Generating Shared Value From Full Protection of Children and Adolescents

Proposition for Business Guidance Under the Context of Large Projects

CYCLE 2013
Generating Shared Value
From Full Protection of
Children and Adolescents

Proposition for Business Guidance
Under the Context of Large Projects
The Center for Sustainability Studies (GVces) of the Business Administration School at Getulio Vargas Foundation (FGV-EAESP) is an open arena for study, learning, insights, innovation, and knowledge production, formed by people with multidisciplinary background, engaged and committed, with an authentic desire to transform society. GVces activities are based on the development of public and private management strategies, policies and tools to promote sustainability for local, national and international scenarios. Our programs are driven by four major pillars: (i) training activities; (ii) research and knowledge production; (iii) debates and exchange of information; and (iv) mobilization and communication.

Under this context, Companies for the Climate (EPC), Innovation and Sustainability in the Value Chain (ISCV), Local Development and Large Projects (Local ID), and Trends in Ecosystem Services (TeSE) are GVces Business Initiatives for networked co-creation of strategies, tools and public and business policy propositions related to sustainability. We handle issues concerning local development, ecosystem services, climate, and value chain.

GVces business initiatives in 2013:

- **EPC** - Contributed for the transition to a low-carbon economy through economic tools (carbon market, tax policy and greened IT) applied to the extension of renewable sources in the Brazilian electrical matrix and fostering ICT (information and communication technologies) solutions aiming at emission and climate risk management.

- **ISCV** - Co-created business solutions for challenges in waste and post-consumer waste management, involving small projects.

- **IDLocal** - Co-created business solutions for challenges in waste and post-consumer waste management, involving small projects.

- **TeSE** - Co-created business management strategies to value ecosystem services and water resource management.
Table of Contents

1 Introduction 10
2 Background 14
   Full Protection of Children and Adolescents 14
   Corporate Social Responsibility 18
3 Challenges, Opportunities and Responsibilities 26
   Mapping Challenges and Responsibilities 26
   Business Roles and Responsibilities 44
4 Business Guidance for Full Protection of Children and Adolescents 48
   The Balanced Scorecard (BSC) Methodology 50
   Strategic Map for Shared Value Generation From Full Protection of Children and Adolescents Under the Context of Large Projects 54
5 Recommendations for Implementation 56
   Principles for Action 56
   Scorecard and Action Plans 59
6 Closing Comments 62
7 Bibliographical References 66
   Bibliography 66
   Other References and Support Materials 68
8 Annex 70
   Protecting Children’s and Adolescents’ Rights: Legal Reasons for Businesses to Take Action

Masthead

An initiative of GETULIO VARGAS FOUNDATION Center for Sustainability Studies (GVces)

General Coordinator
Maria Macaro

Vice Coordinator
Paulo Franco

Executive Coordinator
Ana Belinky

Team
Leticia Arthuzo

Technical Consultant
Cecilia Ferraz

Collaboration
GVces: Bel Brunhoro, Bruno Toledo, Felipe Frezza, Manuela Maluf Santos, Maria Piza e Ricardo Barretto
Childhood: Ana Maria Drummond, Itamar Goncalves, Leticia Born e Rita Ippolito
GV Law - Center for Businesses and Human Rights: Daniela Machado de Almeida, Flavia Scabini, Juila Macaro, Malyk Poppovic, Oscar Vilhena Vieira, Tania Brumholtz Hipolito
Through Businesses Participating in the Workgroup: Andrea Santoro e Rodrigo Santoro (AES Brasil); Fabio Aladese e Tatiana Bliz (Alcoa); Evelyn Gomes e Bernardo, Kaila Cristo e Fernanda e Maria de Figueiredo e Silva, (Alphaville); Ana Paula A. Cunha, Juliana Ribeiro e Silvia Almeida (Anglo American); Andrea Marquez e Manoela Silva (BP); Carolina Ribeiro e Silvia Santos (Construtora Camargo Correa); Paula King (Grupo Nautika); Alejandra Fuentes e Cristiana Baro (Grupo Andina); Alika Tsakalos e Thiago Augusto Medeiros (Kraib; Isabel Ferreira e Luisa Maranhao (Brazil); Cecilia Kothier, Luciana dusta Pereira e Thiago Moreira Soares (Suizante); Ana Paula Barimani, Silvia Almeida e Rafaela Gulli (Vestibrain); Cristiano Laurence e Luiza Camargo (Unilever)

Guest Experts: Elissia Machado de Almeida, Georje Vasconcelos, Juliana Gomes Ramallo Monteiro, Margarida Marques, Maristela Bernardo, Oscar Vilhena Vieira e Reinaldo Bugarelli

Writing
Gustavo Ferroni e Aron Belinky

Revision
José Juliano de Azevedo Santos

Graphic Design and Art Edition
Walkyria Garotti

Illustration
Anita Ebert

Agradecimentos a todos que participaram dos processos de consulta pública.
por meio das entrevistas e atividades coletivas realizadas em São Paulo-SP e em Altamira-PA
Sexual Abuse and Exploitation
Two equally perverse ways in which sexual violence against children and adolescents occurs. The definitions are as follows:

Abuse: ‘Any act of sexual nature or connotation in which adults submit minors to situations of sexual excitement or satisfaction, imposed by physical strength, threat or seduction. The aggressor is usually someone known to or related to the minor.’

Exploitation: ‘It assumes a trade relationship, in which sex is the result of a trade, either a financial trade, exchange of favors or gifts. Sexual exploitation may be related to more complex criminal networks and may involve enticers, who profit from mediating the relationship between the children or adolescents and the final clients.’

source: Childhood Brasil.

BSC (Balanced Scorecard)
BSC is a strategic planning tool and management system that aims at aligning the company’s activities with its vision and strategy, and providing a performance monitoring system against the goals set. It was developed in the beginning of the 1990’s by Robert S. Kaplan and David P. Norton.

Value Chain
Set of activities that add value to products or services, from the initial stages of design/production up to service provision to end consumers.


Community
A community can be defined as a ‘territorial group of individuals with reciprocal relationships which act as common means to achieve common goals.’


Sphere of Influence
Breadth and/or depth of political, contractual, economic or other relationships with which businesses are able to impact decisions or activities of individuals or organizations.

source: ISO 26000.

ECA (Statute of the Child and Adolescent)
Effective since 1990, ECA determines the rights and duties of children and adolescents, as well as the rights, duties and obligations of the State, families and society. It is a critical tool to change the reality of children and adolescents, who have historically been victims of neglect and economic and social exploitation.


Generating Shared Value
Operation policies or practices that increase a company’s competitiveness while leveraging economic and social conditions in the communities where they operate.


Large Project
We can consider as a large project any intervention or activity that, due to its dimension or nature, makes significant changes in a given territory. This concept may apply to projects that remain in the location both on the long-term and for a limited period of time – and does not necessarily include large construction sites.

source: GVces.

Vulnerable Group
A group of individuals who share one or many characteristics seen as reasons for discrimination or adverse circumstances – social, economic, cultural, political and health conditions – which prevent them from enjoying their rights or equal opportunities.

source: ISO 26000.

ISO 26000 – Guidance on Social Responsibility
The International Standard ISO 26000 – Guidance on Social Responsibility provides guidance for all types of organizations, regardless of their size or location, on concepts, history, principles and practices concerning social responsibility.

source: ANDI.

Absolute Priority
As defined by the Brazilian Federal Constitution, Art. 227: ‘Families, communities, the society as a whole and public authorities shall ensure, with absolute priority: rights related to life, health, education, sports, entertainment, professional qualification, dignity, respect, freedom, and contact with families and communities.’

Such rule is detailed in ECA and it means that, according to the legislation, actions aiming at protecting children and adolescents shall be top priority in the processes of elaborating and implementing public policies.

Juvenile Participation
It is when young people – boys and girls – actively participate in all instances of discussion, mobilization and determination of actions to stand up for their rights.

source: Childhood Brasil.

Full Protection
A doctrine adopted by ECA that considers children and adolescents as citizens under special conditions of development, entitled to rights, which shall be protected by the family, the State and society. It is the principle that guides ECA and legally ensures physical, moral, psychological and social development to all children and adolescents, without discrimination.

source: ANDI.
whom they interact and are somewhat interdependent so their business is affected or may be affected.

To engage them means, first, to know them as well as their expectations. Then, establish with them different forms of dialogue, exchange of information and assessments, in a kind of ‘business diplomacy’, trying, on one hand, to prevent and remedy possible conflicts concerning the company’s activities and, on the other hand, learning lessons that may improve the decision-making process and minimize risks and costs.


Territory
A geographically defined space (…) characterized by multidimensional criteria, such as the environment, economy, society, culture, politics and institutions, and a population with diverse social groups, where social and cultural identity elements stand out.

The territory is the unit that best dimensions ties among people, social groups and institutions that may be mobilized and converted into a critical element to establish initiatives for development.


Social Vulnerability
Social vulnerability is the negative result of the ratio of the material or symbolic resources availability for the actors, either individuals or groups, and the access they have to the structure of social, economic and cultural opportunities offered by the State, market and society. Such result conveys weaknesses or disadvantages for these actors performance and social mobility.

Source: Abramovay, 2002.

Children and Adolescents Protection Network
An interconnected set of governmental and non-governmental actions aiming at fulfilling children’s and adolescents’ rights at the municipal level. The local network should mobilize as many organizations as possible, especially the ones representing municipal public authorities, Guardianship Councils, Children and Youth Law, assistance units, Public Attorney’s Office, public security bodies, Legal Aid and centers to defend rights, as well as other organizations representing the communities willing to contribute to promote and stand for children’s and adolescents’ rights.


Social Responsibility
Social responsibility is expressed by the desire and purpose of organizations to incorporate socio-environmental concerns to their decision-making processes and taking responsibility for the impacts their decisions and activities may have on society and the environment. This requires an ethical and transparent behavior capable of contributing to sustainable development, compliant with applicable legislation, and consistent with international standards of behavior. It also requires social responsibility to be integrated throughout the organization, practiced in their relationships, taking into account the interests of stakeholders.

Note 1: activities include products, services and processes.

Note 2: relationships refer to the organization activities within its sphere of influence. Source: ISO 26000.

Children’s and Adolescents’ Rights Guarantee System
The Rights Guarantee System refers to an interconnected set of people and institutions working to ensure the rights established in the regulatory framework, fundamentally based on three main pillars: promotion, control and defense of children’s and adolescents’ rights. This occurs at the federal, state and municipal levels.


Stakeholder and Engagement with Stakeholders
For companies, stakeholders are communities, institutions, governments, customers, shareholders and suppliers with whom they interact and are somewhat interdependent so their business is affected or may be affected.

To engage them means, first, to know them as well as their expectations. Then, establish with them different forms of dialogue, exchange of information and assessments, in a kind of ‘business diplomacy’, trying, on one hand, to prevent and remedy possible conflicts concerning the company’s activities and, on the other hand, learning lessons that may improve the decision-making process and minimize risks and costs.


Social Vulnerability
Social vulnerability is the negative result of the ratio of the material or symbolic resources availability for the actors, either individuals or groups, and the access they have to the structure of social, economic and cultural opportunities offered by the State, market and society. Such result conveys weaknesses or disadvantages for these actors performance and social mobility.

Source: Abramovay, 2002.
Introduction

In recent years, Brazil has experienced a boom of large projects, mostly leveraged by PAC (Growth Acceleration Program), but not limited to it. They range from huge construction sites, such as the Belo Monte hydroelectric power plant, to smaller interventions, which, however, still affect the territories where they are located. There are roads, ports, railways, hydroelectric power plants and others. Large urban interventions have also occurred, either as a way to try to solve historical issues in our big cities, or as a consequence of the 2014 World Cup and 2016 Olympic Games. Besides, the private sector has invested and carried out large projects, such as mineral exploration, installation of new manufacturing plants, or the extension of their production chains to other regions in the country.

Many of these projects are carried out in vulnerable territories, where the State is barely present, and are inhabited by groups, families or individuals who are more exposed to the risk of unemployment, poor working conditions, poverty and lack of social protection. It is important to note that vulnerability does not exist only in areas that are distant from urban centers; it may exist, for instance, on the outskirts or in other areas in big cities.

Much of these investments, particularly on the energy sector\(^1\), has been made on the North of the country, especially in the Amazon region. Historically, due to its more recent occupation, the territories in that region lack institutional resources and a strong public sector, and part of the population is still in vulnerable conditions. We must also consider that the region hosts traditional populations such as indigenous people, maroons, riparian populations and other communities whose organization and lifestyle are closely related to their natural environment. In this context, large projects affect local economic activities, as well as the sense of belonging, identity and cultural bonds. On the other hand, if carried out with proper care, they may be the answer to many social issues and human rights violations.

When it comes to social vulnerability, one of the groups that are most exposed to risks are children and adolescents. Children and adolescents who are in vul-

\(^1\)http://www.pac.gover.br/mapa
nerable conditions are more intensely affected by social inequality, poverty and social exclusion. This is reflected in violations of their rights and weakening of family ties and other areas of socialization, such as schools and others. They ultimately have to abruptly make the transition from childhood to adulthood, and keep suffering with the lack of access to education, work, health, entertainment and culture. With no perspective on the future, they are exposed to many forms of exploitation, which may include child labor, youth labor in extremely poor conditions, and sexual exploitation2.

When a large project is started in a vulnerable territory, it may significantly affect this scenario. It is extremely critical, as established by law, that absolute priority is granted to protect children and adolescents, not just to guarantee their rights, but also as a strategy for local development and overall human rights protection.

As democracy advances in the country, the social role of various actors has changed and, along with the rights granted, new responsibilities emerged. This is also true for businesses, who should seek to build new competencies and innovate in their management. The attitude of the organizations concerning these challenges will make the whole difference to either convert them into new opportunities and gains for the business, or into obstacles and charges. Proactive companies that are open to dialogue with society will have clear advantages in this scenario.

It is in this context that the Center for Sustainability Studies (GVces) of Sao Paulo Business Administration School at Getulio Vargas Foundation (FGV-EAESP), Childhood Brazil and the Center for Businesses and Human Rights at GV Law School3 joined forces to discuss children and adolescents full protection in territories affected by large projects. Specifically focused on the role of companies, the purpose was to offer guidance on how businesses can prepare, through joint participation with other stakeholders, the territories that host large projects, in order to guarantee full protection of children and adolescents.

This work sought to assess different perspectives to handle the full protection issue. Specifically, we tried to balance three axes:

• Local development
• Full protection of children and adolescents
• Corporate social responsibility

By analyzing the convergence between these three axes, it is clear that, under the context of territories that host large projects, business activities that incorporate full protection of children and adolescents in their strategies and practices ultimately promote local development, while generating value for their own organizations and stakeholders (please refer to Figure 1).

Given the nature of such initiative, we sought a collective building process in which different actors could bring in their perspectives. A diverse and robust group gathered together for GVces Local Development and Large Projects (Local ID) Initiative: Childhood Brazil, the Center for Businesses and Human Rights at GV Law School, and representatives of 13 companies4 that were willing to debate, analyze and share experiences on the topic.

The members of the group were present in many meetings, including a field trip, where we tried to link the work with the reality of a territory affected by a large project. The process also included a seminar to consult entities that work with children’s and adolescents’ issues.

The result is this present document. In the following pages, readers will find a description of the broad context of children’s and adolescent’s protection, including the international scenario, and how this topic has been handled in business management. Then, we mapped the challenges and opportunities for children and adolescents in the territories that host large projects. After the mapping, we covered roles and responsibilities businesses have concerning main risk factors associated with it. The document then presents a proposition for Business Guidance for Full Protection of Children and Adolescents Under the Context of Large Projects, aiming at interconnecting actions that should be taken with the company’s main strategy. For this purpose, we used the Balanced Scorecard (BSC) methodology, building a strategic map for the topic and offering guidance for deployment.

Given the elements, insights and propositions presented, we believe that, even though this publication is primarily targeted at businesses, it will also contribute to other actors in civil society and government involved with the topic of children and adolescents and large projects.

GVces will keep dealing with this topic in Local ID future cycles. At the website http://www.fgv.br/ces you will find additional documents and more information on how this work was elaborated and how it will be continued. Enjoy!

---

1 ARES Brazil, Aicos, Alphaville, Anglo American, BP, Camargo Correa, Bucal, Abril Group, Andre Maggs Group, Klabin, Natura, Suzano Paper and Pulp, Unilever, and Votorantim.
2 From June 24th to 28th, 2013, a group formed by representatives of GVces, Childhood Brazil, GV Law School and participating companies visited Altamira PA. There, they had the chance to observe the territory situation with the installation of Belo Monte hydro electric power plant, through workshops, interviews and a visit to the construction site and its surroundings.
Background

The idea that protection of children and adolescents is a topic applicable to all organizations, and not just to the State is present both in the main international references for children and adolescents and in the Brazilian legislation. As UNICEF states in its slogan for corporate social responsibility, 'children are everyone’s business.' In the end of the 20th century, one of the main international milestones on the topic was the UN World Summit for Children, held in New York, in 1990. The meeting initiated the so-called decade of world conferences, when the UN promoted a series of world summits on social and environmental topics.

The conference established commitments and goals between countries on children’s survival, protection and development.

Before the New York Summit, there was another big milestone, the Convention on the Rights of the Child, published in 1989. The Convention was the first international treaty that managed to regulate in one single document all rights (civil, political, economic, social and cultural rights) of a diffuse group: children. According to the Convention, all children are born with the rights, among others, for survival, nutrition and feeding, health, housing, education, participation,

1 Please refer to the Annex and to the article ‘O direito à proteção integral das crianças e dos adolescentes no contexto de grandes empreendimentos: raízes jurídicas para a ação da empresa e desafios para o sistema de garantias’ (The Right for Full Protection of Children and Adolescents in the Context of Large Projects: Legal Reasons for Businesses to Take Action, and Challenges for the Guarantee System); it can be accessed at the website http://idlocal.com.br/.
equality and protection. The Convention success grant-
ed the children, at the international level, the status of ‘people who are entitled to rights’, even though their responsibilities are not similar to those assigned to adults. The Convention, as well as the New York Summit Declaration, which was elaborated later, states public and private institutions are responsible for ensuring children’s full development.

In the decade of 2000, another critical milestone for the agenda to protect children and adolescents was establishing the Millennium Development Goals (MDGs). Launched during the Millennium Summit, the largest meeting of world leaders ever, the Millennium Declaration established a series of priorities for collective advancement and survival of human beings. Such priorities, called MDGs, are directly related to the childhood protection agenda, since children are the most vulnerable people when it comes to poverty, environmental disasters, wars and other social issues.

Besides, at least four MDGs directly mention critical issues to children: ensuring primary education, reducing child mortality rates, improving maternal health and reducing poverty. Such priorities, called MDGs, are directly related to the childhood protection agenda, since children are the most vulnerable people when it comes to poverty, environmental disasters, wars and other social issues.

In Brazil, the best known reference for childhood protection agenda is ECA (Statute of the Child and Adolescent). ECA was created in 1990 by Law 8,069 and it regulates Article 227 of the Federal Constitution, which mentions Children’s Rights in Brazil, establishing the foundation to protect children and adolescents, including the responsibility of society as a whole to ensure it, and the rule of absolute priority, meaning policies and actions concerning children and adolescents shall always come first.

ECA was based on key UN Human Rights docu-
ments, including the Declaration of the Rights of the Child. It is known worldwide as one of the most ad-
vanced set of laws concerning the rights of juvenile population.

Unfortunately, ECA is still not fully observed. Actors in charge of ensuring full protection aren’t aware of many of its provisions at all. Upon getting involved in the development of a territory, any actor, including businesses, should seek to understand the Statute of the Child and Adolescent provisions and find out the weaknesses of the place that need to be dealt with.2 It is worth emphasizing one more time that ECA states throughout its text that society, and not just the State, is responsible for protecting and ensuring children’s and adolescents’ development in Brazil.

2 The educator Antônio Carlos Gomes da Costa, ECA’s co-author, lists three key requirements to make ECA effective: visibility of an ethical commit-
ment to the cause of Promoting and Defending Children’s and Adolescents’ rights on the family, society and State side; political desire to overcome ob-
stacles and challenges present in public policies, legal institutions and civil society; improvement of technical qualification to train leaders, technical

staff and assistants in order to offer quality support. Source: Promenino

Telefonica Foundation.
As we have seen, both in the national and the international scenarios, there are a number of responsibilities, whether enforced by law or not, applicable to businesses concerning children and adolescents. This alone should be sufficient to take action to avoid operations that may adversely impact the rights of this group. Nevertheless, besides great international references and the Brazilian legislation, this issue also emerges in the corporate social responsibility agenda.

Businesses are social actors of great relevance. Besides generating wealth and jobs, by mobilizing people and capital, and using natural resources, they have the potential to transform society. Changes can be either positive or negative, reinforcing vulnerabilities and the same old structures. Being part of society, it is not possible to allow businesses to refrain from discussing and acting in topics that are so relevant for collective development. Full protection of children and adolescents is one of such topics.

During the past two decades, there was a significant growth in the movement for corporate sustainability and CSR (corporate social responsibility), from something limited to a few school groups, NGOs and companies, to a recurring and widely accepted topic. Currently, corporate social responsibility means much more than philanthropy and refers to how businesses manage their impact on society and environment, including the way they interact with their stakeholders. During that time, various initiatives, tools and references – such as management systems, metrics, certifications, codes and standards – were created to support the job of the companies in this area. At first, the focus was on processes and management, but, as CSR grew mature, we started observing the connection with specific themes, for instance, protection of children and adolescents.

Some critical milestones for CSR movement in this journey were the creation of GRI (Global Reporting Initiative), UN Global Compact, OECD Guidelines for Multinational Enterprises, ISO 26000 Standard, and UN Guiding Principles on Business and Human Rights. In Brazil, Ethos and ISE (Bovespa’s Corporate Sustainability Index) metrics are two important references in this area.

Reference documents and tools on CSR and sustainability usually emphasize companies responsibility to map their impacts, including the ones resulting from their value chain and sphere of influence, the importance to act to avoid violations of rights and, when they do occur, there should be proper mechanisms to mitigate and compensate them. Moreover, engagement with stakeholders is also part of CSR pillars. Businesses should always seek to establish a respectful relationship and effective dialogue with populations that are or will be affected by their activities.

Among the provisions, the standard covers some concepts that are worth noting. One of them is the due diligence, which states businesses should adopt a ‘comprehensive and proactive process to identify adverse social, environmental and economic impacts, both real and potential, resulting from the decisions and activities of organizations throughout the lifecycle of a project or organizational activity, aiming at avoiding or mitigating those impacts.’

The standard also mentions ‘complicity’, which, according to the document, should be understood as a situation in which an organization can be considered a complicit when it collaborates with the execution of wrongful activities by others who disrespect or are not compliant with international norms of behavior, that the organization, through due diligence, was aware.

---

1 We adopted, in this publication, the concept of social responsibility as established by ISO 26000 international standard. Please refer to the Glossary of Terms and to the Bibliographical References.

2 GVces coordinated a business workgroup to understand ISO 26000, which produced a publication that can be accessed at the following link: http://www.gvces.com.br/arquivos/148/livro_iso_26000.pdf.

3 ISO 26000, item 2.4.
The Guiding Principles should be fully read and analyzed, but here are some highlights:

- **Principle 13:** The responsibility to respect human rights requires that business enterprises:
  - Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
  - Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

- **Principle 18:** In order to gauge human rights risks, business enterprises should 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. This process should:
  - Draw on internal and/or independent external human rights expertise;
  - Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operations.

- **Principle 22:** Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.

- **Principle 29:** To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.

Source: Business and Human Rights: UN Protect, Respect and Remedy Framework (John Ruggie final report – Secretary-General Special Representative).

---

UNICEF’s 10 Principles on Children’s Rights and Business

1. Meet their responsibility to respect children’s rights and commit to supporting the human rights of children.
2. Contribute towards the elimination of child labor, 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.
10. Reinforce community and government efforts to protect and fulfill children’s rights.

Hence, this document was developed with the perspective to generate shared value from full protection of children and adolescents. Value generation will only occur as part of a territory development process that seeks to foster autonomy and counts with broad and effective participation of all players.

There are many ways companies can add value to business when they work toward full protection of children and adolescents. For instance, they can contribute to the compliance with legal obligations, efficiency gains and reduction of operational risks related to human rights, generating greater financial results. Not to mention, of course, gains associated with the brand value and reputation, which can position the company as a leader compared to its competitors, whether they are the State, private sector or other direct consumers. By contributing to full protection, businesses will be both generating better conditions for their operations and contributing to structure a fair territory, with better perspectives for the future of that place.

This work was based on the strategic map tools and BSC (Balanced Scorecard) to present the results. The strategic map and BSC contributed to give consistency to the value generation issue and synergy with the business language. Figure 1 shows the main aspiration that guided our work and summarizes key drivers for generating shared value between businesses and children and adolescents in territories that host large projects.

We consider a 'large project' any intervention or activity that, due to its dimension or nature, causes significant changes in a given territory.

The references and documents mentioned present the state of the art of the topics discussed, and emphasize the commitment businesses should have to fulfill society expectations regarding their behavior. However, per se, they do not change reality. There is an implementation gap between what the documents state and everyday reality. This gap is a strategic opportunity for leading businesses to act, standing out for effectiveness and pioneering, opening paths for disseminating the practices proposed. This is the business natural arena: mobilizing resources and players to generate value.
Generating shared value from full protection of children and adolescents in the territories where the company operates

Promote full protection of children and adolescents, ensuring their rights, proper attention and perspectives for life, and also generating, for the company, a better operating environment, with lower risks and higher profitability, stability and acknowledgment.

**GUARANTEE OF RIGHTS**
- Rights Guarantee System, Protection Network and Critical Services effectively available in the territory
- Society, including children and adolescents, aware of its rights and mobilized to defend them

**VISIBILITY TO THE CHILDREN AND ADOLESCENTS TOPIC**
- Inclusion of children and adolescents in the territory collective agenda, and plans of the companies, public authorities and civil society
- Children and adolescents playing leading roles in their (physical and social) spaces

**PROPER ATTENTION FROM THE STATE, SOCIETY AND FAMILY**
- Families and social environment capable of providing attention, support and guidance for children and adolescents
- Qualified and available public services, capable of playing their role in the community

**PERSPECTIVES FOR LIFE**
- Formal and informal education, combined with spaces and activities to fully develop individuals
- Opportunities for comprehensive qualification and conditions to achieve economic and personal autonomy

**SHARED VALUE GENERATED BENEFITTING CHILDREN AND ADOLESCENTS IN THE TERRITORY**

**SHARED VALUE GENERATED BENEFITTING BUSINESSES**

**LOWER RISK OF LAWSUITS**
- Lower legal risks resulting from violations of children’s and adolescents’ rights
- Reduction of conflicts involving demands from local community
- Territory and value chain free of situations that cause violations of children’s and adolescents’ rights

**BETTER IMAGE, SAFER POSITIVE REPUTATION**
- Reduction of image risks related to children and adolescents
- Accreditation as preferential partnership in new projects and territories
- Acknowledgement of the company as playing a leading role when it comes to children and adolescents

**HIGHER PROFITABILITY AND EFFICIENCY IN THE OPERATIONS**
- Lower risk of operation delays and shutdowns
- Reduction of unplanned costs and lower resource contingency
- Better results from company investments on strengthening the territory, with more focus and less risks.
- Better understanding of the role of the actors in the territory, with less specific demands associated with children and adolescents, and higher business efficiency to respond to them
- Contribution to the ‘social license to operate’

**MORE FAVORABLE ENVIRONMENT TO OPERATE**
- More independence of the territory from the company, and lower risks in the event the company leaves the territory
- Higher capacity of the territory to develop, attract and retain talents
- Community better prepared to deal with changes in the territory and leverage opportunities
- Higher capacity to attract public policies and private investments to the territory
Challenges, Opportunities and Responsibilities

Understanding the context of a given territory and how a large project will favorably or adversely affect it is a concern of the society and a critical part of a business responsibility. Each territory is unique; however, some features may be common to all of them. These features result from the historical legacy of how our country developed, with its possibilities and limitations, with its natural capital and cultural characteristics, which imply both strengths and weaknesses. In this chapter, these common conditions are considered and mapped in order to elaborate business guidance, which will be presented in the following chapters, and can also be referenced to by businesses to support their specific cases. In the mapping, we cover not only aspects that are relevant to businesses, but the process of implementation and operation of a project as a whole, in which they are a critical part, but not the only one.

Roles and responsibilities of the companies concerning this situation are analyzed in the matrix presented in the end of the chapter.

Mapping Challenges and Opportunities

The following mapping should not be seen as an exhaustive analysis that includes all possible aspects and situations related to children and adolescents in territories that host large projects. This analysis was based on real experiences and consultations held with

---

1 The methodology chosen for this study included information gathering, reflection and organization of knowledge brought by the group participants and guest experts, combined with direct observation and dialogue with the players involved with the topic, both in the companies and in the field. This empiric approach was considered proper for the purpose of this study, which is primarily practical, prioritizing direct dialogues with the reality of potential users, whether in the companies or in the other social sectors. Nevertheless, other ways of deepening the reflection can bring important additional contributions. In the Bibliographical References section of this publication, we offer some suggestions.
players who were directly involved in territories with large projects. A direct and assertive language was used, aiming at giving an overview of typical elements that form such situation, but without a deep discussion of their sources and causes. Hence, the analysis presented here should be seen as an initial view, a provocation to instigate and support the discussion businesses and other players involved should have about their specific situation in each territory and their main interests.

It is also worth noting that projects bring with them a mix of fortunate and adverse changes, and we chose to present them separately. Thus, in the first part of the analysis, summarized in Figure 2, we focused only on the challenges and adverse alerts resulting from the presence of large projects in the territories that host them. Opportunities are covered further in this publication, as potential benefits projects can bring to the territories (Figure 3), whose achievement would rely, among other factors, on handling the challenges identified. We propose that acting to prevent violation of children’s and adolescents’ rights – and, whenever needed, to remedy them – should be a goal of businesses involved in the project, since it generates value both for them and for the communities hosting them.

O mapeamento de desafios resultante dos debates e consultas realizados está representado na Figura 2.
As shown in the diagram (Figure 2), it is important to take into account the territory and all other factors that form a broad context: a mix of institutions and cultures where all players involved are present, whose characteristics permeate their relationships and processes, including those considered primarily technical and objective. It is in this context that the action of the entrepreneur and the presence of the project, even though mediated by a licensing process, can generate interactions between the vulnerabilities in the territory and certain aspects of the project, leading to higher risks in the violations of children’s and adolescents’ rights, often also boosted by an increase of vulnerabilities in a territory and its population.

Among the characteristics of a broad context, some are particularly relevant when we focus on the challenges to fully protect children and adolescents in the territories affected by large projects. The first one is the development model in effect in Brazil, which, in practice, does not acknowledge the local dimension as a critical component for the country development, giving an almost absolute priority to the needs and interests of dominant economic players and large urban and industrial centers.

Such perspective, in which territories are merely seen as a resource to be explored, can be understood as an expression of the colonizing mentality that still dominates our society, which also presents another relevant aspect for the discussion of full protection of children and adolescents: the idea that ‘what is foreign is better’, shared both by local communities hosting the projects and by the people and institutions that promote and execute them. It works as if the project were bringing ‘civilization and culture’ to an unrefined population. This attitude has strong implications in the relationships that will be established between the project and the territory, both from the perspective of institutions and personal, since individuals ultimately incorporate strengths and weaknesses of the group they belong to. Here, for instance, vulnerabilities such as power asymmetry, non-appreciation of local culture and low self-esteem of the population are intensified, as we will discuss further.

Short-term vision is another relevant characteristic of the broad context associated with the colonizing mentality and it is characterized by an almost exclusively focus on results that can be identified and achieved in a few years or, at most, in two or three decades. Such horizon hardly ever incorporates plans aiming at the development of human and economic capacities effectively settled in the territory which, given their nature, may require longer terms. Lack of investments on the qualification of children and adolescents, and strengthening of local society are a few examples. Even the public sector, who should have investments on the long term as one of its functions, ultimately also works with shorter term plans, pressed by the interests of the private sector, political expediency and electoral calendars.

This priority inversion also reflects low commitment with public/collective interests, which permeates the broad Brazilian context, and is one of the most serious results of the country historical process, along with the culture of impunity. These are transversal traces of the national culture, present in all industries and territories, and can be spotted in the political system and also in the private sector and communities. That is why it is hard to establish and execute public shared agendas for development, as well as for effec-
tive compliance with legal or social regulations, both for local players and those associated with the project.

In the specific case of full protection of children and adolescents in the context of large projects, the consequences of creating or increasing vulnerabilities in the territories and their populations are clear, raising the risks of violation of children’s and adolescents’ rights. This situation is worsened even further due to the macho mentality, which also permeates society as a whole and its players, regardless of region or social class. It is not an explicit ideological speech, but a belief there is a differentiated role between men and women, in which men are responsible for work, decisions and physical force, whereas women are responsible for what requires care and sensibility, such as household chores and child care.

Finally, we highlight children and adolescents invisibility in the society as a whole, and also in the project planning and public agendas. In spite of eventual references to the topic, we notice there is no real concern or engagement with this topic, except from more specialized organizations. There is a great gap in the implementation of actions in this area: while the whole society affirms its commitment to childhood, these priorities are hardly ever reflected on everyday actions. Moreover, children and adolescents do not advocate for their rights and interests as an autonomous social group, what makes their effective presence even harder in arenas for discussions, debates and decision-making on issues that can affect them.

In order to regulate the presence of a project in a given territory, the entrepreneur shall follow an environmental licensing process, whose purpose is to control the impacts caused by the project on the environment. The competences and requirements vary according to the region, size and nature of the project, but in all cases it is a process originally targeted at environmental issues and, over time and in response to demands of the society, it also incorporated social aspects. In spite of representing an advancement compared to what occurred in the past, the current situation is still fragile, due to limited resources and the obstacles faced by licensing bodies to handle social aspects, as well as limitations imposed by legislation when it comes to complex demands in this field. As a result, the arrival or presence of a project acts as a vector that, with poor control, generates situations that can create or worsen social vulnerabilities and increase the risks of violations of children’s and adolescents’ rights in the territory.

As established by the Federal Constitution, Law 6,803/80 and Law 6,938/81, Act 99,274/90, CONAMA resolution 001/86 and CONAMA resolution 237/97.

One of the most damaging aspects is the lack of time to prepare the territory – we all know that investments and other measures needed to prepare a territory for the changes caused by a large project require a maturing time, justified not only by the volume of resources and practical actions, but also by the local society capacity to absorb them. However, the current licensing process does not include this time, but rather generates situations in which the time pressure on the entrepreneur prevents preliminary and preparatory activities.
The places where large projects are or will be deployed are very diversified and heterogeneous. They may either be hardly populated forest areas far from large urban centers, or metropolitan outskirts or old industrial, harbor or commercial areas. Other territory niches may be affected. Seeking to avoid the risks of violating children’s and adolescents’ rights, one shall consider the existing and potential vulnerabilities that may be intensified.

The poor State presence and control is one of them, and it is noticed by the fragility or insufficiency of public institutions (and corresponding resources) that should be present in the territory. This situation includes items ranging from public security and effective justice management to poor basic public services such as health and education, including care for urban and rural infrastructure, sanitation, public management and other aspects. This fragility is also reflected on the insufficiency of public policies or lack of articulation among them, resulting from low capacity of public authorities and the local society to access them.

The fragility of social control is another vulnerability that is continuously present, and it may result both from the lack of civil society organizations and movements capable to act, and from the lack of effective spaces for dialogue and interaction with public authorities (or their openness for dialogue), which hinders eventual society efforts in this area. Such situation impoverishes and weakens the territory, since it gives room to a public administration that is poorly committed to results (or open to corruption and its use for private purposes), and hinders the building of critical social agendas and consensus to give consistency and coherence to the territory development plans and their implementation.

Focusing more directly on the topic of full protection, a critical issue is the tacit approval and/or trivialization of children and adolescents sexual exploitation and other violations which, to a greater or lesser extent, permeates all layers and sectors of our society and is associated with the aforementioned macho mentality. There are attitudes that, although they do not accept or defend these practices (what could be strongly repressed in a legal or social manner), ultimately justify certain situations based on macho arguments related to women’s and girls’ behaviors, qualifying them as ‘cultural aspects of the region’, ‘men’s natural reactions’, or even ‘opportunities for these young women’.

The latter argument is directly related to another vulnerability noted, which is the lack of perspectives for life and future for children and adolescents in the territory. In fact, the mere attempt to justify the search for perspectives through the exchange of interests involving sexual exploitation is, per se, a violation of children’s and adolescents’ rights. Children’s and adolescents’ rights to become full citizens and human beings, capable of exercising their potentialities and thus have a future with autonomy, free from any form of exploitation, must be ensured. It is worth noting that these rights also include healthy activities and spaces for leisure and entertainment. The reality, however, is that such perspectives hardly exist in many territories, where the presence of a large project without proper preparation will end up only worsening and intensifying the existing problem.

In the same context, we highlight poor Rights Guarantee System and Protection Network for Children and Adolescents, along with failures in the assistance system. In many cases, these institutions, even though established by law, prove to be unable to actually prevent or remedy violations of rights, which is likely to intensify as more and more people flow to the territory, establishing new dynamics, interests, power relationships and opportunities, even though often elusive.

As the territories that host them, large projects also feature very diverse characteristics. Nevertheless, it is possible to identify a myriad of common aspects in many situations and, hence, they require special attention when analyzing the effects of the project deployment in a territory with vulnerabilities such as the ones pointed above.

First of all, reflecting a characteristic that was already mentioned in a broad context, is the omission of children and adolescents in the project agenda.
The fact is that, similar to the invisibility that occurs in society as a whole, also during the project planning this topic is rarely mentioned, and even when it is men-
tioned, there are hardly ever solid measures to deal with applicable issues. The consequence is that the
topic is only likely to emerge when there are problems, often giving rise to hurried and reactive measures of
limited effectiveness, or even to counterproductive results, for the company and the project, as well as for
the children and adolescents involved. The lack of proper territory preparation worsens things.

Another common aspect is the establishment of improper relationships for companies, due to the
power asymmetry between companies and the project compared to public authorities and local
economy. Usually, the volume of resources involved in the project and the technological, economic and
operational capacity of enterprises that lead the proj-
et are much greater than those of the local public
authorities. As previously mentioned, often the state
presence in the territory is overall fragile. Consequent-
ly, enterprises are likely to be seen – and demanded
– as someone who will potentially solve acute prob-
lems, many of which have little or nothing to do with
their activities or with the project. When handling this
situation, enterprises run various risks, from accepting
costs and functions that are not applicable, to gen-
erating frustration and complaints (whether or not
applicable), or unduly interfering with agendas and
spheres beyond their ‘mandate’.

This situation, combined with the lack of effective social control in the territory and poor public manage-
ment systems, makes the businesses extremely vulner-
able to private or conflicting interests of players in the territory, meaning they may become a target for
pressures to benefit a few powerful groups or families
in the area at the expense of public interests or other
groups’ interests. With the lack of widely known and
legitimate collective agendas that could be used as
reference, business enterprises end up being includ-
ed in a war of interests that may lead them to future
trouble (as the political scenario changes) or even to
schemes of corruption and other torts.

Replicating the current development model in a
broad context, often projects do not acknowledge
value in the development of the territory, hence
they structure their planning and management system
thinking primarily in their ‘internal environment’ and
only in the most relevant stakeholders for the business.
The territory where the project is deployed is seen as
a mere physical receptacle and source of resources or
demands to be managed and controlled for the
benefit of business purposes. This behavior, besides not
dialoguing with reality (which is much more complex
than that), prevents the establishment of more solid
links with the community and limits the understanding
of local reality. The result is that potential opportunities
remain unexplored, and, both for businesses and for
local communities, risks are likely to be aggravated and
become more burdensome.

One of the most evident consequences of this situation is the improper handling of temporary
overcrowding in the territory, involving both peo-
ple working in the project and in its value chain,
and other people who are attracted to the territory
because of the greater flow of people and resources.
Although the licensing process and other regulatory
aspects require businesses to adopt proper measures
for workers under their responsibility, the same does
not apply to migrants. Unclear boundaries between
business and public authorities responsibilities result
in lack of proper attention to this group, intensifying
risks for human rights in general, and particularly for
children and adolescents.

Another project aspect that affects risks of chil-

dren and adolescents’ rights are the labor conditions
in the construction sites, that should include man-
agement activities such as local workers recruitment,
hiring conditions, shift programs, discipline, training
activities, entertainment, information and qualification,
and extended resting periods so workers can go back
to their families. Besides these more common aspects,
one could also consider possible deeper measures,
capable of changing the construction site scenario,
such as the elaboration of a construction site schedule
limiting the maximum number of workers. Without
adopting measures like that, the working conditions
in construction sites are likely to get even more wear-
ning, and may intensify workers’ risk behaviors, such
as seeking sexual services, drug abuse, violence and
alcohol abuse.

Lastly, as a result of the situation described here,
one must consider that the project deployment and
management process is ultimately characterized by
the lack of proper planning and preparation of the
territory for the challenges and situations mentioned.
Such inadequacy is partially due to the methodologies
adopted, to the limitation of the aspects considered,
to the time dedicated to these activities and, spe-
cially, the lack of time to prepare for the beginning
of the project actions in the field. Usually, in spite of
anticipated notice that the project will be deployed,
the real territory preparation starts only short before
the beginning of the actions in the field, or even after
that. Improper preparation is also due to the fact that
there is no engagement of local population in the
mapping and planning, so the territory inhabitants
and their perspectives are not included in the process
that should leverage the opportunities and overcome
many current challenges.
Therefore, it is clear that, even though separately considered, these project aspects and the territory vulnerabilities may intensify the risks of children’s and adolescents’ rights violations. Risks are even further intensified when the combination of such factors aggravate local vulnerabilities, whether leading to new violations, or boosting existing violations.

One of these new situations is the deterritorialization of local community, caused by the relocation of the population (due to the construction sites or other impacts), changes in social relationships based on a certain spacial, functional and economic combination (for instance, cooperation between neighbors or members of the community to take care of the children or to grow crops in the neighborhood). Even though the population physically remains in the region, the changes, as a whole, ultimately disorganize their arrangements, generating the deterritorialization process.

This process is also related to unplanned changes in local economy, due to the fast growth of economic activities in the territory, induced by the project, causing many unplanned effects on its dynamic, such as local inflation, shortage of supplies, and labor relocation with the migration of local workers to the new project, depleting critical or traditional activities.

The combination between the existing labor relocation and the emergence of new demands related to the territory transformation management – plus the lack of the territory preparation, which should include training of local workers to support public management and social participation – leads to the lack of local qualified professionals for planning and monitoring, what makes it harder to take the necessary actions for the effective presence of public authorities and local society in the governance processes.

Another evidence of vulnerabilities intensification – generally, the most clear evidence – is the overload on equipment and public services, which can be noticed, for instance, when schools cannot absorb as many students as needed, when hospitals are overcrowded, when health, sanitation and water supply systems are not sufficient, when there are problems on the roads, and when public services assistance is poor. Here, we can spot clear intensification of direct and indirect risks for children and adolescents.

Similarly, there are clear risks due to the weakening of the social tissue and families as the changes in the territory imply changes in the family dynamics, and household or social arrangements related to children and adolescents may be broken or lose effectiveness. Along with changes in the economic and social context, the ways of working and living also change, and references for values and behaviors may also change. The fact that parents spend more time out (because of working regime and shifts), combined to the fast and intense introduction of new shops and migration flows, can affect family and other community references on security and solidarity. Therefore, children and adolescents may lack references exactly at the time they start dealing with typical problems of big urban centers. In this scenario, there is usually intensification of gender inequalities, and women are overloaded.

This process in which social and cultural references are disorganized is combined to the aforementioned colonizing mentality, and it is expressed on the non-appreciation of local culture and adverse effect on the population self-esteem. Typically, children and adolescents (and also adults) suddenly face situations that highlight differences in manners, values, behaviors and consumption patterns between people who are from the territory and those who come because of the project. Messages broadcast on TV and other communication channels usually value the dominant patterns and are likely to reinforce the community alienation from itself. Rapidly, people who were in balance in a given reality start feeling needy and excluded. With no condition to adapt or (re)build their references and with no resources to absorb the new patterns, they end up being victims of intense frustration and are easily led to high-risk behaviors and situations for their physical, psychological and social integrity.

------
The map we have just browsed tells us a story focusing on the adverse effects of a project implemented in a given territory. As mentioned in the beginning of this chapter, there are, of course, positive aspects brought by the project and they should be valued and leveraged. However, as this discussion aims at substantiating the planning of a project with the purpose to mitigate its adverse impacts, avoiding value destruction for the business, preventing violations of human rights and contributing to full protection of children and adolescents, it is critical to be aware of the risks.

A situation as the one pictured previously may seem overwhelming for the capacities and responsibilities of the business in charge of the project. In fact, it is, since it ranges from situations directly controlled by the company to deep political, social and cultural issues. When acting in this context, businesses should neither try to replace the State in their role, nor take responsibilities applicable to other stakeholders. As ECA and the Constitution point out, children protection is a priority for all, and shall be shared by all. Of course, given the economic and political capacity of enterprise businesses, and the project role in the changes occurred in the territory, there are great expectations on them. Guarantee of full protection for children and adolescents is everybody’s obligation; however, expectations regarding the actions of each social player differ according to their responsibilities and roles played in society.

As mentioned before, it is worth emphasizing that the challenges pointed out may be converted into opportunities and positive impacts. The potential benefits, however, are not automatically achieved and, in order to really add value to the territory and the project, there must be conscious and planned action.

Upon the elaboration of these Guidelines, we worked in such a way that, by taking action to reduce risks and overcome the challenges pointed out, businesses are able to increase their possibilities to effectively expand, among others, the opportunities listed in Figure 3:

### VIOLATION OF CHILDREN’S AND ADOLESCENTS’ RIGHTS

As we have seen, the presence of a large project in a territory with vulnerabilities triggers a series of processes highly capable of intensifying risks of children’s and adolescents’ rights violations. Among them, some stand out for the severity and frequency they occur, particularly sexual exploitation, which, in spite of being visible and openly associated with large projects, remains as a problem that is not solved. It is not just prostitution, but also other ways by which children and adolescents are engaged in sex acts with adults aiming at material gains.

*Child labor* is also a notorious and persistent issue that, even though suppressed in the project itself, in the suppliers and other links in the value chain, is aggravated in the territory in activities related to the new dynamics introduced, filling the gap left by adults who were shifted from their traditional jobs (for example in agriculture, small businesses and other activities). It is related to *school dropout*, since other demands and interests move children away from school and other family care. These deficiencies, when combined to the territory economic and demographic context and tensions, frustrations and desires created by the impact on local self-esteem and culture, also intensify the risks of *drug addiction* and involvement of children and adolescents with *criminality and violence*.

The lack of access for children and adolescents to basic services such as health, education, social work, security, justice and other services required for their full protection intensifies even further the risks and consequences of violation against their rights, since the necessary measures are not available to prevent problems or remedy damages.
Potential benefits

**RELATED TO FULL PROTECTION OF CHILDREN AND ADOLESCENTS**
- Compliance to ECA and other legislations associated to children and adolescents
- Creation or strengthening of Guardianship Councils, Network Protection and Rights Guarantee System
- Higher investments on the Municipal Fund for children and adolescents (or creation of a fund)
- Raising awareness of children and adolescents on their citizenship, rights and obligations
- Access to sex education and reproductive health
- Women empowerment, strengthening families and local society
- More access and better quality of public services for children and adolescents, such as: education, health, sports, leisure etc.
- Better perspectives for children’s and adolescents’ life and future
- New services for children and adolescents that belong to families working for the company and its value chain (employee child care centers, health insurance etc.)
- Partnerships with social and public organizations for topics related to children’s and adolescents’ protection
- Strengthening the territory access to state and federal public policies available for children and adolescents

**RELATED TO THE COMMUNITY AND THE TERRITORY**
- Creation of a local agenda with a shared view of the future (Agenda 21)
- Raising collective awareness on citizenship and rights
- Better access to information and more transparency
- Institutional strengthening of civil society organizations, cooperatives and associations
- Strengthening of social control, higher rates of participation and a welfare common sense
- Increasing the revenue and economic growth of the territory
- Higher municipal tax collection
- Improvements on infrastructure and services (education, health, housing, urbanization, sanitation, etc.)
- Greater offer in commerce and services
- More jobs and opportunities to endeavor
- Greater opportunities for professional qualification
- More opportunities for public-private partnerships with towns and other public bodies in the territory
- Higher private social investments on the territory
- Encouragement for corporate social responsibility in the territory

**RELATED TO ENTREPRENEURS AND THEIR VALUE CHAIN**
- Greater engagement of companies with local society and other stakeholders that may be relevant to protect children and adolescents
- Greater possibilities for debates between businesses and other organizations to seek synergy for action, social investments and exchange of experiences (successes and failures)
- Maximizing capabilities for mobilization and engagement of companies involved in the project
- Raising awareness and building strengths for the company to deal with the children and adolescents topic
- More attention from investors and funders to social aspects (social demands)
- Contribution to enhance the legal and regulatory framework, focusing on social aspects (social licensing)
- Broader business awareness on the real costs of their operations, including environmental and social issues
- Business understanding on their potential to generate value related to the children and adolescents topic
The Roles and Responsibilities Matrix (Figure 4) was developed based on the elements contained in the mapping, combined with the following classifications for business roles:

- What businesses should do concerning aspects directly controlled or strongly influenced by them, playing a leading role;
- What businesses should do concerning aspects upon which they are expected to act in order to mobilize other players, playing a driver role;
- Besides acting on the spheres indicated in these two columns, businesses should also have active participation in other social players initiatives (such as State and civil society organization initiatives) related to the topic, such as: participating in forums and initiatives to protect children’s and adolescents’ rights; support policies and initiatives to prevent, fight and remedy violation of rights; participate in spaces and initiatives that think about and strengthen the territory.

Some criteria to indicate the level of business responsibility were taken into account upon developing this matrix. It is key that businesses, while developing their own matrix, also take them into account. As minimum criteria, we recommend:

- Extent of the impact for protection of children and adolescents, and for the development of the territory as a whole.
- Potential effects of taking action and not taking action about the issue.

These risk factors were compiled based on the elements of the previous mapping, now organized according to a risk factor rationale, combined with the analysis of the business roles, according to previously mentioned criteria. Hence, the matrix indicates the behavior expected from enterprises, concerning the main risks for the business and for the territory. It is worth emphasizing that this matrix is support material for businesses, but they should still make their own analysis based on the reality they operate. Please refer to Figure 4.

It is certainly not an easy task for businesses to have a clear understanding of their role in issues related to human rights and socio-environmental topics, especially when it comes to children’s and adolescents’ protection in the territory where they operate. According to the local context, the time period of the project, the type of activity and other aspects, the situation may change, and so may the role of the company. Businesses can hardly or will hardly act on their own. Complex social issues should rely on the State and civil society engagement.

Here follows a matrix with different roles and responsibilities businesses may play in order to handle risks posed to children and adolescents in a territory. It is a tool to support businesses in the mapping they should do. They are examples and recommendations. They are not intended to be an exhaustive list or a close analysis.

The matrix proposition focuses only on the business roles, not covering State and civil society responsibilities. In spite of that, as a great part of actions to be developed assume joint action with other players, references to them are present in the matrix.

Some criteria to indicate the level of business responsibility were taken into account upon developing this matrix. It is key that businesses, while developing their own matrix, also take them into account. As minimum criteria, we recommend:

- Extent of the impact for protection of children and adolescents, and for the development of the territory as a whole.
- Potential effects of taking action and not taking action about the issue.

In the matrix lines, we grouped the main risk factors for full protection of children and adolescents:

- Immediate risk factors: Those directly related to violation of rights or obstacles for the development of children and adolescents.
- Risk factors present in the territory: Those related to weaknesses of local institutions and other characteristics of the territory.
- Risk factors associated with the project: Those related to the process of deploying a project (from its design on), including impacts the project will have on the territory.
- Risk factors associated with the characteristics of the Brazilian society: Those related to a broader context, linked to our culture and development history.

These risk factors were compiled based on the elements of the previous mapping, now organized according to a risk factor rationale, combined with the analysis of the business roles, according to previously mentioned criteria. Hence, the matrix indicates the behavior expected from enterprises, concerning the main risks for the business and for the territory. It is worth emphasizing that this matrix is support material for businesses, but they should still make their own analysis based on the reality they operate. Please refer to Figure 4.
### Business Roles and Responsibilities Matrix Concerning Risk Factors for Children and Adolescents in the Context of Large Projects

<table>
<thead>
<tr>
<th>Mapping Elements</th>
<th>Aspects directly controlled or strongly influenced by businesses (leading role)</th>
<th>Aspects upon which businesses should act in order to mobilize other players (driver role)</th>
</tr>
</thead>
</table>
| **1. DIRECT RISK FACTORS FOR CHILDREN AND ADOLESCENTS** | Acknowledge the relationship between changes produced by the project and the risk to intensify violation of children’s and adolescents’ rights in the territory | Mobilize efforts and resources and establish partnerships for:  
- Preparing the territory, aiming at full protection of children and adolescents  
- Strengthening public institutions  
- Promoting children and adolescents leading roles  
- Qualification and education support in the territory  
- Creating conditions for the future, occupation opportunities, entertainment and work (inside and outside the project chain)  
- Building, negotiating, implementing and monitoring the agenda for full protection of children and adolescents |
| | Identify direct and indirect responsibilities that may be assigned to the project |  |
| | Have policies and strategies for full protection of children and adolescents in the territories they operate and in their value chain |  |
| | Create effective channels for dialogue and information sharing |  |
| | In the event of being aware of any right violation, take legally required and reasonable measures |  |
| **2. RISK FACTORS PRESENT IN THE TERRITORY** | Acknowledge the project responsibility on boosting susceptibilities and vulnerabilities in the territory | Contribute to strengthen the State in the territory |
| | Make effective diagnosis about strengths and weaknesses of the territory (in partnership with local players), with special attention to children’s and adolescents’ rights | Discuss with different spheres of government to strengthen presence of public policies for the territory, dialoguing with local reality |
| | Share information about the project and experiences in other territories | Create mechanisms for effective participation of local players in the licensing process |
| | | Include the territory preparation in the licensing and deployment schedule |

### Aspects directly controlled or strongly influenced by businesses (leading role)

1. Identification of direct and indirect responsibilities that may be assigned to the project.
2. Have policies and strategies for full protection of children and adolescents in the territories they operate and in their value chain.
3. Create effective channels for dialogue and information sharing.
4. In the event of being aware of any right violation, take legally required and reasonable measures.

### Aspects which businesses should act in order to mobilize other players (driver role)

1. Mobilize efforts and resources and establish partnerships for:
   1. Preparing the territory, aiming at full protection of children and adolescents
   2. Strengthening public institutions
   3. Promoting children and adolescents leading roles
   4. Qualification and education support in the territory
   5. Creating conditions for the future, occupation opportunities, entertainment and work (inside and outside the project chain)
   6. Building, negotiating, implementing and monitoring the agenda for full protection of children and adolescents

---

4 For an analysis on legal responsibilities applicable to businesses regarding their direct and indirect relationship with violations of children’s and adolescents’ rights caused or intensified by them, please refer to the Annex.

5 The article elaborated by ONU Law School, in the context of this initiative, analyses the Protection Network works and the main barriers faced by the Protection System to guarantee these rights. The article can be viewed at the website http://odilocal.com.br/
Business Guidance for Full Protection of Children and Adolescents

In the previous chapters, we have mapped the challenges to protect children and adolescents in the territories that host large projects, and then outlined business roles concerning risk factors associated with this situation. In this chapter, we will present a proposition of business guidance in order to handle these challenges by generating shared value with the territory and the business.

To help enterprises protect children and adolescents, we propose a set of business guidelines to fully protect children and adolescents in the context of large projects, represented by the strategic map this chapter covers.

The strategic map is a critical tool in the BSC (Balanced Scorecard) methodology, connecting business strategic goals with their greater aspiration. It is extremely important that business actions aiming at developing the territory and protecting children and adolescents are linked with the business structure and the business long-term strategy. Isolated actions, detached from the strategy, are likely to be unsuccessful and may even aggravate the situation rather than solving it.
The Balanced Scorecard (BSC) Methodology

BSC is a strategic planning tool and management system that aims at aligning the company’s activities with its vision and strategy, and providing a performance monitoring system against the goals set. It was developed in the beginning of the 1990’s by Robert S. Kaplan and David P. Norton.

Currently, BSC is widely known and is used by business enterprises, public bodies and non-profit organizations. In its methodology, it seeks to balance (hence the name) different aspects of performance, such as financial issues, intangible assets, institutional development, customers’ and other stakeholders’ satisfaction, among others. BSC is comprised of two main tools: the strategic map, and the dashboard or control panel.

The strategic map should relate the business various goals with its aspiration, building a cause and effect relationship between them. The goals listed at the bottom of the map are considered drivers for the goals on the top, and the relationship among them is indicated by the arrows.

The maps are divided into different dimensions or perspectives, and each one of them has its own goals. Hence, the dimension on the top of the map should be considered the one to be achieved. The figure shown below represents a common example of map built by businesses.

BSC methodology allows for some flexibility while building the map, which can be adapted to different circumstances and business priorities. It means these dimensions may be changed, both in order and in nature. However, the bottom categories (learning and internal processes) are generally used.

As mentioned, BSC, besides connecting business specific goals with its aspiration, also provides a management and control system for achievement. This instrument works as a ‘dashboard’ and each goal in the strategic map is usually broken up into:
- Metrics
- Goals
- Actions

New fields may be included, such as people in charge, ‘stakeholders,’ ‘budget,’ among others. What matters most here is that the tool is used to contribute to better manage business actions, allowing for performance control and connecting them to the main strategy, guided by the business aspirations. Please refer to the example in Figure 6. Although not all companies use BSC, they all use some kind of strategic planning and management monitoring. There are other tools available in the market, and many businesses also develop their own models. What is important is that, usually, all models communicate with one another, varying only in a few aspects. BSC is a great reference in this area and, even though a company does not use it, it will easily connect to the strategic map developed in this document.

---


According to BSC methodology, the strategy summarized in the map should refer to a great aspiration, capable of mobilizing and guiding efforts in the company. As for the current guidelines, the aspiration proposed does not aim at replacing the business vision or the mission, but connecting the elements that are already present, thus contributing to achieving the goals and commitments made.

Currently, many companies have, in their guiding documents (such as vision, mission, etc.), objectives and/or values that include socio-environmental aspects, for instance, contribution for sustainability, well being of current and future generations, improvement of the society or communities where the business is located, etc. We believe that adopting the guidelines proposed here is an efficient way to imply tangibility and effectiveness to these goals and values.

It is worth noting that the strategic map (Figures 7 and 9) represents a specific set of actions that should contribute for full protection of children and adolescents in the context of large projects: a basic set of operation guidelines that should contribute for full protection of children and adolescents in the affected territories.

Thus, given this purpose and considering what was said in the previous chapters, the aspiration adopted to guide these guidelines is:

**'generate shared value from full protection of children and adolescents in the territories where the company operates'**

Such aspiration includes two integrated and interdependent focuses to generate shared value:

- For children and adolescents: promote full protection, ensuring guarantee of rights, proper attention and perspectives for life and future.
- For businesses: promote a better environment for their operation, reducing risks and enabling higher profitability, stability and acknowledgment.

In order to achieve the aspiration, the strategic map presents a set of strategic goals, which are then broken up into specific goals. On the page on the left there is a summarized version of the proposed strategic map (Figure 7), containing only dimensions and strategic goals. On the back of the page, there is a comprehensive version of the same map (Figure 9), including specific goals.

The goals presented in the strategic map are divided into four dimensions: shared value, external stakeholders, internal processes, learning and development. It is worth noting that, rather than the traditional BSC approach, in the dimensions in the upper portion of the map, financial value and customer perspectives were extrapolated and replaced, respectively, with shared value and external stakeholders perspectives. This change aims at extending the scope of the strategy proposed in order to better incorporate the context of children’s and adolescents’ protection. Observe that, since they are the outcome of the actions proposed throughout the map, the goals in the shared value dimension are presented as results, and not as actions. Please see below the dimensions contained in the map, along with the guiding questions that summarize their individual perspectives (Figure 8):
Generate shared value from full protection of children and adolescents in the territories where the company operates

**Risk reduction, profitability, stability, acknowledgment**

- Lower risk results from violations of C-A rights
- Reduction of conflicts involving demands from local community
- Territory and value chain free of situations that cause violations of C-A rights

**Produce and increase**

- Increase shared value from full protection of children and adolescents in the territories where the company operates
- Contribution to the ‘social license to operate’

**Better image, safer positive reputation**

- Reduction of Image risks caused by C-A and human rights
- Acknowledgment as preferential partner new projects and territories
- Acknowledgment of the company as playing a leading role when it comes to C-A

**More favorable environment to operate**

- More independence from the company, and fewer risks in the event the company leaves the territory
- Higher capacity of the territory to develop, attract and retain talents
- Community better prepared to deal with changes in the territory and leverage opportunities
- Higher capacity to attract public policies and private investments to the territory

**Guarantee of rights visibility to the children and adolescents topic**

- Proper attention from the state
- Visibility to the children and youth family

**Jointly work with public authorities to structure the territory**

- Contribute to leadership in process and strategy for the development of territory
- Contribute to mobilize public policies and resources that are relevant for C-A, according to the territory timing

**Strategic level**

- Establish internal positioning and alignment on the topic of full protection of C-A
  - Acknowledge the company’s responsibility for the changes in the territory resulting from the presence or arrival of the project, and their consequences for C-A
  - Incorporate along-term view in their strategies, aiming at leaving a positive legacy for the territory
- Prepare the company to deal with the topic of full protection of C-A in the territories where it operates
  - Include C-A in their objectives and goals
  - Consider the territory scenarios related to C-A
  - State resources and schedules, taking into account the time of engagement, diagnosis, action and maturation
  - Provide for mechanisms C-A
- Establish internal mechanisms to identify and avoid eventual damages, and provide for their remedy (contingency plan)

**Tactic level**

- Establish effective channels to engage with local stakeholders
  - Prepare to participate in collective decision spaces and processes (agenda governance)
  - Establish dialogue channels and participate in the mobilization and collective decision spaces
  - Share information and knowledge
- Develop planned measures and keep an effective system to manage them
  - Plan actions and apply resources as planned
  - Establish incentives to implement the plans
  - Deploy mechanisms to control implementation of policies and goals set, and monitor results
  - Prevent violations of C-A rights in their activities, including the value, topics, and remedy them in the event they occur
  - Not neglect violations of C-A at the time of being aware of them

**Promote full protection of C-A**

- (rights, attention, perspectives for life)

**Promote better conditions for the business**

- Generate shared value from full protection of children and adolescents in the territories where the company operates

**Higher profitability and efficiency in the operations**

- Lower risk of operational delays and situations
- Reduction of unplanned costs and lower resource contingency
- Better results from company investments on strengthening the territory with more tools and less risks
- Better understanding of the role of the actors in the territory, with less specific demands provoked by C-A and higher business efficiency to respond to them
- Contribution to the social license to operate

**Jointly work with civil society organizations**

- Collaborate for local institutions and C-A protection network to active and effective fulfillment in protection
- Contribute for education, training, entertainment and healthy activities for local C-A, and promote engagement and partnerships with related organizations

**Strategic level**

- Mobilize other business sectors in the territory and in the value chain
  - Ensure their value chain alignment in strategy and time of violations of C-A rights
  - Get included with other businesses concerning the C-A topic
- Get involved with society, boosting resources and synergy
  - Acknowledge the value of full protection of C-A for the company’s development
  - Act with transparency and share relevant information on the C-A topic
  - Incorporate a long-term view in their strategies, aiming at leaving a positive legacy for the territory
  - Contribute to elaborate a local agenda for full protection of C-A and to monitor its effectiveness
  - Contribute to boost the territory strengths, generating an attractive scenario and opportunities for C-A
  - Contribute for C-A leading role

**Tactic level**

- Establish internal mechanisms to identify and avoid eventual damages, and provide for their remedy (contingency plan)
- Identify and engage with players and stakeholders processes in the territory related to C-A
- Map opportunities, vulnerabilities and risks for C-A related to the territory changes and strengths, in a joint action with stakeholders
- Establish policies and ways for the business to act on the topic
- View and review the plans, taking into account the collective agenda, plus politics and dynamics in the territory

**C-A**

- Plan, action and apply resources as planned
- Establish incentives to implement the plans
- Deploy mechanisms to control implementation of policies and goals set, and monitor results
- Prevent violations of C-A rights in their activities, including the value, topics, and remedy them in the event they occur
- Not neglect violations of C-A at the time of being aware of them

---

*From including values and code of ethics to due diligence and specific goals and policies to promote full protection and/or prevention and remedy of violations.*
Recommendations for Implementation

So far, we have covered the mapping of challenges and opportunities of a territory that hosts a large project, the roles and responsibilities of the company concerning this situation, and the strategy it should adopt to achieve the aspiration of generating shared value from full protection of children and adolescents, ensuring their rights and generating a better scenario for operation in the territory.

This strategy is expressed in the guidelines proposed in the strategic map presented in the previous chapter. One of the greatest challenges for businesses is to move forward from the goals set by the strategy to concrete actions that are significant for the territory and that make business sense. Therefore, BSC methodology proposes elaborating plans of action.

In this chapter, we will present a set of principles for action and recommendations to build action plans according to BSC methodology, and we will present some examples based on the guidelines proposed.

Principles for Action

While developing actions aiming at contributing for full protection of children and adolescents and local development in the territory, businesses should be aware of some things. Social actions involving multiple players and relationship networks are complex and differ from those usually found in the business world; they require different timing, sensibility and dialogue when compared to corporate activities.

To elaborate action plans, we recommend adopting some principles we consider critical to protect children and adolescents in the context of large projects (Figure 10). Such principles should not be taken as an exhaustive list, but rather as a starting point for action in the territory.
Internalization of the topic in the company

Commitments to full protection of children and adolescents should be incorporated to the business strategy and practices. Their planning and implementation should involve various sectors in the company, not just the social responsibility area or a similar area.

Local players leading role

Valuing local players and their effective involvement in the whole process of installing the project in the territory is critical both for local strengthening and empowerment, and for full protection of children and adolescents in the region.

Dialogue and transparency

Dialogue assumes a two-way direction, for speaking and listening. Besides having good communication channels and sharing relevant information, it is critical to be open to receive and incorporate contributions. Dialogue and transparency are critical to consolidate a relationship of trust in the territory.

Territory definition

Limiting the territory where actions will be taken for full protection of children and adolescents is critical both for estimating the efforts and for mapping the players to be involved, and it should be done by identifying the potential – direct and indirect – impacts of the project to its full extent.

Understanding local and regional realities

Understanding local and regional realities is critical to elaborate a long-term agenda and for effective full protection of children and adolescents. Therefore, one must know, among other elements, the population profile and culture, history and strengths, existing – human, social and produced – capital, as well as the public policies available in the territory.

Territory preparation

In order to better leverage opportunities and reduce risks resulting from the presence of the project, the territory must be prepared. Decision-making concerning the investment should be immediately followed by mobilization with the public sector and local players in order to prepare the community and the territory to host the project.

Definition of roles and responsibilities

Clear definition of roles and responsibilities for full protection of children and adolescents optimizes the planning and reduces possible overestimation of expectations on the business action.

Governance free of conflicts of interest

The development governance agenda requires spaces for discussion (committees, councils, executive assistance) which should be protected against the interests of individuals or small groups, including resource suppliers. Funding of these arenas should be preferably public and – particularly when there are private resources involved – include explicit mechanisms to scale potential conflicts of interest.

Scorecard and Action Plans

As we have highlighted in previous portions of this publication, each company should customize the mapping of the territory where they operate, the definition of roles and responsibilities, and strategies for action, guided by the recommendations and principles presented here.

We used BSC methodology to elaborate the guidelines for full protection of children and adolescents the businesses should seek to incorporate into their planning and actions. As noted, BSC, besides connecting business aspirations with an articulate set of specific goals, also provides a management and control system for execution – the scorecard.

You can see below an example of the scorecard basic structure:

<table>
<thead>
<tr>
<th>Strategic Goals</th>
<th>Specific Goals</th>
<th>Metrics</th>
<th>Goals</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Here you will find every strategic goal presented in the Guidelines in the previous chapter</td>
<td>Here you will find every specific goal presented in the Guidelines in the previous chapter</td>
<td>Here, the business should develop metrics to measure performance against each Guideline</td>
<td>Here, the business should establish goals to be met in each metric</td>
<td>Here, the business should list actions to satisfy the goals established</td>
</tr>
</tbody>
</table>

FIGURE 10

Principles for Action

We used BSC methodology to elaborate the guidelines for full protection of children and adolescents the businesses should seek to incorporate into their planning and actions. As noted, BSC, besides connecting business aspirations with an articulate set of specific goals, also provides a management and control system for execution – the scorecard.

You can see below an example of the scorecard basic structure:
### Scorecard Sample

**FIGURE 11**

<table>
<thead>
<tr>
<th>Strategic Goals</th>
<th>Specific Goals</th>
<th>Metrics</th>
<th>Goals</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOWER RISK OF LAWSUITS</strong></td>
<td>Lower legal risks resulting from violations of children’s and adolescents’ rights</td>
<td>Number of lawsuits filed against the company due to violations of children’s and adolescents’ rights</td>
<td>Zero the number of lawsuits filed against the company</td>
<td>(This level contains results of the actions described in the levels below)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Number of lawsuits filed against suppliers present in the territory due to violations of children’s and adolescents’ rights</td>
<td>Zero the number of lawsuits filed against suppliers</td>
<td></td>
</tr>
<tr>
<td><strong>JOINTLY WORK WITH PUBLIC AUTHORITIES TO STRUCTURE THE TERRITORY</strong></td>
<td>Contribute to ensure equipment and services for C-A, based on the demand</td>
<td>Number of children not attending school</td>
<td>• Zero children not attending school due to lack of physical capacity in school facilities to enroll more children; or • Reduce in at least 50% the number of children living in the municipality who are not attending school</td>
<td>Establish partnerships with local public authorities to offer school enrollment as needed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Number of adolescents not attending school</td>
<td>• Zero adolescents not attending school; or • Reduce in at least 50% the number of adolescents living in the municipality who are not attending school</td>
<td>Establish partnerships with local and state public authorities to offer school enrollment as needed</td>
</tr>
<tr>
<td><strong>DIAGNOSE AND ELABORATE AN ACTION PLAN IN THE TERRITORY FROM THE PERSPECTIVE OF FULL PROTECTION</strong></td>
<td>Map opportunities, vulnerabilities and risks for C-A related to the territory changes and strengths, in a joint action with stakeholders</td>
<td>Availability of reliable and up-to-date information concerning: • Number of occurrences of sexual exploitation of minors • Number of occurrences of drug consumption and traffic in the territory • Number of occurrences of violence in the territory (robbery, theft, use of firearms, fights) • Access to higher education and technical qualification classes</td>
<td>Jointly with local community representatives, for each of the metrics chosen: • Rely on sources of information acknowledged as reliable and valid by local community • Establish a baseline (the situation found before the project started) • Measure current scenario</td>
<td>Establish partnerships with local institutions to diagnose and define an action strategy • Establish a process of dialogue with the community to validate the metrics chosen and their sources of information • Collect, organize and validate data on the metrics chosen</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HAVE A QUALIFIED TEAM TO PERFORM ACTIVITIES NEEDED TO DEAL WITH THE TOPIC OF CHILDREN- ADOLESCENTS</strong></td>
<td>Rely on a qualified team to participate in collective spaces and dialogue processes</td>
<td>Reach of the trainings (number of areas and/or percentage of employees trained)</td>
<td>• Train 100% of the staff in the Sustainability and Relations with the Community areas • Train 80% of key personnel in the Law, Engineering and Procurement areas • Train at least “x” key personnel in each of the other areas</td>
<td>Assign people in each area who should participate and get their director’s approval • Prepare and offer training in dialogue and conflict management, and topics related to full protection of children and adolescents</td>
</tr>
</tbody>
</table>
Closing Comments

More than an obligation or a challenge, working with children’s and adolescents’ issues poses good opportunities for businesses and their projects. However, just like all good opportunities, this one is not easily explored and requires will and determination from all participants. Working with local players on a topic that is so critical, controversial and, at the same time, hardly visible, will demand boldness and leadership from businesses.

Enterprise businesses should neither seek to become social work institutions, nor assume State responsibilities, but rather develop a business strategy that views the territory as a whole, and not as a mere resource. This means to have a clear view of their role in local development and in children’s and adolescents’ protection, but also a clear view of how this role matches their long-term strategies and adds value to the business and to the territory.

One of the greatest challenges is to equate ‘time’. The marketplace rationale, the project requirements and even the licensing process – particularly, when it comes to infrastructure construction work – are hardly
ever sensible to the time needed for the territory development and preparation.

Even after the project or work implementation stage, their effects remain and, not rarely, are intensified. The recommendations presented in this document are not a magic formula, so they should be interpreted and adapted according to the identity of each territory and project. It is possible to make choices and combinations, thus creating a more suitable scenario and strengthening advancements.

Upon getting involved with children’s and adolescents’ protection, businesses must be aware of some issues. First of all, their involvement on this topic is necessary and urgent: it is not just an obligation or a response to pressures from civil society players, but a greater responsibility, legally shared by all segments of the Brazilian society.

Second, upon getting involved with this topic, businesses should seek to generate shared value between the company itself and the territory, especially for children and adolescents that live there. This means the results should be solid and significant not only for business, but also for a positive transformation of the territory. Hence, in order to guarantee full protection of children and adolescents, it is critical to develop the territory.

Third, there is the integration with management and operations. Such a relevant topic should permeate all areas and processes in the company, and be incorporated to their management system. There is no way to effectively contribute to the positive transformation of the territory that is hosting a project without aligning and linking the actions being developed with the strategy of the project.

One of the main expectations regarding the role of the companies is that, once engagement with local players starts, the transformation in the territory will advance on its own, and will demand less from the companies as leaders or drivers. Autonomy and leading role of local population and institutions is the greatest goal of any action aiming at local development, including those aiming at full protection of children and adolescents.

In 2013 Cycle, GVces Local Development and Large Projects Initiative sought to contribute to build a set of references for businesses committed to protecting children and adolescents in the context of large projects. In the future, we aim at having a deeper discussion on the execution of the recommendations proposed here for business practices, building and sharing knowledge through case studies and action-oriented tools.
Bibliography


Websites

ABMP – Brazilian Magistrates, Prosecutors and Legal Aiders Association for Children and Adolescents, www.abmp.org.br
ANDI Comunicação e Direitos, http://www.andi.org.br/
Childhood Brasil, www.childhood.org.br/
Conectas, http://www.conectas.org/
Fundação Abrinq, http://www.fundabrinq.org.br/
Fundação de Direitos Humanos, www.fundodireitoshumanos.org.br/
Ethos Metrics on Corporate Social Responsibility, www.ethos.org.br
ISE – Bovespa’s Corporate Sustainability Index, https://www.isebvmf.com.br/
Millennium Development Goals (MDGs), http://www.objetivosdomilenio.org.br/
Observatório de Favelas, http://observatoriodefavelas.org.br/
UNICEF – Corporate Social Responsibility, www.unicef.org/cs/

Other References and Support Materials


Promemino, http://www.promemino.org.br/
Porto do Crime v. Special Office at the President’s Cabinet (SEDH/PR), http://www.defensoriapublica.brasilia.df.gov.br/
Protecting Children’s and adolescents’ Rights: Legal Reasons for Businesses to Take Action

Among the reasons why businesses should be concerned with children’s and adolescents’ protection, legal reasons stand out, since they refer to the content of national and international regulations which were adopted and acknowledged by States, meaning compliance is mandatory. Besides, compliance is backed by a Protection Network, comprised of a set of players and institutions whose purpose is to ensure children’s and adolescents’ protection, within a civil, legal and administrative responsibility framework, which can be used to ensure compliance with regulations. Upon establishing it is an obligation of the family, the society and the State to ensure children and adolescents, with absolute priority, rights related to life, health, food, education, entertainment, qualification, culture, dignity, respect, freedom, contact with family and community, the Federal Constitution of 1988 created, concerning family, State and society, including businesses, the obligation to safeguard them from any form of neglect, discrimination, exploitation, violence, cruelty and oppression (FC 1988, Art. 227). The reason to guarantee these rights and establish the necessary obligations to execute them lies on the concept of full protection of children and adolescents as a value that is collectively assumed as of 1988. Historically, adopting this concept means children and adolescents are perceived as actors of rights, and society is perceived as co-responsible for ensuring these rights. The mere concept of protection, as regulated by the Statute of Child and Adolescent, established a set of rules to be observed by the State, which should ensure priority to children and adolescents when elaborating and executing public policies, as well as by the society as a whole, who must not violate children’s and adolescents’ rights, and not neglect in the event of finding out about any violation. This is, therefore, the behavior expected from businesses.


The foundation for the obligation to protect children and adolescents is present in Articles 227 and 228 of the Brazilian Federal Constitution, which establish the right for absolute priority (Art. 227, title), the right for special protection (Art. 227, paragraph 3, IV), and the right to have their unique condition of people in development respected (Art. 227, paragraph 3, VI). Such rights are materialized by Law 8,069, as of July 13h, 1990, that established the Statute of Child and Adolescent. The right for absolute priority means children and adolescents prevail when it comes to receive protection, priority for assistance in public services, preference in the elaboration and realization of social policies, and privileged assignment of resources in areas of children’s and adolescents’ protection (Art. 4, sole paragraph, ECA). The right for special protection determines that children and adolescents shall have their unique condition of people in development acknowledged, meaning protection measures shall be specially driven and elaborated for this audience. Besides, it determines that children and adolescents are entitled all human rights (Art. 3, ECA), and society, family and State shall be held responsible for respecting and guaranteeing these rights (Art. 4, ECA).

What are Businesses Legal Obligations and Responsibilities?

Article 227 of the Constitution explicitly identifies the responsibilities of the State, family, society and, including businesses, when it comes to respecting, protecting and guaranteeing children’s and adolescents’ rights. In this respect-protection guarantees that respect means no direct violation, protection means avoiding violation by third parties, guarantee means concrete actions to make the rights effective. This triple duty is assigned to players in different ways. Family originally assumes the duty with, for instance, custody, food, schooling and avoiding neglect. Society does it through the idea of solidarity: as children and adolescents are more dependent and more vulnerable to all forms of violence, it is just fair that the society as a whole is legally responsible for them. The State, on its turn, assumes the triple obligation through the creation, attainment and structuring of bodies and institutions that are capable of making the system established by law work. Moreover, respect, protection and guarantee are obligations complemented by anticipation and planning, whose purpose is to avoid potential violations to children rights. Hence, Article 70 of ECA establishes that family, society and State must prevent threats or violations of children’s and adolescents’ rights. It is worth noting that, adopting a broad interpretation of this provision, family, society and State are responsible for all violations against children and adolescents, except for those legally backed by inexcusable reasons, that is, force majeure or fortuitous circumstances.

Annex

1 The article “O direito à proteção integral das crianças e dos adolescentes no contexto de grandes empreendimentos: papéis e responsabilidades das empresas” (The Right for Full Protection of Children and Adolescents in the Context of Large Projects: Business Roles and Responsibilities) is available at the following website http://dallari.com.br/.

2 Art. 227, title, FC: ‘Families, communities, the society as a whole and the State shall ensure children and adolescents, with absolute priority, rights related to life, health, food, education, entertainment, professional qualification, culture, dignity, respect, freedom, and contact with families and communities, and safeguard them from any form of neglect, discrimination, exploitation, violence, cruelty and oppression.’

3 Art. 228, FC: ‘The right to have their unique condition of people in development respected. As children and adolescents are more dependent and more vulnerable to all forms of violence, it is just fair that the society as a whole is legally responsible for them.’

4 Article 70 of the Constitution explicitly identifies the responsibilities of the State, family, society and, including businesses, when it comes to respecting, protecting and guaranteeing children’s and adolescents’ rights. In this respect-protection guarantees that respect means no direct violation, protection means avoiding violation by third parties, guarantee means concrete actions to make the rights effective. This triple duty is assigned to players in different ways. Family originally assumes the duty with, for instance, custody, food, schooling and avoiding neglect. Society does it through the idea of solidarity: as children and adolescents are more dependent and more vulnerable to all forms of violence, it is just fair that the society as a whole is legally responsible for them. The State, on its turn, assumes the triple obligation through the creation, attainment and structuring of bodies and institutions that are capable of making the system established by law work. Moreover, respect, protection and guarantee are obligations complemented by anticipation and planning, whose purpose is to avoid potential violations to children rights. Hence, Article 70 of ECA establishes that family, society and State must prevent threats or violations of children’s and adolescents’ rights. It is worth noting that, adopting a broad interpretation of this provision, family, society and State are responsible for all violations against children and adolescents, except for those legally backed by inexcusable reasons, that is, force majeure or fortuitous circumstances.

5 1990, that established the Statute of Child and Adolescent. The right for absolute priority means children and adolescents prevail when it comes to receive protection, priority for assistance in public services, preference in the elaboration and realization of social policies, and privileged assignment of resources in areas of children’s and adolescents’ protection (Art. 4, sole paragraph, ECA). The right for special protection determines that children and adolescents shall have their unique condition of people in development acknowledged, meaning protection measures shall be specially driven and elaborated for this audience. Besides, it determines that children and adolescents are entitled all human rights (Art. 3, ECA), and society, family and State shall be held responsible for respecting and guaranteeing these rights (Art. 4, ECA).

6 Article 70 of the Constitution explicitly identifies the responsibilities of the State, family, society and, including businesses, when it comes to respecting, protecting and guaranteeing children’s and adolescents’ rights. In this respect-protection guarantees that respect means no direct violation, protection means avoiding violation by third parties, guarantee means concrete actions to make the rights effective. This triple duty is assigned to players in different ways. Family originally assumes the duty with, for instance, custody, food, schooling and avoiding neglect. Society does it through the idea of solidarity: as children and adolescents are more dependent and more vulnerable to all forms of violence, it is just fair that the society as a whole is legally responsible for them. The State, on its turn, assumes the triple obligation through the creation, attainment and structuring of bodies and institutions that are capable of making the system established by law work. Moreover, respect, protection and guarantee are obligations complemented by anticipation and planning, whose purpose is to avoid potential violations to children rights. Hence, Article 70 of ECA establishes that family, society and State must prevent threats or violations of children’s and adolescents’ rights. It is worth noting that, adopting a broad interpretation of this provision, family, society and State are responsible for all violations against children and adolescents, except for those legally backed by inexcusable reasons, that is, force majeure or fortuitous circumstances.

As we can see, they are complementary obligations that assume an overlapping of actions to safeguard children and adolescents from all forms of neglect, discrimination, exploita-
tion, violence, cruelty and oppression. 1 This obligation is clearly established by Art. 227 of the FC. Moreover, they are actions of negative nature, meaning no action should be taken, such as the obligation to respect, to avoid harmful behavior to children rights; and also actions of positive nature, that is, the obligation to act in order to protect and guarantee children’s and adolescents’ rights.

On the other hand, effectiveness of children’s and ad-

dolescents’ rights is reinforced by a responsibility system applicable to those who must observe the Constitution when it comes to violations or omissions that disrespect the obligation to protect and the rights established by law. Therefore, the responsibility system may be triggered by actions and/or omission of those who must observe full protection guaranteed to children and adolescents by the Constitution and by ECA:

- Responsibility for actions shall be held by those who take actions they were not supposed to, or by those who take actions that are not compliant with legal obligations.
- Responsibility for omission shall be held by those who, in spite of having the duty to act and promote actions to observe rights, do not do it.

This means that, besides the (i) obligation to respect chil-
dren’s and adolescents’ rights, the actors mentioned by Art. 227 of the FC have (ii) the obligation to remedy violations of children’s and adolescents’ rights they might commit. Besides, taking into account the general obligation to safe-
guard children and adolescents from all forms of negligence, dis- crimination, exploitation, violence, cruelty and oppression, which is explicitly established in the way we showed above, the concept of full protection includes another type of obligation, which is consistent with the obligation of families, the State and the society (iii) to not neglect in the event they find out about any violation of children’s and adolescents’ rights, even though it is committed by third-parties.

As for businesses, the jurisprudence has already signaled to assign them the obligations and responsibilities mentioned in (i), (ii) and (iii) aiming at full protection. Business obligation towards protection is expressed, for instance, in the opinion of the Rapporteur, Minister Eliana Calmon, of Resp 622,707 – SC. Upon commenting on the possibility to hold business enter-
prises responsible for administrative violation as established by ECA when there is irregular presence of minors (neither accompanying parents, nor with their written consent) in negligent facilities, she says:

Children’s and adolescents’ rights Guarantee System

All these rights could not be dissociated from a sophisticate institutional structure to preserve them and clear identification of who is responsible for their fulfillment. Hence, the Federal Constitution and ECA establish a rights guarantee system based on three pillars: promotion of children’s and adolescents’ rights, protection and safeguard of children’s and adolescents’ rights; and participation and social control.

These three pillars should guide the actions of players in this guarantee system, being the players the Public Attorney’s Office, Legal Aid, Guardianship Councils, Children and Youth Judges, Police Departments, who form the Protection Network, as well as families, NGOs and the society as a whole.

Through integrate and articulate actions involving the institu-
tions in charge of protecting children’s and adolescents’ rights, which we call Protection Network, the first actions are taken to prevent violation of children’s and adolescents’ rights in risky or vulnerable situations, such as sexual exploitation, child labor, physical and/or psychological violence.

In this Protection Network, every institution plays a specific role in order to protect children’s and adolescents’ rights and, whenever needed, they contact other institutions and services provided by the Network. In the event of threat or violation of children’s and adolescents’ rights, anyone, at school, in the family or in any organization, can trigger the Guardianship Councils, in charge, among others, of taking protective actions, collecting information and acting on behalf of the legal system institutions whenever applicable. The police, the Public Attorney’s Office, Legal Aid and the Judiciary also take protection and accountability actions concerning those who violated rights.

Businesses Legal Obligations and Responsibilities

<table>
<thead>
<tr>
<th>Unfulfilled Actions</th>
<th>Legal Obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s and Adolescents’ Rights</td>
<td>Business Legal Obligations and Responsibilities</td>
</tr>
<tr>
<td>Responsible for actions shall be held by those who take actions they were not supposed to, or by those who take actions that are not compliant with legal obligations.</td>
<td>Responsibility for actions shall be held by those who take actions they were not supposed to, or by those who take actions that are not compliant with legal obligations.</td>
</tr>
<tr>
<td>Responsibility for omission shall be held by those who, in spite of having the duty to act and promote actions to observe rights, do not do it.</td>
<td>Responsibility for omission shall be held by those who, in spite of having the duty to act and promote actions to observe rights, do not do it.</td>
</tr>
</tbody>
</table>

1 Considering the text of the article in the Federal Constitution that establishes the concept of full protection, this is an obligation of families, the State and the society, including businesses. This article is clear when it establishes that the players’ obligation to fully protect children and adolescents also requires these players to safeguard them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression (Art. 227, FC).

2 STJ, Resp 1,163,663 – SC, Rapporteur Min. HUMBERTO MARTINS, second panel, decided on August 5th, 2015, p. 09.

3 Articles 131 through 140 of ECA establish the roles of Guardianship Councils.

4 Article 101 of ECA establishes protective actions that can be taken to safeguard children and adolescents. They are: I – taking them to their parents or guardians; II – request in absence or failure of parents or guardians to protect; III – temporary protection; IV – protection in absence of declaration of responsibility; and V – temporary protection in absence of declaration of responsibility. All these rights could not be dissociated from a sophisticate institutional structure to preserve them and clear identification of who is responsible for their fulfillment. Hence, the Federal Constitution and ECA establish a rights guarantee system based on three pillars: promotion of children’s and adolescents’ rights, protection and safeguard of children’s and adolescents’ rights; and participation and social control.

5 Upon commenting on the possibility to hold business enterprises responsible for administrative violation as established by ECA when there is irregular presence of minors (neither accompanying parents, nor with their written consent) in negligent facilities, she says: "If the purpose of the rule is to fully protect children and adoles-

6 The approach raises greater awareness of businesspeople and lead-
ers in the private sector to ECA basic goal, which, as established in Art. 4 of everyone’s obligation: Resp 622,707 – SC, Rapporteur Minister ELIANA CALMON, second panel, decided on February 2nd, 2010, p. 05. Following the same logic, the responsibility of individuals involved in the situation also assume an overlapping of actions to safeguard children and adolescents by the Constitution and by ECA.

7 Articles 131 through 140 of ECA establish the roles of Guardianship Councils.

8 Article 101 of ECA establishes protective actions that can be taken to safeguard children and adolescents. They are: I – taking them to their parents or guardians; II – protection in case of parents or guardians’ absence; III – temporary protection; IV – protection in case of parents or guardians’ absence; V – protection in case of parents or guardians’ absence for medical, psychological or psychiatric treatment in a hospital or clinic; VI – placement in an official or community foster family. Such approach raises greater awareness of businesspeople and leaders in the private sector to ECA basic goal, which, as established in Art. 4 of everyone’s obligation: Resp 622,707 – SC, Rapporteur Minister ELIANA CALMON, second panel, decided on February 2nd, 2010, p. 05. Following the same logic, the responsibility of individuals involved in the situation also assume an overlapping of actions to safeguard children and adolescents by the Constitution and by ECA.

9 In the event of threat or violation of children’s and adolescents’ rights, anyone, at school, in the family or in any organization, can trigger the Guardianship Councils, in charge, among others, of taking protective actions, collecting information and acting on behalf of the legal system institutions whenever applicable. The police, the Public Attorney’s Office, Legal Aid and the Judiciary also take protection and accountability actions concerning those who violated rights.

10 The purpose of the rule is to fully protect children and adoles-

11 In the event of threat or violation of children’s and adolescents’ rights, anyone, at school, in the family or in any organization, can trigger the Guardianship Councils, in charge, among others, of taking protective actions, collecting information and acting on behalf of the legal system institutions whenever applicable. The police, the Public Attorney’s Office, Legal Aid and the Judiciary also take protection and accountability actions concerning those who violated rights.
With the purpose to create effective responses to threats or violation of children that may occur as a consequence of the impacts of their operations, businesses should be integrated and jointly act with the children and adolescents. Protection Network, which consists of a set of players and institutions – including, for instance, the Guardianship Council, Public Attorney’s Office and Legal Aid.

The relationship between businesses and children and adolescents occurs in a broader context, involving the relationships between human rights. The UN Guiding Principles on Business and Human Rights are the most relevant international reference in this field and provide tools and concepts to guide businesses on how to fulfill their obligations concerning children and adolescents.

Guidelines and Tools for Business Operation Aiming at Protecting Children’s and Adolescents’ Rights

The Framework and Guiding Principles rest on three pillars:

- **Protect**: The state duty to protect against human rights abuses by third parties, including business, through policies, laws and court decisions (adjudication). The Protect pillar must ensure that the impact on children’s rights, as established by the Children's Rights Committee.

- **Respect**: The corporate responsibility to respect human rights, which means companies must act with due diligence (the concept of due diligence will be further elaborated) so they avoid violating third-party human rights, and handle the adverse impacts on human rights they may somehow be involved with.

- **Remedy**: Need to provide proper and effective resources for greater access by victims to effective remedy, both judicial and non-judicial, in the event these rights are not respected by the companies.

The Guiding Principles take as reference the human rights international law and explicitly hold business enterprises responsible for compliance, as established in Principle 12, recommending at a minimum, the following human rights framework is taken into consideration: Universal Declaration of Human Rights and its two covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work. At this point, it is worth noting that responsibility of business enterprises to respect human rights is distinct from issues of legal liability and enforcement established by the States. According to the Guiding Principles, business obligations include not only avoiding infringing on the human rights of others, but also addressing adverse human rights impacts with which they are involved (Principle 11), whether because they committed violation, or because they have contributed to commit them (Principle 15).

The foundation for business enterprises to observe their obligation not to violate human rights and handle adverse impacts their operation may cause on human rights is based on the concepts of complicity and sphere of influence, and on the practice of due diligence as one of the mechanisms established by the Guiding Principles.

The idea of preventing human rights violation is critical to understand these concepts and mechanisms, among others stated in the Guiding Principles. The concept of sphere of influence establishes the extent of business policies related to prevention, protection and remediation. Prevention policies and remediation plans shall consider not only direct relationships of the business enterprise with their employees and partners, but also the impacts they cause on the chain, besides considering the size of the company and the circumstances of the project.

The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size or complexity; nevertheless, the means through which enterprises meet that responsibility may vary according to these factors. Business obligation to prevent violation shall include diagnosis, monitoring, risk and impact assessment, and adoption of internal policies and measures. Business enterprises should include not only avoiding infringing on the human rights of others, but also addressing adverse human rights impacts with which they are involved (Principle 11), whether because they committed violation, or because they have contributed to commit them (Principle 15).

The greater the impact, the more comprehensive and complex the action and remediation preventive plan.

The UN Guiding Principles on Business and Human Rights, ISO 26000 and other legal references such as general comments from the Committee on the Rights of the Child present good references and obligations to guide business enterprise actions, as we have previously seen. One aspect that has been reinforced is the need for companies to carry out a strict analysis of potential adverse effects they may cause before they actually start their operations. Such analysis shall consider both the production sector and the value chain, besides the aspects of the region impacted. By mapping potential risks, businesses should elaborate an action plan in order to avoid human rights violations, whether due to omission, or complicity (as we have previously explained in this publication). The greater the impact, the more comprehensive and complex the action and remediation preventive plan.

As mentioned previously in this publication, the Guiding Principles take as reference the human rights international law and explicitly hold business enterprises responsible for compliance, as established in Principle 12, recommending at a minimum, the following human rights framework is taken into consideration: Universal Declaration of Human Rights and its two covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work. At this point, it is worth noting that responsibility of business enterprises to respect human rights is distinct from issues of legal liability and enforcement established by the States. According to the Guiding Principles, business obligations include not only avoiding infringing on the human rights of others, but also addressing adverse human rights impacts with which they are involved (Principle 11), whether because they committed violation, or because they have contributed to commit them (Principle 15).

The foundation for business enterprises to observe their obligation not to violate human rights and handle adverse impacts their operation may cause on human rights is based on the concepts of complicity and sphere of influence, and on the practice of due diligence as one of the mechanisms established by the Guiding Principles.
'Principle 17: 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.'

Although the Guiding Principles are a global framework, it is worth noting that, before them, ISO 26000\textsuperscript{13}, as of 2010, had already presented critical concepts for human rights protection, such as due diligence\textsuperscript{14}, complicity, sphere of influence and business enterprise value chain.

UNICEF, upon specifically analyzing Principle 17 in the relationship between business enterprises and children’s and adolescents’ rights, determined due diligence means ‘a business’s ongoing process for assessing its actual and potential human rights impact, including on children’s rights, integrating and acting upon its findings, tracking its responses and communicating how its impact is addressed, as set out in the Guiding Principles (...). Human rights due diligence should cover adverse impact that the business may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by a business relationship.’\textsuperscript{15}

Hence, taking a legal perspective on the impacts business operations may cause concerning children’s and adolescents’ rights, the following actions are recommended for planning and internal processes:

- Assess any actual or potential adverse impact on children’s and adolescents’ rights
- Develop and implement a code of conduct with general guidelines to protect children and adolescents, besides specific provisions to punish child labor and sexual exploitation, established not only in their internal relationships, but also in external relationships, with suppliers and partners
- Consult with different stakeholders during this process, especially communities and groups affected, including children and adolescents, as well as the Protection Network
- Create plans and policies based on risk assessment, with solid actions to avoid violation of children’s rights, anticipating remedies and measures that, when applicable, can even suspend or prevent the activity planned
- Use their power and influence to avoid human rights violations in their value chain
- Remedy any violation of children’s and adolescents’ rights to which they may have contributed or acted as complicit.


\textsuperscript{14} According to ISO 26000, the concept of due diligence is a ‘comprehensive, proactive process to identify the actual and potential negative social, environmental and economic impacts of an organization’s decisions and activities over the entire life cycle of a project or organizational activity, with the aim of avoiding and mitigating negative impacts’.

An initiative of:

Cycle 2012/13 Partnership:

Participating Companies: