

Private Security Companies and Children's Rights

Address,

UNICEF is grateful for this invitation and the opportunity to speak to the topic of private security companies in relation to children's rights.

To date, much of the debate has been centered on whether or not a new Convention is needed. With a view to recognizing children's issues in the context of private security companies this would add great value and attention to the issue and concern of how children's rights are impacted by private security companies. Current frameworks do not sufficiently consider this concern.

Since June 2010, UNICEF, Save the Children and the Global Compact have been leading an initiative to develop a set of principles for Business on Children's Rights. These principles call on business everywhere to respect and support children's rights and avoid complicity in children's rights abuses. The principles are also relevant to the activities of private security companies –especially with regards to

- How companies can understand, prevent and address any negative impact of their activities on children
- How companies can address children's rights in the workplace including child labor
- How companies can take action to protect children during emergencies including through applying conflict sensitive business practices
- Finally, companies have an essential role in supporting communities and reinforce government efforts to fulfill children's rights

The principles build on the CRC, the Optional Protocols, ILO conventions, the Guiding Principles on Business and Human Rights, as well as the Global Compact Principles.

We know that in situations where private security companies operate, children are often more vulnerable to violence, exploitation and abuse and there is an overall increased risk of violations of children's rights.

These aspects needs to be considered - first and foremost, the standard must be for private security companies not to employ persons under the age of 18 in ANY capacity within a private security company. Not only children in active security functions, but also children in other roles similar to the definition of children associated with armed group and forces. In the context of armed groups and forces, children are often taking on many different roles including as cleaners, cooks, porters and informants. These roles are often played by girls, who may not have the same ability to protect themselves. This is not to say that boys are not vulnerable to other forms of exploitation and abuse, but to make the

point that girls are often forgotten in the equation (reference to the Paris Principles).

The contexts within which security companies work place children at great risk. With the Principles for Business on Children's Rights the emphasis is that companies have a responsibility to ensure that no child is worse off in terms of his or her rights because of their actions. Therefore, the language in the Code of Conduct may be too limiting: 'Signatory Companies will not hire individuals under the age of 18 years to carry out Security Services.' The issue here being the language related to 'carry out Security Services', which may be too limiting.

Also, it is not consistent with the language found under the section for worst forms of child labour, which focuses on forced recruitment by emphasizing that forced or compulsory recruitment of children is prohibited for use in provision of armed services. There should be no distinction made between forced or compulsory recruitment - the bottom line is - no children should be involved in activities related to the operations of private security companies under any circumstances.

In addition to considering the aspects of the worst forms of child labour as has been done in the Code of Conduct - is important to recognize that the very environment in which security companies operate is potentially harmful and unsafe for children, so children should not be included in ANY capacity in these operations.

Also the age factor is important. The Convention on the Rights of the Child defines children under the age of 18, and by now some 90 states who have ratified the Optional Protocol have adopted a straight 18 approach, meaning that they apply the age of 18 for all types of recruitment, forced and voluntary, and often stating that this includes children in any role within armed forces and groups. There seems to be an emerging standard for a minimum age of 18 in customary international law. Again, the Paris Commitments also consider this broader definition of a child within the ranks of an armed group or force.

Role of private security companies in the community, protecting the rights of children, and considering that they often consist of military men, ensuring that they do not exploit or harm children through their activities as part of the security company activities and in their personal time.

Overall, it would also be important to consider this new Convention in light of the fact that there are some gaps between what standards are applicable in armed conflict contexts and what standards are applicable in other situations. This Convention could serve to cover any possible gaps.

Finally, UNICEF would be pleased to remain engaged on these issues, and to provide further analysis of the interlinkages between private security company activities and children's rights.