



Child Rights and Security Handbook

An implementation companion to the
Child Rights and Security Checklist

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Children play at dusk within the Protection of Civilians (POC) site near Bentiu, South Sudan, in August 2016.

Introduction and Background

Children and young people are particularly vulnerable to the impacts of physical security arrangements, including at or around corporate operations. Security-related incidents can have significant negative impacts on them; implications may be particularly acute for girls and young women who experience an elevated risk of gender based violence.

In 2000, the Voluntary Principles on Security and Human Rights (VPs) were created by a leading group of extractive companies, governments and civil society organizations (CSOs) to help guide companies in balancing the need to protect the safety of their personnel and assets with a need to respect the rights of community members in the vicinity of their operations.

The VPs do not, however, identify steps to protect vulnerable populations, including potential security-related impacts on children. Companies can get direction from the Children's Rights and Business Principles, of which Principle 8 addresses children's rights in security arrangements.¹ Governments' obligations are covered in the Convention on the Rights of the Child. Yet these standards do not provide detailed guidance on security operations.

Therefore, in 2016, a multi-stakeholder working group of VPs Initiative companies, governments, CSOs and consultants began efforts to bridge this gap, creating the Child Rights and Security Checklist. Following the launch of the Checklist in March 2017, increasing numbers of companies expressed interest in implementing it and requested assistance in doing so. The working group has therefore produced this first edition of the Handbook as an implementation companion to the Checklist. Subsequent editions will add more samples and examples as lessons are learnt from implementation.

The Checklist and this Handbook can be used by companies and governments to improve the protection of children's rights within security programs and reduce security-related human rights abuses of children and young people. They may be used in a variety of contexts; on a standalone basis, incorporated into other VPs-related risk assessments or security and human rights audits, or in conjunction with other tools.

Interviews and document review:

The Checklist and Handbook may be useful as a desk exercise, interview-based assessments or both. Some may wish to review documents to verify the extent to which the issues are being addressed - others may want to rely on interviews with a range of stakeholders.

Supplementing and modifying:

The Checklist and Handbook consider children's rights in salient areas of company and government security and human rights programs, providing a baseline set of questions and issues that can be developed further. They can and should be supplemented over time.

Risk-tiering:

The Checklist and Handbook may be used in a risk-tiered manner, placing greater emphasis on those operating environments where there are elevated risks of violations. It may be useful to consult with relevant companies or review resources such as the Children's Rights Atlas².

Interpreting the results:

The Checklist and Handbook are not a "scorecard" suggesting the "success" or "failure" in protecting children's rights in security environments. They can help identify key aspects of those protections and possible areas of improvement.

Reporting:

The degree of internal and external transparency is within the discretion of each entity that uses the Checklist and Handbook. It is recommended that companies and public security agencies are transparent about the process they are undertaking, and provide assurance as to the results of the work.

¹ Children's Rights and Business Principles; 2012; UNICEF, UN Global Compact and Save the Children; available at <http://childrenandbusiness.org/>

² Children's Rights Atlas; UNICEF and Global Child Forum; available at <http://www.childrensrighsatlas.org/>

Definitions and Considerations

Child:

The term “child” is, consistent with the Convention on the Rights of the Child, a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger.

Child recruitment:

A child associated with an armed force or group refers to any person below 18 years of age who is, or has been, recruited or used by an armed force or group in any capacity, such as fighters, cooks, porters, spies, or for sexual purposes.

Company:

The term “company” is intended to encompass both company security personnel, as well as private security contractors. The Checklist and Handbook are applicable to any company that relies on public or private security to protect people and assets.

Gender and gender identity:

Boys and girls and members of the LGBT communities may face distinct risks and vulnerabilities that should be considered in policies, procedures and actions.

Gender based violence:

This term is intended to encompass harmful acts perpetrated against a person based on socially ascribed differences between males and females. Within the Checklist and Handbook, this term highlights primarily the vulnerability of girls and women.

Government:

The term “government” applies both to governments within the VPs Initiative and those outside it. The Checklist and Handbook can be applied to any form of public security force and can be considered on a unit-by-unit basis or as part of a larger force.

Indirect impacts:

The Checklist and Handbook primarily focus on processes to identify, prevent and mitigate security-related actions in which children are victims of abuse. It is important to note that human rights violations may affect children indirectly as well, for instance if the rights of a caregiver are violated.

Leverage:

The concept of “leverage” refers to the ability of one party to effect change in the practices of another party, including companies and government entities.

Responsive actions:

The Checklist and Handbook call for actions when there are any security-related incidents or allegations involving children, and when public or private security personnel suspect or witness incidents of child labour, violence, exploitation or abuse. Responses will differ based on the nature, extent and seriousness of the potential rights violation.

Risks of severe abuses:

These should be prioritized for responsive mitigating actions on an immediate basis. Risks may be severe based on its scale, scope or irremediability.

Risks to children in extractive-related security settings:

Potential negative impacts are significant, and include risks such as harms resulting from clashes with public and private security and abuse at the hands of security personnel, among others.

Worst forms of child labour:

Reflected in Article 3 of ILO Convention No. 182, these include slavery, or practices similar to slavery such as trafficking; procurement and use of children for prostitution, pornography and illicit activities; and work likely to harm the health, safety and morals of children.

Any references made to the processes of a particular government or company does not imply endorsement by others of these processes. Rather, these are intended to provide examples of how child rights are currently being integrated into security arrangements, which others can learn from, adapt, and/or replicate.

Leverage

Most of the criteria in the Checklist enquire as to whether the company is using its leverage with host governments in the interests of children's rights. One of the most substantial challenges is identifying, increasing and exercising leverage over public security providers. Under the UN Guiding Principles on Business and Human Rights (UNGPs), businesses have a responsibility to seek to use their leverage to prevent or mitigate adverse impacts that they contribute or are directly linked to.³ A company may seek to increase its leverage "by, for example, offering capacity-building or other incentives to the related entity, or collaborating with other actors."⁴

Companies may contribute to, or be directly linked to, actual or potential adverse human rights impacts caused by public security providers, and are thus expected to use leverage to mitigate or prevent those impacts. In identifying ways that leverage can be effective in advancing the criteria in the Checklist, it is important to note the substantial differences between various public security providers. Within a single country, public security assigned to protect individuals and property in the vicinity of a project could include full-time police, reserve or part-time police, military units, paramilitary units, anti-terrorism units, gendarmes, and many others. Each such group may receive different types of training, have different rules of engagement, deploy different equipment, and have different relationships with local communities. There may also be differing levels of public oversight, general discipline and adherence to international norms. As a first step, it is thus important to understand the nature of the public security provider, including their background, training, experience, reputation, and other key details where leverage can be employed. Examples include:

- Entering agreements with public security providers, particularly when support is being delivered, which spell out understandings and expectations between companies, communities and security providers, and identify liaisons within public security providers who can serve as points of interface.⁵
- Offering to provide or arrange for training of public security providers, or host roundtables and seminars between public security and local communities, consistent with the UNGPs' admonition to increase leverage through capacity building.
- Collaborating with others – including companies, civil society, local communities, and other stakeholders – to seek to influence public security providers through collective action, in line with the UNGPs.
- Engaging third parties, such as home governments, VPI-member governments, or multinational institutions to interface with host government and public security providers. Companies may also support independent observers, which may be civil society organizations or prominent local citizens, who can monitor the activities of public security, serve as a liaison between communities, public security, and companies, and investigate concerns that are raised.

³ UN Guiding Principles on Business and Human Rights, Principle 19 and its commentary, available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁴ Ibid.

⁵ Examples of model clauses adopted by the Voluntary Principles Initiative for use in security agreements between Government Security Forces and companies in the extractive and energy sectors are available at http://www.voluntaryprinciples.org/wp-content/uploads/2016/06/VPI_-_Model_Clauses_for_Security_Agreements.pdf

Red Flags

Security providers have a responsibility to respect and support children's rights. To do so, they need to have an understanding of how their operations affect the rights and wellbeing of young people. The vulnerabilities that children face may come from public and private security personnel and can arise in various ways. There are many considerations to think through to identify potential risks and ensure human rights violations are prevented.⁶ It is important to be aware of possible red flags and how to address them in order to uphold the rights of children and young people.

Identification of security risks:

These could be risks that result from political, economic, civil, or social factors; or the possibility of heightened levels of risk in particular facilities or communities. Note increased risks for children, especially girls, on school routes and public streets, including harassment, grooming and sexual violence, and that child-headed households can be particularly vulnerable to crime.

Potential for violence:

Measures can be taken to determine the potential for violence. Consult civil society, home and host governments to better understand the potential for violence. Be aware of factors such as conflict between receiving communities and migrants due to ethnicity, religion or culture; increased presence of private and public security forces, with risk of confrontations with children; an increase in crime rates, including juvenile delinquency; community conflict over land use and land availability for housing, farming, and other activities; community conflict due to increased competition over labour; conflict zones and volatile or remote areas; and high crime areas and/or the presence of organised crime where the state requires use of public security forces.

Human rights records:

Consider the available human rights records of public security forces, paramilitaries, local and national law enforcement, as well as the reputation of private security. Consult with the wider community rather than relying solely on official records.

Rule of law:

Consider the local prosecuting authority and judiciary capacity to hold accountable those who are responsible for human rights abuses. Take note of countries who do not have legislation on releasing criminal record certificates, or where the acquisition of criminal record certificates as part of recruitment is prohibited (related to screening criteria specifically); countries without a juvenile justice system; or countries with ineffective national child protection systems.

Grievance mechanisms:

Examine existing grievance mechanisms to gain information on how children are affected by current activities. Identify any patterns of historic, current, and future child rights impacts and the effectiveness of measures taken to-date to address them.

⁶ For more guidance see Children's Rights Atlas; UNICEF and Global Child Forum; available at <http://www.childrensrighsatlas.org/>; and Child Rights Self-Assessment; UNICEF; available at https://www.unicef.org/csr/extractives_tools.html



Checklist Criteria 1: Policies

Does the company and/or relevant government explicitly include recognition of children's rights in **policies, contracts and agreements** concerning their security arrangements?

Checklist Criteria 2: Code of Conduct

Has the company and/or relevant government adopted a **code of conduct**, or made a formal commitment, that applies to all employees and contractors and identifies expectations that they safeguard and respect the rights of children that they come into contact with as part of security operations?

Why this is important:

Children are a unique stakeholder group for governments, companies, public and private security providers. Children have rights that specifically apply to them due to their particular needs and vulnerabilities. There therefore needs to be a high level of commitment, with recognition from senior management in order to embed children's rights within policies, contracts and agreements and define how the organization functions. To be credible to internal and external stakeholders, it is important to maintain a strong and open declaration about safeguarding and respecting the rights of children. Such a "tone from the top" is critical to gaining buy-in from local leaders and officers, who oversee on-the-ground implementation; without it, proclaimed respect for the rights of children and others will mean little.

Integration of children's considerations in these documents will address risks that are not considered within broader approaches, shape organizational culture, provide guidance for managers and employees, communicate that the organization is credible in identifying and mitigating potential risks specific to children, and set out what is expected of all partners who do business with the company, government or security provider.

Integrating children's considerations into a code of conduct integrates these policy commitments into the values of the company, and establishes expectations regarding the behavior of individuals connected with the security provider.

How this correlates to the Voluntary Principles:

Guideline 1 of the VPs Reporting Guidelines for both the government and corporate pillars calls for a "Public Statement of commitment or endorsement of the Voluntary Principles." Including the rights of vulnerable populations, such as children, is a logical part of such a commitment. It is also consistent with applying the UNGPs, which in multiple places state that particular attention should be paid to groups with heightened risks, including children.⁷

Sample:

Policies, contracts and agreements should explicitly commit security providers to respect children's rights as identified by the UN Convention on the Rights of the Child,

assigning responsibility and resources to an appropriate senior representative. Codes of Conduct should have clearly-defined expectations and disciplinary consequences if children's rights are violated, specifying proper and improper conduct towards children by employees, suppliers, contractors, consumers, and other stakeholders across extended supply and value chains. This should include at a minimum a zero tolerance policy on violence, exploitation and abuse of children. Other elements to address in the Code of Conduct, in line with the UN Rules for the Protection of Juveniles Deprived of their Liberty, should prohibit:

- Recruitment or use of children, either directly or indirectly, in security arrangements;
- Use of instruments of restraint or force against children, or carrying or use of weapons by personnel in juvenile detention facilities;
- Disciplinary measures constituting cruel, inhumane, or degrading treatment, particularly torture, corporal punishment, solitary confinement, reduction of diet, or denial of family contact.

Example:

Ambatovy is a nickel and cobalt mining enterprise in Madagascar, the largest foreign investment in the country, and a joint venture between mining companies Sherritt International from Canada, Sumitomo Corporation from Japan, and Korea Resources from Korea.

In its Human Rights Policy, the joint venture states that 'Ambatovy explicitly forbids any form of child sexual exploitation on the part of its own employees and contractors, and uses its influence to raise awareness and contribute to eradicating it in the wider community'.

In its Code of Conduct, 'Ambatovy Project commits to a zero tolerance policy regarding child sexual exploitation... are against and commit neither to hire children nor to use forced labour...it is mandatory to comply with each and every part of the present Code...violation of any aspect of this Code will result in disciplinary action up to and including job termination'.

⁷ Commentaries for Principles 3, 12 and 18; Guiding Principles on Business and Human Rights; 2011; United Nations; available at http://www.ohchr.org/Documents/Publications/Guiding-PrinciplesBusinessHR_EN.pdf

Checklist Criteria 3: Personnel Screening

Does the company and/or relevant government **screen all personnel** involved in physical security matters to prevent recruitment and employment of persons with previous records of child abuse, exploitation or violence?

Why this is important:

Recruitment and employment of persons with previous records of child abuse, exploitation and violence by security providers presents multiple categories of risk. Firstly, and most importantly, there is the direct risk of verbal, psychological, physical, and sexual abuse of children by offending security personnel, individuals in positions of authority who take advantage of the most vulnerable stakeholders they encounter. Secondly, there is the risk to the provider, be it public or private, in terms of reputation, community relations, and legal, financial, social and physical repercussions. Thirdly, these risks are also borne by the employer of the security provider, be it a government or company, and endangers their political, economic and social license to operate. Fourthly, there is the risk to the host community, where trust in institutions is eroded, intra-community conflict increases, and alienation from sources of remedy occurs.

How this correlates to the Voluntary Principles:

The VPs discuss expectations for both public and private security providers. For private security providers and security employees, the VPs set forth detailed principles that should be included within relevant contractual agreements, including background checks⁸ of security providers and employees to identify prior allegations of human rights abuses or other red flags, and security personnel credibly implicated in human

rights abuses should not be employed. Likewise, for public security providers, the VPs provide that companies should use their influence to prevent such individuals from being deployed to provide security support.

Sample:

Companies and governments should conduct rigorous due diligence of security providers to ensure there is no history of abuse, exploitation, or violence against children. Providers as an entity and their personnel as individuals must be carefully screened and recruited at every grade to assess their professional and personal suitability to engage with children, in line with the UN Rules for the Protection of Juveniles Deprived of their Liberty. Where appropriate, both female and male security personnel should be employed. Demonstrated commitment to children's rights and a gender-responsive approach could be part of the selection criteria in appointing security providers. Companies should identify and mitigate any risks to children from collaboration with public security providers in their areas of operation, including the adequacy of relevant national legislation and enforcement, and any history of complicity of public security providers in child abuse, exploitation or violence.

⁸ Please note that background checks are illegal in some countries and so it is important to check local laws to determine whether asking certain questions as part of screening processes are legally permissible.



Checklist Criteria 4: Risk Assessments

Does the company conduct **risk assessments** that identify and address the positive and negative impacts on children (distinguishing between boys and girls) in relation to security risks, potential for violence, potential for human rights abuses, potential for child labour, rule of law, conflict analysis, and equipment transfers?

Why this is important:

Children face specific risks and impacts that either are not experienced by adults or are experienced to a much greater degree. This is particularly the case regarding security arrangements, where children's physical and mental development make them disproportionately vulnerable. By identifying and mitigating these distinct risks, companies can prevent and reduce the impacts on their operations and community relations. Risks to consider can cover many of the criteria in this checklist, and include:

- If the company does not anticipate the possible abuses that children could experience, and as a result does not implement adequate measures to mitigate them, its reputation will be threatened and tensions between the companies and local communities will likely increase.
- Employing private security providers who have a history of child abuse and/or are not aware of children's rights can lead to abuses that could endanger children, increase community conflict, and endanger the operations of the company.
- The company may be considered as being complicit in human rights abuses if children are treated inappropriately by public security forces, or when children or youth accused of breaking the law are handed over to the government security apparatus.
- If children are working in security services and are abused or injured, and the company did not ensure that national laws were respected, the company could face heavy financial and social consequences.

How this correlates to the Voluntary Principles:

Risk assessments are a critical component of the VPs; indeed, they form one of the VPs' three sections. As the VPs state, "The ability to assess accurately risks present in a company's operating environment is critical to the security of personnel, local communities and assets; the success of the company's short and long-term operations; and to the promotion and protection of human rights."⁹ The VPs specify that risk assessments should include, at a minimum, six critical areas: an identification of security risks, the potential for violence, the human rights records of public and private security providers, the strength of the local rule of law in holding human rights violators accountable, a conflict analysis that identifies and explains the root causes of local conflicts, and risks associated with transferring equipment to public or private security. Companies seek to meet the VP risk assessment expectations in different ways. Some companies perform the assessments on a standalone basis, while others integrate them into other work being performed. Some conduct VPs risk assessments internally, while others engage third parties. Some perform them on a risk-tiered basis, while others conduct assessments at all of their sites.

Sample:

Questions to ask and indicators to incorporate into risk assessments should cover all the relevant criteria in this Checklist, especially:

- Does the company have a policy in place related to security arrangements that incorporates children's rights? [See Criteria 1 above]
- Is there a process in place to identify, assess and monitor risks to and impacts on children's rights related to the security arrangements?
- Does the company include certain provisions on respecting children's rights in security contracts? [See Criteria 1 above]
- Does the company employ hiring or screening criteria for security personnel? [See Criteria 3 above]
- Does the company have procedures in place for dealing with alleged child perpetrators? [See Criteria 5 below]
- Do security personnel receive training on children's rights and child protection? [See Criteria 8 below]
- Is there a formal grievance mechanism in place regarding risks to and impacts on children related to security arrangements? [See Criteria 11 below]

Example:

As part of its participation in a UNICEF global pilot project, Canadian mining company *Barrick Gold* reviewed its human rights impact assessment protocol in order to integrate child rights indicators where relevant. After piloting the adapted human rights impact assessment protocol, Barrick permanently adopted the revisions related to child rights for all future human rights impact assessments.

METHODOLOGY:

UNICEF reviewed Barrick Gold's existing indicators related to children's rights, and Barrick Gold analyzed the alignment of their approach with UNICEF's tools for companies. Barrick Gold evaluated the risks of the gaps found that were of material relevancy, and developed additional indicators. A site-level baseline Human Rights Assessment at the Lagunas Norte mine in Peru was then conducted, including research on the political, security and human rights context, a review of a series of site and corporate level documents, and interviews with internal employees, female community members, school teachers, and Non-Government Organizations (NGOs).

⁹ The Voluntary Principles on Security and Human Rights; 2000; Voluntary Principles Initiative; available at <http://www.voluntaryprinciples.org/>

Checklist Criteria 5: Treatment of Children

Does the company follow guidance and/or does the relevant government adhere to the principles of the UN Rules for the Protection of Juveniles Deprived of their Liberty, particularly regarding the **treatment, apprehension, investigation, diversion, detention, transfer, and release of children**?

Checklist Criteria 6

Does the government implement Article 37 of the Convention on the Rights of the Child concerning the **treatment of children deprived of their liberty**?

Why this is important:

Article 37 of the UN Convention on the Rights of the Child commits governments to ensuring that “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall...be used only as a measure of last resort and for the shortest appropriate period of time... every child deprived of liberty shall be separated from adults until it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family.”¹⁰ The Convention is the most widely ratified human rights treaty in history, and the conditions it addresses are particularly pertinent in scenarios necessitating security arrangements.

The International Rules and Standards for Policing mirror the requirements of the Convention and emphasize diversion and non-custodial measures for children. Where companies or governments operate in conflict or post-conflict situations, there are additional considerations – “Children affected by armed conflict are entitled to special respect and protection...they must be evacuated from areas of combat; unaccompanied children must be reunified with their families.”¹¹

The UN Rules for the Protection of Juveniles Deprived of their Liberty provides a comprehensive blueprint of how security providers should treat children they encounter.

How this correlates to the Voluntary Principles:

Many of these same principles are reflected directly and by reference within the VPs. For instance, the VPs discuss investigating allegations of human rights abuses, and

incorporate by reference the provisions of the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials. These instruments prevent torture and cruel, inhuman and degrading treatment by security personnel, and contain detailed instructions for security personnel in respecting human rights, including in regard to the use of force, apprehension and detention.

Example:

Sherritt International’s Procedure for Apprehension and Transfer of Suspects to Public Security Custody states that “Special care should be taken when apprehending children, specifically:

- Restraint of a child should be avoided.
- Children should not be left in the company of a co-offender if that person is an adult.
- Children should not be left unattended and should be provided a safe and secure environment until released to their parents or to the police station.
- Children should not be detained at a site longer than is required to place them in safe care and custody of family or relatives or, if necessary, the police.”

¹⁰ Convention on the Rights of the Child; 1989; United Nations; available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

¹¹ International Rules and Standards for Policing; 2015; ICRC; available at <https://www.icrc.org/en/publication/0809-international-rules-and-standards-policing>

Checklist Criteria 7: Employment of Children

Does the company and/or relevant government **prohibit employing any children** (under 18 years old) in security services (including age verification mechanisms)?

Why this is important:

Hazardous working conditions for children interfere with their health and safety, and can affect their future growth. International Labour Organization (ILO) Conventions 138 and 182 state that the basic minimum age for work should not be below the age for finishing compulsory schooling, and in any case not less than 15 years old. Moreover, children under age 18, or age 16 under strict conditions, should not do any hazardous work. This means that children should not be engaged for security or military purposes, but also that they should not be used by the security provider for any other tasks, including food procurement, logistics and administration. Article 46 of the International Code of Conduct for Private Security Providers commits signatories to prohibit employing individuals under the age of 18 from carrying out security services.¹² The performance of a security function involves substantial responsibilities. It may involve rapid responses in high-pressure situations, sometimes involving the use of force or firearms. Those high pressure situations are often beyond the capacity of children to effectively implement, and can lead to physical and mental harm and human rights violations for community members and others. Moreover, the inherent physical differences of children make them particularly vulnerable to physical injury in the event the situation escalates into violence. In short, children should not be security officers for their own safety and for the safety of others.

How this correlates to the Voluntary Principles:

The VPs Reporting Guidelines reference vetting and hiring qualified security personnel in multiple places. This practice appears in the Guidance Note for Guideline 19 of the Government Pillar Reporting Guidelines. It also appears in the Guidance Note for Guideline 7 of the Corporate Pillar Reporting Guidelines (referring to company procedures in

entering relationships with private security providers), and is implicit in Guideline 11 (referring to VPs considerations in entering contracts and relationships with public security providers). All of these provisions emanate from the same basic concept – security personnel should be vetted and qualified to perform the hazardous service that is often required.

Sample:

No individual under 18 years of age should be eligible for employment on a full-time, part-time or contract basis in any position that may involve providing security. This prohibition applies regardless of whether the potential employee would be armed, and includes positions where providing security is only a part of the anticipated function or where physical security may only potentially occur. The prohibition may also apply to individuals who may provide administrative or logistical support to security personnel but are not involved in providing security themselves.

As part of a company's risk assessment, national legislation regarding the minimum age of security staff should be considered, along with national regulations and laws concerning private security provision. International standards should be integrated into internal processes if national legislation in host countries is not adequate. Include a clause in security contracts that prevents children from working in security, and periodically review contract management of private security providers to ensure compliance, employing a rigorous age verification process.

¹² International Code of Conduct for Private Security Providers; 2010; ICOCA; available at https://icoca.ch/sites/all/themes/icoca/assets/icoc_english3.pdf

Checklist Criteria 8: Training Security Personnel

Does the company and/or relevant government **train security personnel** in children's rights and child protection (including in potential gender-related differences), including in: relevant escalation mechanisms, treatment of child victims and trespassers, use of force in relation to children, communication with and conduct towards child witnesses in investigations, and treatment of children as detainees?

Why this is important:

Policies and processes are only useful if employees are adequately equipped to implement them. Without relevant training, public and private security providers are at risk of endangering the lives of children and their families and communities, with significant consequences for both companies and governments. The UN Rules for the Protection of Juveniles Deprived of their Liberty state that personnel should receive training in child welfare and the rights of the child. The International Rules and Standards for Policing require law enforcement officials involved in the administration of juvenile justice to be given appropriate specialized training.

How this correlates to the Voluntary Principles:

Reporting Guideline 7 of the VPs asks for examples of "promoting awareness" of the VPs throughout the company or relevant government – the intent being to ensure that expectations and requirements regarding security and human rights are communicated to key actors. Similarly, the VPs themselves demand that private security personnel "maintain high levels of technical and professional proficiency," and that companies should insist in contracts with security providers that assigned personnel are "adequately trained" in areas related to human rights. Likewise, the VPs state that companies should support efforts by government, civil society and others "to provide human rights training and education for public security."¹³

Sample:

Public and private security providers should ensure their personnel receive regular training on children's rights and child protection, including appropriate communication, conduct and behaviour, and use of force in situations where children are victims or witnesses of violations, or have allegedly committed an offence on company property. Common scenarios, policies and procedures to follow, and legal consequences should all be covered, as well as training regarding the proper protocol for identifying and reporting allegations or incidents of child labour, violence

against children, and other exploitation or abuse of children. Senior management and personnel to whom these events will be reported should receive specialized training on reporting to law enforcement when feasible and taking proper measures to address the situation. The designation of and communication regarding a senior staff member as a single point of contact regarding children's rights and child protection should also be considered by public and private security providers. Annual monitoring of the proportion of security personnel trained on children's rights and child protection should be publicly reported.

Additional training is necessary for *Human Resources* employees regarding age verification. An appropriate child-friendly age verification procedure should be established. Develop a mechanism for all current employees and make it a permanent part of the recruitment process for new workers. Ensure that a similarly effective age verification procedure is applied throughout the value chain. In cases where job applicants have no formal identification or where forgery of identification documents is common, establish alternative procedures that are reliable and child-rights compatible. These could constitute interviews with employees and applicants who appear to be below the minimum age, and a medical examination prior to employment, taking care to always respect the child's right to personal dignity and privacy.

Example:

Barrick Gold's Arrest and Detention Procedure states that the Operations and Security Manager should be familiar with relevant international instruments, including the UN Convention on the Rights of the Child. Furthermore, the company's Human Rights Risk Assessment Tool requires external stakeholders to be aware of the training received by the company's security forces.

¹³ The Voluntary Principles on Security and Human Rights; 2000; Voluntary Principles Initiative; available at <http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/>



Checklist Criteria 9: Reporting Child Rights Violations

Does the company and/or relevant government require security personnel to immediately **report to supervisors, superior officers or competent authorities any allegations or incidents of child labour, and violence, exploitation or abuse of children** (including but not limited to the worst forms of child labour) that are witnessed or suspected?¹⁴

Why this is important:

There is a fundamental premise that exploitation and abuse of children should be reported and investigated, regardless of whether the company or public security force was involved. That reflects the need to provide care to children who have been victimized, to protect them from further harm, and to take measures to prevent abuse of others. For companies and public security alike, having processes in place to require reporting of abuses that are witnessed or suspected addresses those needs. Moreover, anything less than a zero tolerance policy for such violations can be interpreted as tolerance. This tolerance may be imputed to the company/government entity, with potential social, financial and legal repercussions. The International Code of Conduct for Private Security Providers requires that signatory companies and their personnel report any instances or suspicions of the worst forms of child labour to competent authorities.

How this correlates to the Voluntary Principles:

Guideline 5 of the Government Pillar Reporting Guidelines asks for descriptions of relevant “policies, legislation, procedures, and/or guidelines relevant to promoting and protecting human rights, consistent with international human rights obligations,” extending beyond the security space and the VPs themselves. Guideline 6 of the VPs Corporate Pillar Reporting Guidelines requires companies to report on their “procedure or mechanism to report security related incidents with human rights implications by public/private security

forces relating to the company’s activities.”¹⁵ Guideline 8 addresses procedures and mechanisms for investigating and remediating human rights-related incidents, which encompasses child labour as well as violence, exploitation, and abuse of children.

Sample:

Every employee, affiliate, and third party contractor or supplier should be required to immediately report information they learn of or hear about that may reflect the potential abuse of a child. That obligation applies regardless of whether the potential abuse involves the company or an unrelated third party, and applies regardless of whether sufficient facts are known to reach a conclusion that abuse has in fact occurred, or whether the information was based on first hand observation. Reporting is ‘immediate’ where it occurs as soon as reasonably practicable, and in all cases within 24 hours. The failure to immediately report such information could result in disciplinary action up to and including termination of employment for individuals, and cancellation of third party contracts.

¹⁴ It is recognized that in some fragile contexts child labour may be prevalent throughout areas of operation. Worst Forms of Child Labour as identified by ILO Convention 182 should be prioritized for reporting, in the context of defining the most salient child rights issues as outlined by the UN Guiding Principles Reporting Framework, available at <https://www.ungpreporting.org/resources/salient-human-rights-issues/>

¹⁵ The Voluntary Principles on Security and Human Rights; 2000; Voluntary Principles Initiative; available at <http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/>



Checklist Criteria 10: Escalation Procedures

Does the company and/or relevant government implement and monitor an **escalation mechanism** within investigation procedures to immediately alert senior security personnel or other supervisors for any security allegations or incidents involving children?

Why this is important:

As part of reporting child rights violations addressed in Criteria 9 above, given the heightened risks to children posed in the security context as a result of their unique and vulnerable phase of physical and mental development, procedures should exist for investigators to immediately notify appropriate supervisors when they become alerted to potential security allegations involving children. Children can be disproportionately affected by involvement in security incidents, the impacts having greater gravity and more likelihood of irreversibility, and children having less recourse to democratic, employment or legal aid. As such their cases should be escalated. The UN Rules for the Protection of Juveniles Deprived of their Liberty states that for juveniles “give the highest priority to the most expeditious processing to ensure the shortest possible duration of detention.”¹⁶

How this correlates to the Voluntary Principles:

Guideline 8 of the Corporate Pillar Guidelines asks for reporting on a “Company procedure or mechanism to investigate and remediate security related incidents with human rights implications by public/private security forces relating to the company’s activities.” Likewise, the VPs themselves discuss conducting investigations in several places. They state that for public security incidents, companies should “urge investigation and that action be taken to prevent any recurrence” where appropriate, and “actively monitor the status of investigations and press for their proper resolution.”¹⁷ For private security, the VPs note that where physical force is used, private security should investigate, report it to the company, and refer the matter to local authorities and/or take disciplinary action where appropriate. They further provide that where allegations against private security providers are forwarded to law enforcement, companies should actively monitor the status of investigations and press for their proper resolution.

Sample:

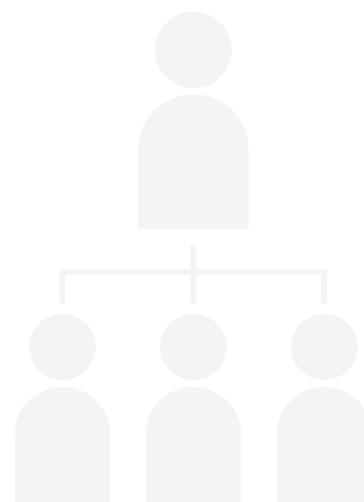
In the course of an investigation or inquiry, where an investigator learns of any information where a child was involved in any security-related incident, a supervisor should be notified immediately. The obligation to immediately report applies regardless of whether a conclusion has been reached that an incident involving security occurred, that it involved a child, or that the child may have been the victim of any injury or abuse. The obligation to report also exists regardless of whether security personnel may have acted appropriately or inappropriately. A strict time log should be maintained and the child’s parents or caregivers should be involved if that is in the best interests of the child. If child rights violations are discovered, arrange immediate assistance for the child and referral to the appropriate local child protection authority or, if no government authority is available, refer to a local child rights NGO.

Example:

Barrick Gold’s Arrest and Detention Procedure states that, “If a child is detained by security they are to be processed with urgency and then transported to the police station without delay. Processing should take less than 15 minutes. If this time limit is exceeded, the matter must be escalated promptly to the Operations Superintendent, or their delegate for their information and advice.”

¹⁶ Rules for the Protection of Juveniles Deprived of their Liberty; 1990; United Nations; available at <http://www.un.org/documents/ga/res/45/a45r113.htm>

¹⁷ The Voluntary Principles on Security and Human Rights; 2000; Voluntary Principles Initiative; available at <http://www.voluntaryprinciples.org/>



Checklist Criteria 11: Grievance Mechanisms

Are the company **grievance mechanisms** accessible, responsive and accountable to children and their representatives, such that they are safe, child-friendly, child-sensitive, confidential, age-appropriate, gender and disability sensitive, well-publicized and accessible to children, their families and/or their representatives, and permit remediation consistent with the rights and effects on children?

Why this is important:

Former UN Special Representative on Business and Human Rights, Professor John Ruggie, stated that children are among the most marginalized and vulnerable members of society, and can be disproportionately, severely and permanently impacted by business activities, operations and relationships. Principle 26 of the UN Guiding Principles on Business and Human Rights states that they “often face additional cultural, social, physical and financial impediments to accessing, using and benefitting from these [grievance] mechanisms. Particular attention should be given to the rights and specific needs of such groups or populations at each stage of the remedial process.”¹⁸ The UN Rules for the Protection of Juveniles Deprived of their Liberty gives juveniles the right to make requests or complaints, and to request assistance in order to make a complaint.

How this correlates to the Voluntary Principles:

Two of the Corporate Pillar Reporting Guidelines cover human rights incidents, underscoring their significance. Topic 4 relates to “reporting” security-related human rights incidents, requiring that the company have an appropriate reporting procedure or mechanism in place. Topic 6 relates to how human rights incidents are “addressed,” which in practice is often through an operational grievance mechanism.

Sample:

Children or their representatives should be able to access the mechanism through such means as electronic, telephone or social media communications, as well as appropriate physical venues and intermediaries. The influence of social norms and cultural practices, particularly regarding the status of women and girls, and children’s relationships with community authority figures and decision-makers, should also be considered. The language used should take into account different age ranges, literacy and ability levels, and linguistic variances. All children should be offered (but not required

to accept) the competent assistance of a neutral third party who has the experience and background necessary to work with children. Children should also be able to benefit from the assistance and support of their parents, guardians or other trusted adults. Anonymity should be offered when children do not wish to be identified and are not seeking personal reparations; confidentiality should be ensured for all children who wish to bring a complaint forward. This will ensure meaningful engagement while reducing the risks of reprisals. Children must be able to completely understand and appreciate the implications of any proposed resolutions, and must be fully informed about how acceptance of a proposed solution would affect their right to pursue other remedies. Monitoring and reporting of grievances should be disaggregated by age to identify where children are affected and where complaints by or involving children are addressed.

Example:

As part of *Sherritt International’s* Procedure for Apprehension and Transfer of Suspects to Public Security Custody, their Security Officer “will record the details of the apprehended person(s). These include... age...family contact information (if a child)”, allowing for disaggregation, escalation, and tailored responses to child-related incidences.

In partnership with UNICEF, the joint mining venture *Ambatovy* constructed ten youth kiosks in Madagascar. They were serviced by twenty youth peer educator volunteers to provide information to local young people on HIV/AIDs and sexual and reproductive health and rights. However, they also served as an informal grievance mechanism whereby young people could bring their questions or concerns regarding the nearby mining operations, which were then referred to the company for consideration and response.

¹⁸ Guiding Principles on Business and Human Rights; 2011; United Nations; available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Checklist Criteria 12: Stakeholder Engagement

Does the company and/or relevant government conduct **stakeholder engagement** activities that are sensitive to differences in gender, and to specifically reach children and their representatives, regarding security arrangements?

Why this is important:

For governments and companies, children are a priority stakeholder group, yet they are often the most vulnerable, requiring specific attention to guarantee respect for their human rights. It is possible that one activity might not impact the rights of adults, but the same activity could adversely impact the rights of a child. Unless dedicated efforts are made to reach out to them, children may be at risk from exclusion from stakeholder engagement processes. Community-related security risks are frequently the result of unaddressed concerns, negative impacts, or misunderstandings about non-security related issues such as youth unemployment, land access, environmental impact, compensation, resettlement and negative legacies from previous projects. Moreover, companies should also consider the positive and negative impacts they cause indirectly through suppliers, customers and other business partners. The UN Rules for the Protection of Juveniles Deprived of their Liberty requires in particular that consultation is undertaken with representatives of agencies providing essential services to juveniles.

How this correlates to the Voluntary Principles:

VPs Reporting Guideline 11 encompasses “Engagement with stakeholders on country implementation.” Indeed, the VPs recognizes that engaging with local stakeholders is critical to understanding differing interests and concerns, keeping local community members informed about security approaches and the VPs, creating awareness with host governments,

and identifying risks, problems and potential solutions within local communities and between community members and the company. The VPs state, for instance, that companies “should consult regularly with host governments and local communities about the impact of their security arrangements on those communities.” They likewise provide, “Companies should hold structured meetings with public security on a regular basis to discuss security, human rights and related work-place safety issues. Companies should also consult regularly with other companies, host and home governments, and civil society to discuss security and human rights.”¹⁹

Example:

Paladin Energy identified children as a key rights holder group as part of their human rights impact assessment at their uranium mine in Malawi. They engaged an experienced NGO to conduct interviews with youth, parents, government personnel, and company staff, including the security team. As well as identifying improvements in youth education, health, and employment, the assessment also revealed increased incidences of youth recruitment into organized crime, such as fuel theft from company vehicles. The company therefore facilitated an intervention with local families and law enforcement to reduce criminal activities and prevent child recruitment.

¹⁹ The Voluntary Principles on Security and Human Rights; 2000; Voluntary Principles Initiative; available at <http://www.voluntaryprinciples.org/>



Checklist Criteria 13: Auditing Compliance

Does the company and/or relevant government conduct appropriate **audits, assessments or inspections** to verify compliance with this checklist?

Checklist Criteria 14: Monitoring and Communication

Does the company monitor progress of compliance with this checklist and **communicate results** through annual reporting?

Why this is important:

Monitoring and tracking the effectiveness of a company's response is vital to verifying whether measures are effectively addressing children's rights impacts, and whether policies and procedures are adequate. It is also an essential part of building and maintaining relationships with stakeholders, building trust, and enhancing social license to operate. Monitoring should be ongoing and may build on existing company systems, as long as they can incorporate qualitative and quantitative indicators relevant to children's rights. The UN Rules for the Protection of Juveniles Deprived of their Liberty recommend independent unrestricted inspections should be conducted on regular, unannounced bases.

How this correlates to the Voluntary Principles:

The Voluntary Principles Initiative (VPI) has adopted verification frameworks for all participants. Verification is defined as having "a credible process to verify fulfillment, by all Participants, of their Voluntary Principles Initiative responsibilities, including public reporting and engagement where appropriate."²⁰ That verification occurs through reviews, assurance and testing activities with key performance indicators to demonstrate implementation.

Reporting Guideline 13 contemplates procedures "to review progress on implementing" the VPs. Annual reporting on implementation of the VPs is required as part of the VPI membership criteria, and is an important aspect of transparency in implementing a security and human rights program that is credible to a range of stakeholders. The VPI reporting guidelines help organize the content of those annual reports.

Example:

In their Human Rights Report, *Barrick Gold* reported on how they are enhancing their human rights program in relation to vulnerable groups. These included children, indigenous populations, women, and human rights defenders, who are most prone to confrontations and least able to defend against them. This included a focus on youths facing security incidents, and looked to better prevent and mitigate those impacts with further development of existing policies and greater due diligence.

²⁰ The Voluntary Principles on Security and Human Rights: Corporate Pillar Verification Framework; 2015; Voluntary Principles Initiative; available at http://www.voluntaryprinciples.org/wp-content/uploads/2015/05/Corporate-Pillar-Verification_Framework-May-2015.pdf



Key Resources

Child Rights and Security Checklist; 2017; Global Affairs Canada, Barrick Gold, and UNICEF Canada; available at https://www.unicef.org/csr/extractives_resources.html

Child Rights and Mining Toolkit; 2017; UNICEF; available at https://www.unicef.org/csr/extractives_tools.html

Children's Rights Atlas; UNICEF and Global Child Forum; available at <http://www.childrensrighsatlas.org/>

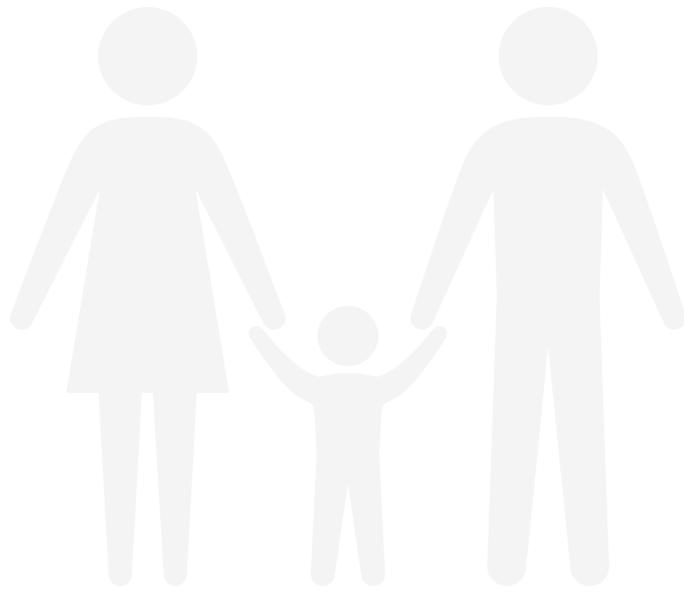
Voluntary Principles on Security and Human Rights; 2000; Voluntary Principles Initiative; available at <http://www.voluntaryprinciples.org/>

Guiding Principles on Business and Human Rights; 2011; United Nations; available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Rules for the Protection of Juveniles Deprived of their Liberty; 1990; United Nations; available at <http://www.un.org/documents/ga/res/45/a45r113.htm>

International Code of Conduct for Private Security Providers; 2010; ICOCA; available at https://icoca.ch/sites/all/themes/icoca/assets/icoc_english3.pdf

International Rules and Standards for Policing; 2015; ICRC; available at <https://www.icrc.org/en/publication/0809-international-rules-and-standards-policing>





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