



CHILD RIGHTS AND SECURITY CHECKLIST

Introduction and Background

Children and young people are particularly vulnerable to the impacts of physical security arrangements, including when those arrangements are at or around corporate operations. These vulnerabilities can come from public and private security personnel, and may arise in various ways. For instance, children may be recruited and used as public or private security. They may be victims of abuses at the hands of third parties, where public or private security is asked to investigate. They may be treated as perpetrators or witnesses of offences on company property, or experience adverse effects when family members suffer harms.

These security-related incidents can have vast and substantial negative effects on children and young people. They can create lasting physical and psychological harms for children and their families, hinder individual development, and impact entire communities. The implications may be particularly acute for girls and young women, where there are elevated risks 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 to help guide companies in confronting the challenge of protecting 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 offer a practical operational framework for companies that centers on conducting proper risk assessments and managing relationships with private and public security providers. Today, hundreds of companies, inside and outside the extractive sector, have publicly signaled that they apply this framework. The VPs also offer governments a framework of expectations for their own security forces and those of companies operating or domiciled in their country, and the VPs Initiative has become a leading international soft-law multi-stakeholder initiative.

The VPs themselves do not, however, identify steps to protect vulnerable populations, including potential security-related impacts on children. Nor do the foundational documents of the VPs Initiative regarding the roles and responsibilities of its participants address vulnerable populations generally, or children and young people specifically. To be sure, at the highest level of standards and principles, companies can get general direction from the Children's Rights and Business Principles (UNICEF, UN Global Compact, Save the Children).

Released in 2012, Principle 8 encompasses a respect and support for children's rights in security arrangements. Governments' general obligations are covered by the Convention on the Rights of the Child, and its General Comment 16. Yet these standards and principles do not contain detailed guidance in relation to security operations, or otherwise seek to integrate with the VPs.

In mid-2016, a multi-stakeholder group of VPs Initiative companies and governments, as well as civil society organizations and expert consultants, began efforts to bridge this gap. As a first step, the working group created this Child Rights and Security Checklist. Relying largely on the framework of the VPs, the Checklist identifies 14 criteria for companies and governments to assess the extent to which their security frameworks are attentive to and protective of children's rights. The Checklist indicates whether each criterion is applicable to companies, governments, or both, and includes references to resources to assist users in gaining a fuller understanding of the relevant issues and norms.

In creating the Checklist, the working group hopes that the content can be used by extractive and non-extractive companies to help identify, improve, and create greater stakeholder confidence in their protection of children's rights within their security programs. It is also hoped that this document can be used in the same way by governments (who are accountable for their public security agencies), regardless of whether they are affiliated with the VPs Initiative. Most importantly, it is hoped that the document can help governments fulfil their obligation to protect human rights, help business organizations fulfil their responsibilities to respect human rights, and help reduce security-related human rights abuses of children and young people around the world.

Working Group Members



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¹ The Canadian National Committee for UNICEF

Using the Checklist

How the Checklist may be used:

The Checklist can be used in a variety of situations. It may be completed on a standalone basis, or the content may be incorporated into other VPs-related risk assessments or security and human rights audits. It also may be used in conjunction with other tools to assess children's rights and VPs implementation, such as the UNICEF publication "Child Rights and Mining Toolkit. Best practices for addressing children's issues in large-scale mining," Tool 6 (2017) (available at <https://www.unicef.org/csr/extractives.htm>) ("Child Right and Mining Toolkit"), and the Global Compact Network Canada's Auditing Implementation of the Voluntary Principles on Security and Human Rights: A Guidance Document to Assist Companies and their Auditors Assess Implementation of the Voluntary Principles on Security and Human Rights (GCNC Auditing Implementation Guidance) (2015). It can be employed as a self-assessment by a private or public security unit, or as part of a review carried out by other internal functions or agencies or independent third parties. The document may prove useful at the outset of a project, for existing security operations to evaluate the degree to which children's rights are being considered, or in connection with expansions or other changes in operations or missions. The Checklist also may be utilized by companies when considering the security approach of a counterparty in a possible merger or acquisition, and by financial institutions in assessing relevant human rights risks as part of a lending decision. For more information on considerations in conducting VPs-related assessments, the GCNC Auditing Implementation Guidance contains a detailed discussion.

Interviews and document review:

The Checklist may be useful as a desktop exercise, in interview-based assessments, or both. For instance, some may wish to review documents relevant to the question being posed to verify and/or assess the extent to which the issues are being addressed. Others may want to rely on interviews with a range of internal stakeholders – such as senior management or commanding officers, corporate security leads, security and community relations management, line level security personnel, and human resources – and external stakeholders – such as community members including child rights representatives² and civil society organizations.

Supplementing and modifying the Checklist:

The Checklist considers children's rights in salient areas of company and government security and human rights programs, as contemplated by the VPs. In that sense, they provide a baseline set of questions and issues. As a security and human rights program matures, and as international best practice evolves, it may be desirable to develop further questions and use additional tools to assess the thoroughness of efforts to protect children's rights in the security context – particularly in areas

where security is complex. The Checklist thus can and should be supplemented over time to fit relevant circumstances.

Risk-tiering:

For companies and governments, it may be appropriate to use the Checklist in a risk-tiered manner, placing greater emphasis and focus in those operating environments where there are elevated risks of rights violations. Indeed, depending on the nature and location of operations, and the relevant risks presented, some of the Checklist criteria may not be relevant at all. In making those determinations, it may be appropriate to consult with other companies who operate in the area, local civil society organizations, and others with relevant knowledge. It also may be useful to consult resources, such as the Children's Rights Atlas (<http://www.childrensrightsatlas.org>).

Interpreting the results:

It is important to understand that the Checklist is not a "scorecard." Satisfying a certain number or percentage of the criteria is not meant to suggest "success" or "failure" in protecting children's rights in security environments. Just as entities seeking to implement the VPs may be at very different points in establishing security and human rights programs - some may be at the outset, while others may have mature systems in place – entities will be at different stages of development in integrating protections for children's rights. The Checklist can help identify key aspects of those protections and where possible areas of improvement might lie. In that sense, the Checklist criteria represent a baseline that can facilitate an assessment to identify programmatic areas of strength, gaps, and possible future actions.

Reporting:

The degree of internal and external transparency is within the discretion of each entity that uses the Checklist, and may depend on how the Checklist is used. For companies using the Checklist to assess the extent to which children's rights are contemplated in existing security arrangements, it may be appropriate for senior corporate management and relevant local employees to see the results, to assess whether responsive actions are required. For public security forces, it may be appropriate for commanding officers and other senior agency personnel to review the outcomes, and to assess whether and what type of responsive actions may be warranted. In terms of external communications, companies and public security may wish to note that they are utilizing the Checklist and provide a summary of the results. Others might place assessments, in whole or excerpted, on their websites or in the public domain. At a minimum, however, it is recommended that companies and public security agencies are transparent about the process they are undertaking in using the Checklist, and provide some degree of assurance as to the results of the work. It is also helpful if information is made available in languages relevant to locally impacted stakeholders.

² For additional guidance, please UNICEF's tool for companies: Engaging Stakeholders on Children's Rights (2014).

Definitions and Other 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. Consistent with the statements of the Committee on the Rights of the Child, the Convention’s monitoring body, Governments are encouraged to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Company The term “company” is intended to encompass both company security personnel, as well as private security contractors. Although the Checklist correlates to a security approach as framed by the VPs, it is by no means limited to companies that are part of the VPs Initiative, or even which have pledged to implement the VPs. The content is applicable to any company that relies on public or private security to protect people and assets.

Government The term “government” applies to governments within the VPs Initiative, and those outside of it. The Checklist’s content is intended to be applicable to any form of public security force, including police, military, or paramilitary, regardless of the context of a deployment. It can be considered on a unit-by-unit basis, as part of a larger defense force, or even compared against standard operating procedures for an entire armed service.

Leverage The concept of “leverage” as reflected in the Checklist is meant to be consistent with the concept as identified in the UN Guiding Principles on Business and Human Rights (UNGPs). More specifically, it refers to the ability of a company to effect change in the practices of another party, including government entities where appropriate.

Risks of severe abuses As contemplated in the UN Guiding Principles on Business and Human Rights (UNGPs), where risks of severe human rights abuses are identified, those should be prioritized for responsive mitigating actions on an immediate basis, or at least as quickly as reasonably possible. As the UNGPs state, “Severity is not an absolute concept in this context, but is relative to the other human rights impacts the business enterprise has identified.” The UNGPs note that a negative human rights impact may be considered “severe” by virtue of one or more of the following characteristics: its scale, scope or irremediability. Scale means the gravity of the impact on the human right(s). Scope means the number of individuals that are or could be affected. Irremediability means the ease or otherwise with which those impacted could be restored to their prior enjoyment of the right(s).



Worst forms of child labour

The worst forms of child labour is intended to reflect the definition in Article 3 of ILO Convention No. 182:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Gender based violence

The term gender based violence is intended to encompass harmful acts perpetrated against a person based on socially ascribed differences between males and females. Although as contemplated in this Checklist it can include violence against boys, the term continues to be used primarily as a way to highlight the vulnerabilities of girls (and women) to various forms of violence.

Risks to children in extractive-related security settings

The potential negative impacts on children in connection with security settings associated with extractive projects are vast. However, certain harms are more common than others, and form particular consideration in the formation of this Checklist. They include: harms resulting from clashes with public and private security; abuse at the hands of security personnel with a history of child-related violence; injury and poor treatment during investigation, arrest and detention by private and public security, including in particular gender based violence; and harms as a result of performing security services while in the employ of public or private security.

Responsive actions

The Checklist (Criteria 9 and 10) calls for immediate notification of supervisors, superior officers or competent authorities 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 (including the worst forms of child labour), violence, exploitation, or abuse. This simple and broad approach to escalation – in effect, covering all security-related incidents and potential abuses – consciously does not take into account the gravity of the potential harm. Of course, the response to the information received by company supervisors and competent authorities will differ depending on the nature, extent and seriousness of the potential rights violation. A discussion of those potential responsive actions, which may vary widely based on the specific facts at issue, is beyond the scope of this Checklist.

Indirect impacts

The Checklist primarily focuses on processes to identify, prevent and mitigate security-related actions in which children are the victims of abuse. It is important to recognize, however, that human rights violations, whether in the security context or otherwise, may impact individuals directly or indirectly, and that children can suffer negative consequences when the human rights of a parent, family member or caretaker are violated. The Checklist, premised on the framework of the VPs, does reference the role of family members and representatives in discussing grievance mechanisms (Criteria 11) and stakeholder engagement regarding security arrangements (Criteria 12). Outside the context of the VPs framework, it is appropriate for public and private security to contemplate additional means of preventing and responding to indirect impacts on children when family members and caretakers experience abuses. See Child Rights and Mining Toolkit, Section 6.3.

Gender and gender identity

In utilizing the Checklist, it is important to recognize the potentially distinct impacts of each categories on girls and boys, and consider relevant impacts based on gender identities and sexual preferences. Boys and girls, and members of the LGBT communities, may face different risks and vulnerabilities in various situations that require appropriate policies, procedures and actions.

Child recruitment

One area of concern is the use and recruitment of children into armed forces or private security. A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.³ Additional information on countries that are being monitored for their actions in this area can be found in the following resources: the US State Department's Trafficking in Persons Report (see Tier 2 and Tier 3 countries), and the UN Secretary General's Special Representative on Children and Armed Conflict's annual report, which includes annexes of all parties (listed by country) that engage in the recruitment and use of children in armed conflict, amongst other grave violations.

³ Paris Principles on the involvement of children in armed conflict (2007).

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#	Criteria	Private Security	Public Security	Potential References to Aid in Assessment ⁴
1	a) Does the company and/or relevant government explicitly include recognition of children's rights in policies, contracts and agreements concerning their security arrangements?	✓	✓	<ul style="list-style-type: none"> • Criteria 47 & 48, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013 • Principle 8, Children's Rights in Policies and Codes of Conduct, UNICEF & Save the Children, 2013 • Convention on the Rights of the Child • Business and Children's Participation: How Businesses Can Create Opportunities for Children's Participation, Save the Children, 2015 • Section 2, GCNC Auditing Implementation Guidance, 2015 • Sections 2.3 & 3.2, Addressing Security and Human Rights Challenges in Complex Environments (3rd ed.), DCAF & ICRC, 2016 (DCAF/ICRC Toolkit) • Annex H, Voluntary Principles on Security and Human Rights Implementation Guidance Tools, International Council on Mining & Metals, International Finance Corporation, IPIECA, 2011 (IGT)
	b) Does the company use its leverage to urge the government to include such recognition, if the government does not include it?			
2	a) 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?	✓	✓	<ul style="list-style-type: none"> • Articles 63-67, 70 & 87, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Criteria 47, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013 • Principles 2, 4, and 8, Children's Rights in Policies and Codes of Conduct, UNICEF & Save the Children, 2013 • Convention of the Rights of the Child • Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict • Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography • Convention 138 on Minimum Age for Admission into Employment, ILO, 1973 • Convention 182 on Worst Forms of Child Labour, ILO, 1999 • Section 1, GCNC Auditing Implementation Guidance, 2015 • Page 9, IGT, 2011
	b) Does the company use its leverage to urge the government to adopt such a commitment, if the government has not adopted one?			
3	a) 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?	✓	✓	<ul style="list-style-type: none"> • Articles 82 & 87, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Article 46, International Code of Conduct for Private Security Providers, ICOCA, 2010 • Criteria 47 & 48, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013 • Convention 138 on Minimum Age for Admission into Employment, ILO, 1973 • Convention 182 on Worst Forms of Child Labour, ILO, 1999 • Section 2, Part 5, GCNC Auditing Implementation Guidance, 2015 • Sections 2.4 & 3.5, DCAF/ICRC Toolkit, 2016
	b) Does the company use its leverage to urge the government to conduct such screening, if the government is not doing so?			

⁴ Hyperlinks for these instruments are included.

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#	Criteria	Private Security	Public Security	Potential References to Aid in Assessment
4	a) 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?	✓		<ul style="list-style-type: none"> • Criteria 48, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013 • Convention 138 on Minimum Age for Admission into Employment, ILO, 1973 • Convention 182 on Worst Forms of Child Labour, ILO, 1999 • Section 2, Part 3, GCNC Auditing Implementation Guidance, 2015 • Sections 2.8 & 3.1, DCAF/ICRC Toolkit, 2016 • Module 2, IGT, 2011
	b) Based on the results of the risk assessment, does the company take steps internally and/or engage with the relevant government to seek to avoid risks and negative impacts related to the issues identified?			
5	a) Does the company follow as guidance and/or does the relevant government adhere to the principles in 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?	✓	✓	<ul style="list-style-type: none"> • UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Pages 22, 43 & 62, International Rules and Standards for Policing, ICRC, 2015 • Criteria 48, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013
	b) Does the company use its leverage to urge the government to adhere to the Rules, if the government is not doing so?			
6	a) Does the government implement Article 37 of the Convention concerning treatment of children deprived of their liberty?	✓	✓	<ul style="list-style-type: none"> • Article 37, Convention on the Rights of the Child, UN, 1989
	b) Does the company use its leverage to urge the government to implement Article 37, if the government is not doing so?			
7	a) Does the company and/or relevant government prohibit employing any children (under 18 years old)⁵ in security services (including age verification mechanisms)?	✓	✓	<ul style="list-style-type: none"> • Art. 3 of Convention 138 on Minimum Age for Admission into Employment, ILO, 1973 • Art 3(d) of Convention 182 on Worst Forms of Child Labour, ILO, 1999 • Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict • Convention of the Rights of the Child • Section 2, Part 5, GCNC Auditing Implementation Guidance, 2015 • Sections 2.4 & 3.5, DCAF/ICRC Toolkit, 2016
	b) Does the company use its leverage to urge the government to adopt such a prohibition, if the government has not done so?			

⁵ This is the highest international standard, as supported in the listed resources, which may differ from national laws. All parties are encouraged to pursue this highest standard and not employ any children under 18 in security forces.

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#	Criteria	Private Security	Public Security	Potential References to Aid in Assessment
8	a) 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?	✓	✓	<ul style="list-style-type: none"> • Article 85, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Page 22, International Rules and Standards for Policing, ICRC, 2015 • Criteria 49, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013 • Section 2, Part 7, GCNC Auditing Implementation Guidance, 2015 • Sections 2.5 & 3.6, DCAF/ICRC Toolkit, 2016
	b) Does the company use its leverage to urge the government to conduct such training, if the government is not doing so?			
9	a) 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?	✓	✓	<ul style="list-style-type: none"> • Article 41, International Code of Conduct for Private Security Providers, ICOCA, 2010 • Convention 138 on Minimum Age for Admission into Employment, ILO, 1973 • Convention 182 on Worst Forms of Child Labour, ILO, 1999 • Principle 2, (primary criterion 11 and 12) Children's Rights in Impact Assessments, UNICEF and The Danish Institute for Human Rights, 2013 • Section 2, Part 4, GCNC Auditing Implementation Guidance, 2015 • Module 3, Steps 3.4-5, Module 4, Step. 4.4, Annex K, IGT, 2011
	b) Does the company and/or relevant government provide clear instructions to relevant personnel for referring identified victims of the above abuses so that they can receive the appropriate care?			
	c) Does the company use its leverage to urge the government to make such reports, if the government is not doing so?			
10	a) 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?	✓	✓	<ul style="list-style-type: none"> • Article 17, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Section 2, Part 4, GCNC Auditing Implementation Guidance, 2015
	b) Does the company use its leverage to urge the government to implement and monitor such a mechanism, if the government is not doing so?			

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#	Criteria	Private Security	Public Security	Potential References to Aid in Assessment
11	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?	✓		<ul style="list-style-type: none"> • Articles 7, 75 & 78, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Criteria 50, Children's Rights in Impact Assessments, UNICEF & DIHR, 2013 • Business and Children's Participation: How Businesses Can Create Opportunities for Children's Participation, Save the Children, 2015 • Section 2, Part 6, GCNC Auditing Implementation Guidance, 2015 • Sections 2.8 & 3.10, ICRC/DCAF Toolkit, 2016 • Module 3, Tool 3.5, Module 4, Tool 4.4, IGT, 2011
12	a) 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?	✓	✓	<ul style="list-style-type: none"> • Articles 79 & 80, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Engaging Stakeholders on Children's Rights, UNICEF, 2014 • Section 2, Parts 7 & 10, GCNC Auditing Implementation Guidance, 2015 • Sections 1.1 & 4.1, ICRC/DCAF Toolkit, 2016 • Module 1, IGT, 2011
	b) Does the company use its leverage to urge the government to conduct such engagement, if the government is not doing so?			
13	Does the company and/or relevant government conduct appropriate audits, assessments or inspections to verify compliance with this Checklist?	✓	✓	<ul style="list-style-type: none"> • Article 72, UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 • Section 3, Part 13, GCNC Auditing Implementation Guidance, 2015
14	Does the company monitor progress of compliance with this checklist and communicate results through annual reporting?	✓		<ul style="list-style-type: none"> • Principle 8, Children's Rights in Sustainability Reporting, UNICEF & GRI, 2014 • Sections 2 and 3, GCNC Auditing Implementation Guidance, 2015

Additional Resources not listed:

Child Soldiers Prevention Act of 2008

Child Soldiers Accountability Act of 2008

United Nations Office of the Special Representative for the Secretary General on Children and Armed Conflict

Developed in a process led by:



Government
of Canada

Gouvernement
du Canada

