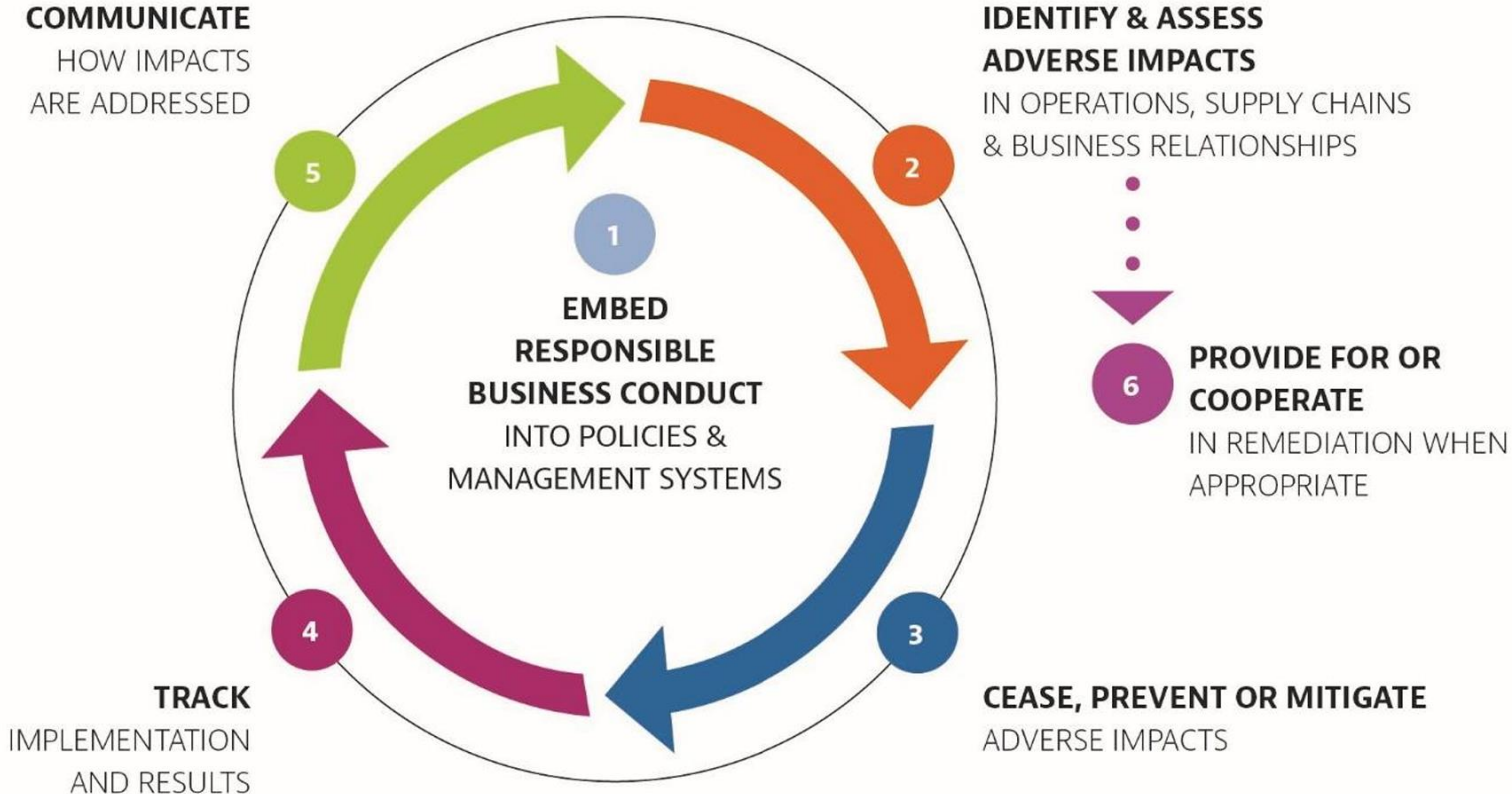
# Root causes

---



# What are business obligations in relation to human rights?

OECD due diligence framework:





# How to **identify** adverse human rights impacts?

---

**Know your supply chain**  
(Where? Who? What?)



**Assess risks in these places**  
for the different people  
involved



**Prioritize salient risks**  
based on scope, scale and  
severity

# How to cease, prevent or mitigate risks?

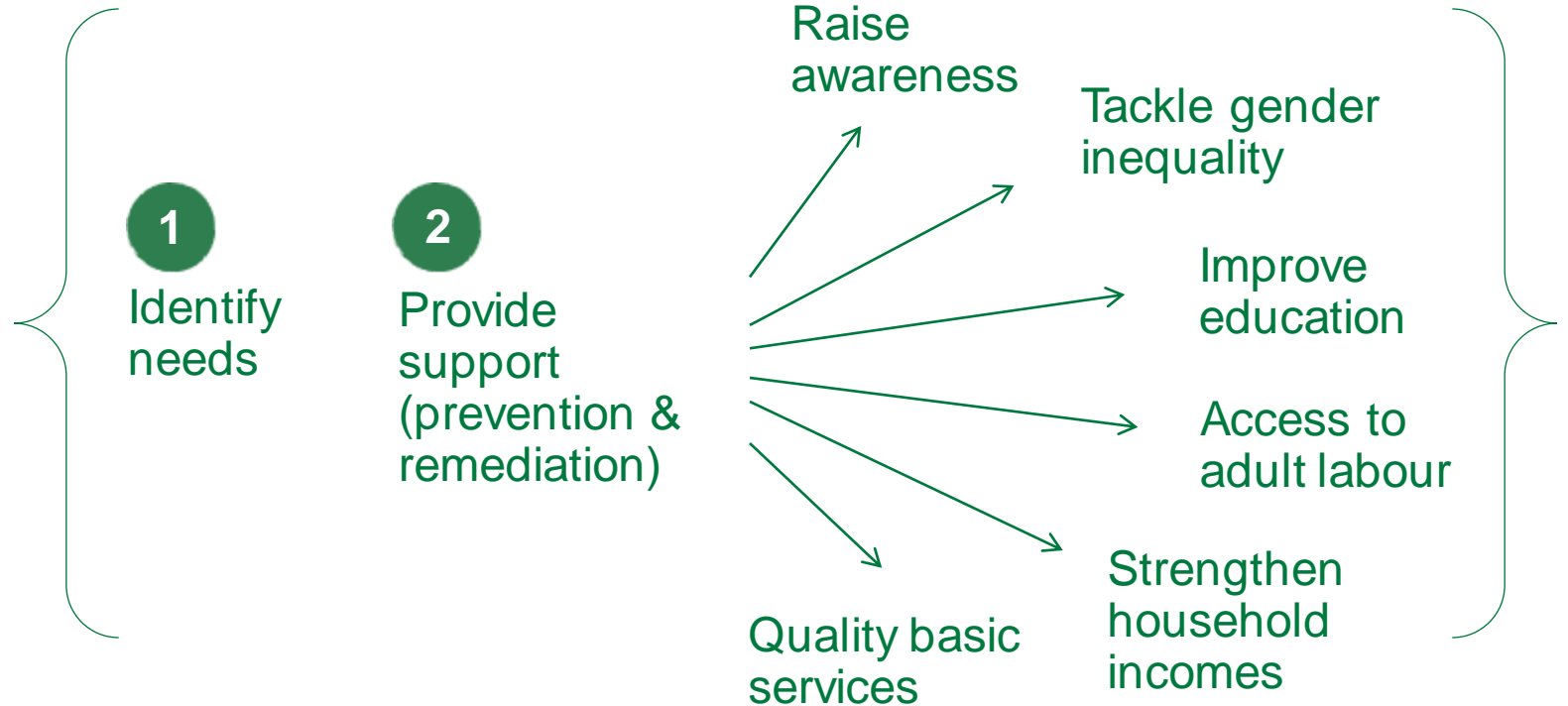
Two common approaches exist to assess and address child labour in the cocoa sector, both tackle the same root causes:



Child Labour Monitoring and Remediation Systems



Comprehensive community development



# How to **track** implementation and results?

---

**Both types of approach can be effective in reducing child labour.**

But data needs to be systematically collected and carefully managed in order to monitor progress and demonstrate impact:



**33%**

Reduction in hazardous child labour at community level after 3+ years of **mixed industry-supported interventions (CLMRS & community development)** (NORC, 2020)



**36%**

Reduction in hazardous work among child labourers identified by ICI's **CLMRS** (ICI, 2023)



**20%**

Reduction in hazardous child labour after 3+ years of **child-centred community development** (ICI, 2020)

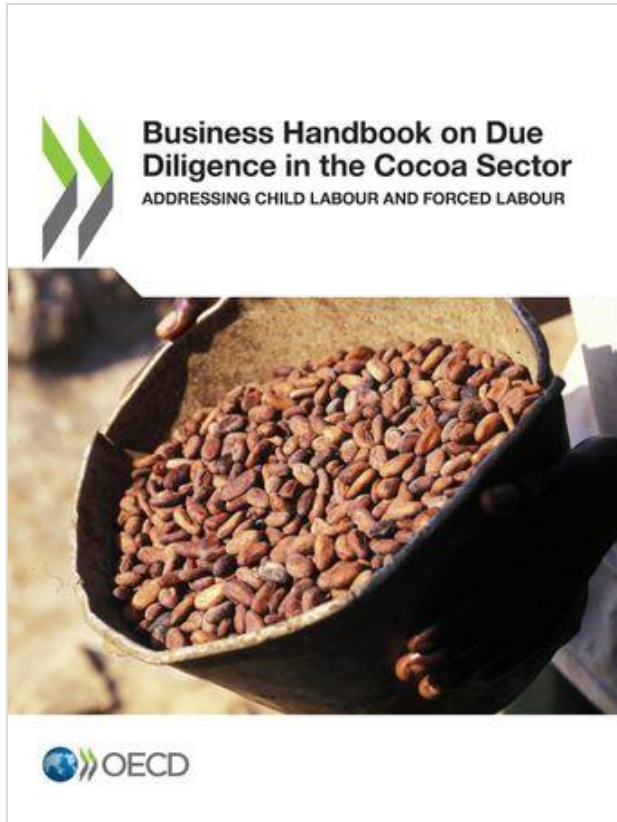
# How to **communicate** on implementation and results?

- **Individual companies should publicly communicate their efforts**, to prevent and address child labour, **and their impacts.**
- **Collective reporting efforts** (e.g. member reporting to ISCOs, to ICI) help us to understand sector-wide progress on the coverage, and ultimately impact of these efforts.



# How can I learn more?

---



## [Business Handbook on Due Diligence in the Cocoa Sector: Addressing Child Labour and Forced Labour](#)

- Step-by-step sector and issue-specific guidance
- Specific sections for SMEs
- Practical examples

# Q&A

The background features several stylized, monochromatic brown graphics. In the upper center, there is a hand with fingers spread. To the left, a branch with several leaves is visible. In the lower center, a large leaf contains four circular holes. To the right, another large leaf is shown with prominent veins.

The background is a solid dark brown color. It features several large, stylized, light brown shapes. On the left, there are several overlapping leaf-like shapes with dark brown outlines. In the upper center, there is a stylized hand with five fingers, also in light brown with dark brown outlines. On the right, there is a large, curved leaf-like shape with a dark brown outline. At the bottom, there are several dark brown circles of varying sizes, some overlapping, resembling spots or seeds.

# Fictional Case Study

# Introduction of the SME

## SwissCocoa Crafters AG

**Establishment:** Founded by Anja Widmer in 2014, visionary entrepreneur dedicated to ethical and sustainable Swiss chocolate

**Location:** Headquartered in Neuchatel, Switzerland

**Size:** Small and Medium-sized Enterprise (SME), 102 employees, volume of cocoa sourced: 600 t (50% from Ghana, 50% from Ecuador)

**Financials:** CHF 50 million (net) annual turnover

**Mission:** Produce high-quality chocolate and promote ethical and sustainable practices in the cocoa sector

**Operations:** Collaboration with local farmers indirectly through 2 established traders and processors, one sourcing from West Africa (Ghana), and the other from Latin America (Ecuador); several commitments on social and environmental sustainability





The background features several stylized, monochromatic brown graphics. In the upper center, there is a hand with fingers slightly spread. To the left, there are several leaves of varying shapes and sizes, some with prominent veins. In the lower center, there is a large, round cookie with four dark circular holes. The overall aesthetic is clean and modern, using a single color palette against a dark background.

# Wrap-up

Sophie Tüllmann, SWISSCO

# ISCO Working Group Meetings 2024

## ISCO Working Groups:

- Traceability & Transparency
- Living Income
- Forests & Agroforestry
- **Child Labour**
- Monitoring & Evaluation

Date & Time* (CET)	Activity
January 23rd 14h - 15h30	WG Forest & Agroforestry
January 30th 13h30 - 15h	WG Child Labour: intro session for SMEs
February 1st 13h30 - 15h	WG Monitoring
April 18th Tbc	WG Living Income
May 28th Tbc	WG Traceability
June 13th Tbc	WG Child Labour
September 12th Tbc	WG Monitoring
October 17th Tbc	WG Child Labour
October 31st Tbc	WG Living Income
November 6th Tbc	WG Traceability
November 22nd Tbc	WG Forest & Agroforestry

## Interested in joining a working group?

Please reach out to one of the ISCO secretariats and we will sign you up. If you were already registered for one or more working groups in the past, you do not need to do it again.

The background is a solid dark brown color. It features several stylized, lighter brown graphic elements: a branch with leaves on the left, a hand with fingers spread in the upper center, a leaf with four circular holes in the lower center, and a large leaf on the right.

**Thank you!**