

Human rights responsibilities of Nestle Swiss multinational food and beverage company

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Abstract. As more and more multinational companies emerge, they bring unlimited convenience and innovation to people's lives, benefiting generations of human beings, people's livelihoods are secured and multinational companies achieve financial freedom. However, at the same time, the conduct behind multinational corporations is a hot issue of concern to the whole society. In recent years, many multinational corporations have been exposed to have the problem of human rights violations, including illegal employment of child labourers and endless beating or even killing of them, which seriously violates the basic right of survival of children. The research in this paper is focused on explaining and analysing the behaviour behind the individual cases of illegal child labour at Nestlé, and suggesting relative legal penalties and guidelines for child protection, and finally suggesting solutions and recommendations for the current situation of human rights violations by transnational companies. It is recommended that Nestlé multinationals should focus more on direct regulation and be more concerned with the transformation of legal remedies, which is an important way to address the current problems. In general, Nescafe should be aware of the current problems and comply with the law, stop violating human rights and give children around the world a happy and pure childhood.

Keywords: Nestle, Multinational company, Child labour, Child abuse, Law

1. Introduction

Transnational corporation refers to a large international enterprise composed of two or more national economic entities and engaged in production, sales and other business activities [1]. It is also considered as the leading light of the modern corporate world. As more and more multinational corporations expand around the world for commercial, industrial, and marketing purposes, they fuel the economic income of many different regions and create many high-quality products and services for the benefit of humanity. However, as the government's regulatory measures are weakened, there are some multinational companies that breach the law of hypertension. It is reported that multinational companies are bribing corrupt government officials in third-world countries to create a freer business environment. Enable multinational companies to do business freely, which maybe bring huge damage to the whole society and morality. Nestle, as a multinational company, has more than 500 factories around the world, with nearly 250,000 employees, and is one of the world's leading food and beverage manufacturers. In 2005, Nescafe made a record net profit of 8 billion Swiss francs [2]. However, it is this world-famous multinational company that has violated human rights. Among them, the child slavery issue committed by Nestle, which is highly valued by the society is the most severe infringement and illegal act. Most child laborers from low-income African families were relentlessly selling to ivory unpaid labor groups, working 100 hours a week at least. Moreover, employees of Nestle multinational companies will attack them verbally, nestle employees may be violent to them, and there may even be violent deaths. In this violence, the youngest victim is just five years old, while the oldest is sixteen. There are articles that have generally described Nestle's violation of child labor and given corresponding explanations. Some existing laws and regulations for protecting children and punishing Nestle's violation of human rights were also explained in detail. In light of these studies, this article will focus on whether child labor has been legalized in different regions [3]. The researcher will give objective and reasonable suggestions on the phenomenon that multinational companies illegally employ child workers and make them work for long hours without pay. Including the existing laws and regulations should be how to adjust to further control multinational company human rights

abuses and if some child labor poor areas condition, then how to give them equal treatment in work or how to do to improve their working environment and living conditions. In this thesis, more pertinent recommendations will be beneficial to the physical and mental growth of youngsters. The specific solutions can bring hope to the confused, small, and voiceless employed child workers, which is important and worth studying. After all, in a balanced market, the company should not only pay attention to the interests and profits of consumers, but it must also pay attention to everyone's own rights and interests and make every effort to protect and respect the rights of others. This essay will investigate and examine particular instances of human rights abuses committed by multinational corporations, including child labor that is not authorized. After this, related problems that hinder the implementation of current international law on multinational corporations and human rights responsibilities will be proposed. Finally, more competitive improvement suggestions will be given to strengthening the supervision of transnational corporations on tort or human rights responsibilities at the maximum level.

2. The Historical Background of Nestlé's Child Labor Abuse

Child labor employment is the most serious human rights violation committed by Nestlé. Nestlé allegedly abducted some children to the Ivory Coast (home to cocoa plantations), one of the harshest conditions in the world, and forced them into unpaid labor. Children are key members of the communities and environments in which businesses operate. According to UNICEF estimates, more than 200,000 children are involved in the production of cocoa farms, where children as young as five and as old as 16 are trafficked or outright stolen from their parents while they are working on the farms. Most of these children have never eaten chocolate and do not know how to make it, and when they try to leave, they are beaten or even killed. According to statistics, a total of 1.56 million child laborers are involved in the production of cocoa in African cocoa-producing areas. Since roughly two thirds of the world's cocoa beans are produced in African nations and adult labor commands expensive wages, international corporations frequently choose to use local child laborers in order to reduce expenses. Most surprisingly, the number of child laborers in the cocoa picking industry has increased by approximately 14% compared to the estimated figures of a year ago. Nestlé violates the right to educate children, severely harms the physical and mental health of children and violates the personal interests of others, with irreversible effects. Human rights are inherent in all human beings, irrespective of race, gender, nationality, ethnicity and language, religion or any other characteristic of the individual. The right to education, the right to life, freedom from slavery, torture and equality are basic human rights which permeate the whole article.

3. Legal Aspects of Child Labor- Punishment

The rights of all children in the world should be guaranteed, and the rights of all children are equally important and interconnected, regardless of where they are. Children are the most marginalized and vulnerable members of society. They lack a public voice and are rarely consulted, even if sometimes their suggestions have a direct impact on the course of events. Child labor is defined as a child under the age of 16 who has a labor relationship with an entity or individual and is engaged in financially remunerated labor or self-employment. When the multinational company Nestlé illegally employs child laborers in multiple locations and verbally assaults and commits acts of violence against them, with irreversible effects, In the first section of the Modern Slavery Act of the United Kingdom passed on March 26, 2015, the need to eliminate the category of forced labour was put forward and emphasized, and it was also made illegal for children/young people to engage in slavery, servitude and forced or compulsory labour of young people/children. The issue of human trafficking was mentioned in section two of the Modern Slavery Act, published in 2015. This means that if a person commits a crime and facilitates the travel arrangements of another person, they can get a VIP. Travel means to arrive at or leave any country, or to travel within any country. Any person

who commits an offence under Article 102 shall, upon conviction on indictment, be sentenced to life imprisonment [4]. Therefore, combined with relevant legal provisions, the society calls on all members of the society to jointly build a world suitable for children's life and protect and respect the legitimate rights and interests of children.

4. The Legality of Child Labor

Protecting children's rights is one of the most common preoccupations in the world today, The legalization of child labor has become one of the more controversial debates, with the United Nations' Declaration of the Rights of the Child in 1959 calling on society to protect children and their best interests [5]. Local laws in the cocoa-producing regions of Africa state that child labor is not illegal, and due to the alarming rate of HIV infection in Africa, South Africa is one of the fastest spreading places in the world - with around 1,500 people infected every day - this has resulted in thousands of orphans having to go out and find work to survive, most of them being illegally employed, sold, or even stolen. In a 2002 study by an independent American researcher, it was noted that 11.5 per cent of South Africa's working population is HIV positive [6]. had increased the number of child laborers by 30%, that 44% of households in Africa earn less than \$1 a day, and that the poor living conditions and increasing prevalence of the disease have left most children to carry the burden of their families on their own without education. So, it has become the consensus of the society that children should work to earn money. According to the C138-Minimum Age convention, 1973, the minimum age for employment is 14 years, and if a child works below this age, it is considered child labor. However, in very poor countries, under strict conditions, light work may be allowed between the ages of 12 and 14 [7]. So, all in all, although in Africa, some places where life is difficult and very poor, going out to work seems to be a necessary choice for children, who have no choice in their lives, society and multinational companies can do their best to guarantee the physical and mental health and safety of children, so that they can work in as good an environment as possible. And for the United States, where Nescafe has the most branches, As mentioned in the Fair Labor Standards Act proposed by the United States in 1938, in today's society, children under the age of 14 are forbidden to work for pay or no pay in most industries, and those under the age of 16 must go to school for more than three hours. Most industries prohibit young people from doing dangerous paid or unpaid work before the age of 18. The comparison of the legality of child labor between these two regions shows that child labor is more accepted and customary in poorer regions, whereas in developed countries or countries with good economic development, most children are focused on their studies, and child labor is a forced choice for a very small number of children [8].

5. Legal Aspects of Child labor- Provisions

Children are the hope for the world's future, they deserve and should have the opportunity to learn and grow up in a safe and healthy environment. We need to do our utmost to prevent children from being treated unfairly and to provide them with the best possible environment. As stressed and agreed by representatives from different legal and cultural backgrounds from all regions of the world in the Universal Declaration of Human Rights, drafted on 10 December 1948 and adopted at the 217A(III) session of the General Assembly in Paris, everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin property, birth or other status, whatever the distinction. Article 3 of the Convention on the Rights of the Child (adopted on 20 November 1989), proposed by the Office of the United Nations High Commissioner for Human Rights, clearly states:1: In all actions concerning children, whether by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Furthermore, States Parties undertake to ensure that the child receives the protection and care required for his or her well-being, taking into account the rights and obligations of his or her

parents, legal guardians or other individuals legally responsible for him or her, and to take all appropriate legislative and administrative measures to this end. Under article 6, States parties recognize that every child has the right to life and that they need to ensure the child's survival and development to the greatest extent possible. Article 11 also has relevant legal restrictions and provisions: 1. The State Party shall take a series of measures to prohibit the illegal transfer and transfer of children abroad. 2: To this end, States Parties should contribute to and facilitate agreements between parties and parties, or opt into existing agreements. In addition, under article 14, States parties shall respect the equal rights of the child to freedom of will, thought and conscience, including the right to freedom of religion. [9] No restrictions may be placed on the exercise of these rights by any person or institution other than those prescribed by law which are necessary in the interests of national security or public safety, public order, the protection of public health or moral rights and freedoms in a democratic society. Children are a vulnerable group in society as a whole and require special care and attention from society as a whole. Multinational corporations need to strictly comply with laws and regulations and to ensure the stability of social order and for the physical and mental health of children.

6. Impediments preventing multinationals company implementing the regulations

Although the consequences of violations of children's rights violated by transnational corporations, which include the illegal employment and trafficking of children, have been mentioned in the Modern Slavery Act 2015 and in the Convention on the Rights of the Child of the High Commissioners of the United Nations, a large number of transnational corporations have chosen to ignore these violations when they are informed of the serious consequences. There are several reasons why transnational corporations choose to ignore human rights issues: firstly, they focus only on the development of indirect regulation. The emphasis of international law is on the state, which they consider to be the subject of international law and not transnational corporations, and human rights claims are considered by governments to be prescriptive and authoritative for corporations only to the extent that they should be transposed into domestic laws and regulations. The issue of human rights, therefore, arises only indirectly and not directly, but we should be familiar with the fact that human rights are not only legal rights but also rights that should apply to all actors. Secondly, transnational corporations are powerful institutions that largely influence people's daily lives and should have a direct obligation to do their part in human rights responsibilities. The second point is that TNCs focus only on obligation-setting development. International law focuses on making transnational corporations liable for indirect human rights violations and gives them few direct and defined obligations, much less the time and resources to set up legal remedies for them. Moreover, international law places the burden and obligation to protect the rights of citizens on States, but most States are often unwilling to provide effective remedies in the process of enforcement. This has led to a situation where multinational companies, unrestricted by direct legal regulation and without appropriate legal remedies, have been able to violate the human rights of their citizens with increasing vigour.

7. Suggestions

Now that the international community has taken action in this regard, and in response to the two reasons why transnational corporations choose to ignore to the irreversible consequences of human rights violations when they are known to do so, an effective solution would be, firstly, to argue for a shift from a focus on profile regulation to a focus on direct regulation, and to extend the human rights obligations of States to transnational corporations. This would contribute to the early realisation of a good vision of equality for all by allowing TNCs to manage human rights issues directly and thus better comply with laws and regulations. Secondly, the solution to the second problem is to argue that

transnational corporations should also focus on legal remedies and that international law should not only create direct human rights obligations for them but also make them more operational [10] for example, create more effective legal remedies to guarantee the maximisation of citizens' rights and the respect and protection of child labour. In this specific case of children who are illegally employed, poverty is one of the root causes of child labour, as most of them come from poor families. Poverty can be effectively overcome by promoting a stable economy and a healthy society. Therefore, supporting farmers and farming communities to improve their incomes and livelihoods and ensuring that most of them have a stable income so that they can make a decent living and reduce the incidence of child labour. Further, related data showed that in communities with good-quality schooling, child labour is lower. Therefore, offering access to bridging classes for kids is necessary for those who have been out of school and need to catch up and provide school supplies for students. The government can focus on introducing more teaching resources, including letting some volunteer teachers to teach in poor areas.

For some child labourers in poor areas, it seems to be their destiny to become enslaved and work for others. Some of their parents are dead, and some of their relatives are seriously ill, so the burden of family income has to be borne by them at a young age. This is the best way to help and respect them.

8. Conclusion

In nowadays' society, the growing trade liberalisation of economic globalisation and the increasing influence of multinational companies on the people of Pingming are increasing dramatically. Producing and operating on a global scale, multinational companies are gradually reaching a bright vision of globalisation, introducing and sending outwards many efficient configurations and resources that have greatly improved people's lives. However, simultaneously, as multinational companies become increasingly famous, human rights violations also occur frequently. They can only accept the injustice of their fate and are plunged into a state of hopelessness and despair. Despite the fact that there is a series of laws and regulations that set out the consequences of human rights violations by transnational corporations and a series of strong legal provisions to protect children from physical, mental, and psychological harm, most transnational corporations are still unable to comply with the rules set out in the law and are turning a blind eye and a blind eye to the implementation of the rules. The effective regulation of the human rights responsibilities of transnational corporations has become one of the most important issues to be addressed by the international community today. By analysing the two current realities of transnational corporations, the reasons that prevent them from achieving strict compliance with laws and regulations are, firstly, that transnational corporations only focus on indirect regulation rather than direct regulation, and secondly, that transnational corporations only focus on the development of obligation setting rather than on legal remedies. Faced with the current realities, the change from indirect to direct regulation and from a focus on the development of obligations to a focus on legal remedies is an important solution to the current problem. Multinational companies are an important part of society today and can bring more convenience and benefits to people's lives, but in addition, we must remember that the physical and mental development of children is also a significant concern for society today, and therefore multinational companies and people must fight for the interests of children and build a happy, pure and simple childhood for them.

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