**Opening of the 1st session of the IGWG to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies**

**DHC opening remarks**

Excellencies,

Distinguished representatives,

Ladies and gentlemen,

It is my privilege hereby to declare open the first session of the Open-ended Intergovernmental Working Group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies.

On behalf of the HC, warmest welcome to this first session of the Open-ended Intergovernmental Working Group, meeting the Human Rights Council 2017 decision that we should build on the work - the conclusions and recommendations - of the former working group and which mandated this Working Group to elaborate on the content of an international regulatory framework, without prejudging the nature of such framework.

The HC very much welcomes the 2017 consensus and the acknowledgement by member States that there is a need to regulate the activities of private military security companies. And, the leadership provided thus far by the Ambassador of South Africa for this next phase, which is particularly commendable

You are to examine a strategically and materially important issue for rights and yet one that largely has been neglected – yet, in some parts of the world, those working for legally registered private security companies far exceed the number of those working for public security forces!

This Working Group’s mandate offers an invaluable opportunity to identify the means by which to more effectively prevent human rights abuses relating to the activities of private military and security companies; to more effectively protect and ensure access to justice and remedies for victims of such abuses - and to more effectively strengthen accountability of perpetrators of abuse, something that to date has been largely elusive across the world.

Discussions over the six sessions of the previous Working Group (from 2011 to 2017) deepened our understanding of a wide range of issues associated with the activities of private military and security companies – that past work provides a solid basis on which to anchor this Working Group’s future work towards the elaboration of a draft regulatory framework.

The wealth of knowledge and expertise accumulated on a range of issues, on which you can build, includes, for example:

* The definition, scope and nature of private military and security companies;
* The range of national laws and practices dealing with accountability for human rights abuses linked to the activities of private military and security companies;
* Consideration of access to justice and remedies for victims of abuses by those companies;

The discussion document before you offers a guide to elements of the regulatory framework on which you will elaborate. Over the course of the week, you will expand on those matters, contributing different views and perspectives, and finding, we trust, common positions on specific aspects.

The context in which private military and security companies operate must also be carefully considered. For, around the globe, in conflict and post-conflict zones, private military and security companies play an increasingly important role and their activities bring an increasingly significant impact on individuals and their communities.

But these non-state actors are playing increasingly a major role in non-conflict times: operating prisons, running detention centers for migrants, including for detention of migrant children. We need deep reflection and careful regulation for these activities too.

In many countries, we have witnessed nefarious incentive structures integrated into such responsibilities, for instance, private security companies lobbying for more people to be locked up so as to increase demand for and thus profit from their services – in absolute disregard of human rights.

The role of such companies in non-conflict settings was raised just last week, when the Working Group on the use of mercenaries visited Switzerland. The members praised Switzerland for its excellent record in establishing and supporting international and national regulatory initiatives for private military and security companies operating abroad. However, the Working Group on the use of mercenaries also urged Switzerland to give more attention to the regulation of companies providing private security services within the country, specifically where private contractors perform security tasks traditionally carried out by public authorities, activities such as transporting prisoners or when securing asylum centres. [See annexed press release]

The rights of victims must be at the core of any regulatory framework and such a framework must take into account the experiences of those most affected by these companies’ activities. Private military and security companies that cause wrongs to individuals should be held accountable and there must be remedies for their victims, irrespective of whether these companies operate at the national or at the transnational level.

We wish all stakeholders engaging, constructive and collaborative work throughout the forthcoming session and very much hope that difference on the nature of the regulatory framework to be elaborated are not allowed to impede progress.

For there are big issues at stake and the time has come to focus first and foremost on the ultimate shared goal that there be brought about a conclusive end to abuses caused by private military and security companies.

We wish you every success in your new endeavor.