



28 February 2019

Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Submission by the International Code of Conduct Association on gender and private military and security companies

Distinguished Members of the Working Group,

The International Code of Conduct Association (“ICoCA” or “the Association”) is a non-profit multi-stakeholder organisation established in 2013 to implement and oversee the International Code of Conduct for Private Security Service Providers (“the Code”), an instrument that articulates standards for the private security industry by incorporating international human rights and humanitarian law norms. Through its core functions, the ICoCA ensures that Member Companies act in accordance with the Code and are subject to regular oversight.

As part of its regular engagement with Member Companies, the Association oversees compliance with Paragraph 42 of the Code, which prohibits discrimination in recruitment on grounds of, among others, sex and sexual orientation, and with Paragraph 38, which addresses sexual exploitation and abuse (“SEA”) and gender-based violence (“GBV”), as well as strives to promote industry best practices aimed at achieving greater gender sensitivity.

By being ICoCA Members, Companies have committed to preventing and addressing gender-based and sexually-related forms of misconduct, and have acknowledged that more sustained efforts are needed to address any gender imbalance in areas of the private security industry.

Cognisant of the potential gender impact of private security operations, especially in complex environments, the ICoCA has developed a set of Guidelines for Private Security Providers on Preventing and Addressing Sexual Exploitation and Abuse (“PSEA Guidelines” or “Guidelines”). SEA is indeed an issue that, even if not necessarily, often includes a gender dimension and appears to have a disproportionate impact on women and girls.

The Guidelines cover a broad range of areas related to private security companies’ operations, both internally (in relation to company personnel) and externally (in relation to local communities and other persons who might be affected by these operations), including: policy development; recruitment and training of personnel; operation design; and the management of incidents and complaints. Their purpose is twofold: providing ICoCA Member Companies with a clear framework for the effective implementation of the obligations deriving from Paragraph 38 of the Code; and effectively guiding the ICoCA in the exercise of its oversight mandate. Once issued, the ICoCA PSEA Guidelines will be made publicly available on the

website of the Association, for the benefit of its Members and of the wider private security industry as a whole.

The International Code of Conduct Association wishes to bring to the attention of the Working Group a number of recommendations included in the above-mentioned Guidelines of particular relevance for the operations of private security companies and of potential interest for the formulation of the Working Group's thematic report. In particular, the ICoCA recommends that private security companies:

- Adopt company internal policies and procedures explicitly prohibiting SEA both internally and externally and outlining clear standards of conduct for personnel as well as related responsibilities. These policies and procedures should then be adequately advertised and communicated to personnel.
- Conduct routine employment and criminal background checks and also assess, as part of selection and vetting processes, the candidates' overall ability to uphold the established standards of conduct, as well as fully inform them about the expected behaviour both within the company and in the carrying out of operations. In order to reduce the risk of SEA taking place during recruitment, for example in the case of recruiters requesting applicants sexual favours in exchange for employment, increasing gender diversity within the HR department might also be advisable.
- Deliver gender-specific or PSEA training to all personnel both before deployment and on a regular basis afterwards. In order to enhance its effectiveness, the content of training should be adapted to the operating environment, while managers should receive dedicated training on their specific PSEA responsibilities. The ICoCA also advises its Member Companies to use additional instruments to raise awareness among personnel about PSEA standards of conduct and reporting mechanisms.
- Consider, in advance of each operation, SEA-related risks and assess the effectiveness of the risk mitigation measures in place or the need to adopt additional ones. One of the companies with which the Association engaged during a field mission, for example, indicated that it provides door-to-door transportation to female guards during night shifts in order to mitigate the risk of SEA occurring while commuting from home to work.
- Map available services in the contexts of operation and discuss potential SEA-related concerns with clients.
- Assess the ability of partners and subcontractors to abide by PSEA standards of conduct when operations are implemented in conjunction with other companies. The ICoCA advises its Member Companies to include PSEA-specific clauses in agreements with partners and subcontractors, to consider acceptance of them as a prerequisite for the validity of the contract and to constantly monitor their implementation.
- Ensure continued accessibility of reporting mechanisms and adopt a survivor-centred approach – i.e. an approach where the rights, the needs and the wishes of the survivor are prioritised – when SEA incidents occur. A number of factors in fact discourage reporting and constitute a significant

barrier for survivors in accessing mechanisms, these include: stigma and the fear of suffering social consequences; a lack of economic means, trust in and knowledge of available mechanisms; and the endurance of local practices which condone SEA. In addition, SEA investigations should be conducted taking into account the importance and peculiarities of the issue and disciplinary action should be immediately taken against perpetrators following substantiation of the claim.

- Consider providing both immediate and longer-term assistance to SEA survivors with the purpose of mitigating the consequences of the abuse suffered.

Through the development of dedicated guidelines, as well as of related Outcome and Performance Indicators on the same topic and the inclusion of a PSEA focus in the 2019 Company Self-Assessment, the ICoCA hopes to support PSEA efforts and to contribute to advancing the international agenda on gender equality and non-discrimination.

The Association appreciates the importance that the Working Group is according to the gender dimensions of the private security industry and remains at your disposal to further contribute to the development of your thematic report as required.

On behalf of the International Code of Conduct Association,



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