

Opening remarks by Ms. Navi Pillay, United Nations High Commissioner for Human Rights at the Panel on the Use of Private Military and Security Companies by The United Nations, Organized by the Working Group on the use of mercenaries

**Geneva, 5 March 2014
10:00-13:00
Room IX, Palais des Nations**

Excellencies,
Distinguished Members of the Working Group,
Ladies and Gentlemen,

It is a pleasure to address you today at this panel event on the “use of private military and security companies by the United Nations” organized by the Working Group on the use mercenaries.

In the past decade, we have witnessed rapid proliferation of private military and security companies, or “PMSCs”, operating around the world. These companies perform a range of activities in numerous contexts, including providing services to governments, transnational corporations, non-governmental organizations, and international organizations, including the United Nations. Wherever PMSC are engaged, States have an obligation to respect and ensure respect for human rights through the regulation, oversight and accountability of PMSC and their activities.

The presence of PMSCs as new actors often operating in conflict zones raises some challenges. The increase in outsourcing of security-related state functions to private companies has brought about human rights challenges, particularly given that such companies frequently operate transnationally. It has also raised questions related to the extent to which private actors can be held to account for human rights violations, and in what way. Protecting the human rights of individuals is especially difficult when private military and security companies operate in situations of conflict and post-conflict, where their employees may bear arms, operate places of detention, conduct interrogations and protect military facilities. In these contexts, ensuring accountability for the activities of PMSCs and their personnel in compliance with international human rights and humanitarian law is especially challenging.

To mitigate these human rights challenges, clear policies for the use of PMSCs, and strengthened measures to ensure human rights compliance and accountability where violations occur are critical to ensure that the use of private security contractors is in line with human rights standards. Clear criteria are also essential to determine when it is permissible to use such companies and which activities they may support. Transparent decision-making procedures for the use of PMSCs, solid vetting and screening measures as well as standard operating procedures are equally important safeguards. Moreover, robust monitoring and oversight mechanisms are essential for ensuring compliance and accountability.

The UN employs PMSCs for a variety of tasks such as armed and unarmed security for the guarding of premises and the protection of convoys. It also hires PMSCs to conduct activities such as risk assessments, security training, logistical support, and demining operations. In order to ensure due diligence in the use of PMSCs, the Secretary-General decided in 2011 that there was a need to establish clear criteria on the use of armed private security companies. In this context in 2012, the United Nations Department of Safety and Security published a new policy and guidelines on the use of such companies. These were the result of consultations by a working group of the UN Inter-Agency Security Management Network, which included representatives from relevant departments, funds, and programs, as well as the two UN staff federations.

The policy addresses armed private security companies only and specifies that the services of such companies can be used by the United Nations system only to protect UN personnel, premises and

property and to provide mobile protection for United Nations personnel and assets. The guidelines introduce standardized rules for the use of armed security services within the UN system, as well as increased coherence in how each department, fund and programme enters into contract with PMSCs. For example, they indicate the security risk management criteria to be met before armed security services by a private security company can be considered and the criteria for the selection of such companies. They also include a policy for the use of force.

The publishing of the policy and guidelines illustrates the efforts undertaken by the United Nations to ensure that contracted private security providers have a clean human rights record and that their activities are in line with international human rights norms. These initiatives are welcomed and need to be acknowledged.

More steps need to be taken, however, to ensure that safeguards are also in place with respect to companies providing unarmed services which the existing policy and guidelines do not address. As the United Nations is paying particular attention to the issue of due diligence, it is important that this principle is applied in its work with all stakeholders. This would be in line with the Human Rights Due Diligence Policy (HRDDP) which was endorsed by the Secretary-General in July 2011. This policy constitutes a landmark measure to ensure that the United Nations lives up to its own normative standards by guaranteeing that its support to national and regional security forces is consistent with the Organization's purposes and principles in the Charter, as well as its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law.

Like any private companies, private military and security companies have a responsibility to operate with respect human rights, as stipulated in the UN Guiding Principles on business and human rights. This may include implementing vetting and training procedures for employees, establishing grievance procedures in case of violations, and conducting regular monitoring to ensure adequate oversight, immediate cessation of violations, and accountability.

In the event that violations occur, victims must be provided adequate remedies, such as reparation, and rehabilitation. States have the obligation to ensure that cases of violation are referred to the concerned authorities for investigation, prosecution and reparation.

An intergovernmental working group which was established by the Human Rights Council in 2010 continues to address issues related to an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies. I also understand that a growing number of PMSCs are signatories of the International Code of Conduct for Private Security Service Providers launched in 2010 and I believe that these are both welcomed developments.

My Office will continue to engage within the UN and with multiple stakeholders towards ensuring full respect for human rights in the context of the activities of private military and security companies, as well as to promote accountability for human rights violations where they occur. Let me conclude by wishing you a fruitful and vibrant discussion.

Thank you.

- See more at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14316&LangID=E#sthash.NqYdxtEJ.dpuf>