



## PMSC Bulletin Issue number 7 – 1 Jul 2015

### Private Military & Security Companies and their impacts on human rights: Recent developments

*The items included below are from May 2014 to June 2015.*

*Over the last year we have seen some new trends and the continuation of older ones; these are reflected in the items included in the bulletin.*

*We remain concerned by the increasing number of allegations being made against PMSCs providing services to asylum and immigration detention centres. During this period Transfield Services faced claims of sexual abuse in Australia's Nauru detention centre; troubling video footage emerged of security guards abusing asylum seekers in centres in Germany; Mitie was criticised over the conditions in the UK's Harmondsworth immigration removal centre; while G4S, Mite, Serco and GEO Group were accused of using the UK's detained immigrants as "cheap labour". An OECD complaint was filed with the Australian National Contact Point (NCP) against G4S over the treatment of asylum seekers detained in an offshore processing centre.*

*At the international level, an important milestone was reached when the General Assembly of the oversight mechanism of the Intl. Code of Conduct for Private Security Service Providers ("ICoC Association") voted to approve the Certification Procedure (which certifies the systems & policies established by member companies). In another important development, the UN Working Group on the use of mercenaries released a concept note on a possible legally binding instrument for the regulation of PMSCs.*

*Developments on PMSCs' legal accountability have been mixed. Four Blackwater guards were found guilty in a US court over the 2007 Iraq shooting of 31 unarmed civilians, all of which received heavy prison sentences. However, a US court recently dismissed a lawsuit against CACI over allegations of torture of Abu Ghraib prisoners in Iraq; and in the UK three G4S guards were cleared over the death of an Angolan man during his deportation.*

*Campaigners & victims are increasingly looking to utilise the OECD complaints mechanism to increase transparency and accountability of PMSCs. The UK NCP recently found that G4S had not met the specific obligation to seek to address human rights impacts of its business relationships with Israeli agencies (although it found no broad failure by G4S). The Spanish NCP accepted a complaint against Prosegur regarding alleged abuse of trade unionists in Colombia and Peru.*

*Over this period we sought 5 company responses from PMSCs to reports alleging human rights abuses; all resulted in a response by the company concerned.*

***We are suspending this bulletin while we look for renewed funding for it. In the meantime, you can follow our work on PMSCs [here](#) and on conflict and business & human rights more generally [here](#). We would welcome feedback on whether you find this bulletin useful or any comments on what information you would like instead regarding the area of conflict/and or PMSCs. Please send feedback to: [mcmullan@business-humanrights.org](mailto:mcmullan@business-humanrights.org)***

## **1. Key alleged abuses by PMSCs & concerns**

**Australia:** [Claims of sexual abuse in Australian detention centres in Nauru](#) run by private security firms including Transfield Services. Press report includes comments by the company.

**Brazil:** Govt. reportedly [cancels \\$2 billion contract](#) with Israeli security firm, International Security and Defence Systems (ISDS), following campaign by Palestinian activists.

**Colombia:** There were [further concerns raised by Colombian unions regarding Prosegur](#), including allegations that one union leader had been assaulted and another dismissed. We invited Prosegur to respond; response provided (response in Spanish only).

**Germany:** [Video shows security contractors abusing asylum seekers](#) at centres in Essen and Burbach. Both centres run by European Homecare business, which reportedly subcontracted operations to security firm SKI. SKI is itself alleged to have used subcontracted staff from another firm.

**Global:** [Research by the University of Manchester](#) warns that the deployment of security companies could make going to war easier.

**Global:** [RT report](#) accuses G4S of involvement in "countless" human rights scandals. We invited G4S to respond; response provided.

**Honduras:** Rapid increase in private security companies [raises concerns](#) such as security problems and lack of regulation, says report.

**Myanmar:** [Growing use of private security firms](#) to guard businesses gives rise to rights concerns.

**Palestine:** 20 South African businesses [joined the boycott against G4S](#) over its alleged involvement in Israeli prisons which reportedly abuse the rights of Palestinians.

**Peru:** UNI Global Union asked the Spanish NCP (which was already considering a case filed in respect of alleged trade union abuses against Prosegur in Brazil, Colombia, Paraguay and Peru- referred to below) to make an urgent intervention after a Prosegur union leader was [seriously assaulted](#).

**UK:** [Video footage](#) released by Corp Watch raises concerns about conditions inside Harmondsworth Immigration Removal Centre, run by Mitie. Allegations include unhygienic conditions and the detention of people with serious illnesses such as epilepsy. We invited Mite to respond; response provided.

**UK:** [G4S, Serco, Mitie & GEO accused of using detained immigrants as "cheap labour"](#); Govt. & companies defend arrangement.

## 2. Lawsuits & complaints against PMSCs

**Australia:** In Sep 2014 RAID & Human Rights Law Centre brought an [OECD complaint against G4S](#) over treatment of asylum seekers detained in Australian offshore processing centre. We invited G4S to respond; response provided.

**Spain:** In Sep 2014 the Spanish OECD NCP accepted a complaint against Prosegur brought by UNI Global Union on behalf of unions in Brazil, Colombia, Paraguay and Peru over alleged anti-union harassment & intimidation. See details [here](#).

**UK:** In Jun 2015 OECD NCP released its [final statement](#) in complaint filed against G4S alleging its involvement in Israeli abuses against Palestinians.

- The NCP found G4S not adequately meeting obligation to seek to address human rights impacts of its business relationships with Israeli agencies. It did not find broad failure by G4S to respect human rights.
- See commentaries & rejoinders by Lawyers for Palestinian Rights as well as G4S statements & responses regarding the NCP decision [here](#).

**UK:** In Jan 2015 the UK OECD NCP [rejected a complaint against G4S](#) over its alleged provision of services in Guantanamo Bay. The NCP said it was not the appropriate forum and that the complaint should be submitted to the USA NCP. UK campaigners condemned the decision.

**UK:** In Dec 2014 a jury cleared 3 former [G4S guards of manslaughter](#) over the death of Jimmy Mubenga, an Angola man, during his deportation.

**United Nations:** In Oct 2014 a [UN Human Rights Council complaint against Prosegur](#) was filed by UNI Global Union on behalf of union leaders and activists of Prosegur Workers' Union in Peru and Sintravalores in Colombia.

**USA:** In Jun 2015 a US court [dismissed a lawsuit](#) against CACI over allegations of torture of Abu Ghraib prisoners in Iraq. See our summary profile of case [here](#).

**USA:** In Nov 2014 veterans filed a [class action lawsuit](#) against KBR over lung disease allegedly caused through service in Afghanistan & Iraq.

**USA:** In Oct 2014 [four Blackwater guards were found guilty](#) over 2007 Iraq shootings of 31 unarmed civilians. In Apr 2015 three were sentenced to 30 years and one guard was sentenced to life. See our summary profile of the case [here](#).

## 3. International initiatives

### Intl. Code of Conduct Association (ICoCA)

- In a significant milestone, the General Assembly voted to approve the [Certification Procedure](#) on 29 June 2015 (certifying whether the systems & policies established by member companies meet ICoCA's principles and standards and are subject to monitoring, auditing and verification). Further information available [here](#).

- As of 23 June 2015 there are 56 private security companies, 6 governments and 13 civil society organizations signed up as members of ICoCA.
- ICoCA held its board of directors meeting on 4-5 June and will hold its Annual General Assembly in October 2015. Further information is available [here](#).

### **Montreux Document**

- In Dec 2014, the [Montreux Document Forum](#) was [established](#) as a platform for participants to share & discuss good practices and challenges regarding the regulation of PMSCs. Participants also agreed to establish two forum working groups: The working group on ICoCA (currently chaired by Sweden); and the working group on the use of private military and security companies in maritime security (not yet established).

### **Voluntary Principles on Security and Human Rights**

- The [annual plenary](#) on the Voluntary Principles was held 17-18 Mar 2015. At the plenary the Annual Report for 2014 was released and the participants [formally launched the verification frameworks](#) to assess implementation of the Voluntary Principles. You can access the frameworks [here](#). The UK also concluded its period of chairmanship handing over to the USA. See the summary report of the plenary [here](#), as well as some annual reports of companies and governments.
- In Oct 2014 Voluntary Principles participants released a [Statement on Memoranda of Understanding](#) between companies and State security forces.
- Blog by Measuring Business & Human Rights assesses the use of the Voluntary Principles and ICoC [in monitoring operations of private security companies](#).
- In Mar 2015 the NGO Rights and Accountability in Development (RAID) released a [summary report](#) calling on governments to rectify "serious problems" in UN Guiding Principles on Business and Human Rights & Voluntary Principles. The report argued these principles help companies avoid accountability for abuses.
- Control Risks [highlighted](#) the need to revisit Voluntary Principles in light of new geopolitical realities.

### **Open-ended intergovernmental working group on possibility of elaborating an intl. regulatory framework on regulation, monitoring & oversight of the activities of PMSCs**

- The [3<sup>rd</sup>](#) (21-25 Jul 2014) & [4<sup>th</sup>](#) (27 Apr-1 May 2015) sessions of the open-ended intergovernmental working group were held. A summary of the 3<sup>rd</sup> session is available [here](#).

### **UN Working Group on the use of mercenaries**

- The Working Group submitted a [concept note](#) on a possible legally binding instrument for the regulation of private military security

companies to the [4<sup>th</sup> session](#) of the open-ended intergovernmental working group. Feedback was also invited on this note.

## Switzerland

- On 25 Jun the Swiss Govt published a [decree](#) announced that its law on Swiss private security providers would enter into force on 1 Sep 2015. The [law](#), passed in 2013, bans Swiss based PMSCs from engaging in combat forces abroad. The Govt. can also prohibit further activities of a company if it has been engaged in serious human rights abuses, employs untrained personnel. It also makes it mandatory to be a member of ICoCA.

## West Africa

- In Jun 2015 [DECAF](#) (Geneva Centre for the Democratic Control of Armed Forces) launched a baseline study on private security companies in West Africa focusing on Côte d'Ivoire, Mali and Senegal. It will make recommendations to improve transparency and increase accountability while also being an important tool for PMSC's operating in the regions as well as governments and NGOs. It will be published in March 2016. See further details including of the launch event in Senegal [here](#) (only available in French).

## New resource

- DCAF and the Intl. Committee of the Red Cross (ICRC) launched the 2<sup>nd</sup> edition of the [Addressing security and human rights challenges in complex environments Toolkit](#). It includes a brand new Chapter 3 – Working with private security providers. For further information contact Ms. Lucía Hernández at DCAF: [l.hernandez@dcaf.ch](mailto:l.hernandez@dcaf.ch).

The principal author of this bulletin is Danielle McMullan, Senior Researcher, with cooperation from other Business & Human Rights Resource Centre colleagues. Follow us on Twitter [@bhrrc](#) , [Facebook](#) [Sign up for free Weekly Updates](#)