

Mandate of the 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

Guiding questions for submissions

The Working Group seeks information on the following issues of relevance to its future thematic report concerning the human rights impact of private military and security companies (PMSCs) operating in the extractive industry.

Responses may be submitted to the Working Group in English, French or Spanish at mercenaries@ohchr.org. If not stated otherwise in your submission, the responses received will be published on the website of the Working Group.

1. Context (international, regional and/or national as applicable)

- The number, nature, and location of operations of extractive companies that use private security services, whether these are international or national companies, and/or whether private security is embedded in the extractive company or is provided by an external company.
- The functions that PMSCs perform and the types of services they provide in extractive industries.
- The main security challenges facing extractive companies that lead them to seek the services of PMSCs.
- The impact, if any, of the use of private security actors by the extractive industry on conflict dynamics in countries where they operate, and/or on the rule of law and public security services provided by the State.

2. The relationship between PMSCs and the extractive industry

- The extent and prevalence of the extractive industry utilizing private security services rather than State security, and factors that may lead extractive companies to do so.
- Relations and cooperation between extractive companies, private security personnel and State security services.
- The modalities of attribution of contracts and issues of transparency. Legislation and modes of verifications of attributions of contracts.
- The extent to which State's licences, concessions and other natural resource agreements reference security provisions, and what form the references take.
- The role of the State in regulating the relationship between private security actors and the extractive industry, including the regulation of supply chains.
- Alleged involvement of private security actors in illegal exploitation of natural resources, including, if possible, case examples and corrective action taken.

- The use and role of sub-contractors, joint ventures and other commercial arrangements for the provision of security to the extractive industry.
3. *Alleged human rights abuses by private security actors in the extractive industry*
- Details of alleged cases of human rights abuses perpetrated by private security actors in the extractive industry, and, if available, the handling of allegations, including in relation to investigations, prosecutions and remedies for victims.
 - The possible impact of the use of private security actors by extractive industries on specific groups (e.g. indigenous peoples, persons with disabilities), as well as the differentiated impact of such human rights abuses on women, girls, men and boys.
 - Patterns or trends of human rights abuses in the context of the use of private security services in extractive industries.
4. *International, national and company-level regulations, mechanisms and procedures*
- Legal and/or administrative provisions in place to regulate the activities of private security actors in the extractive industry both domestically and abroad.
 - Mechanisms to promote respect for human rights and prevent abuses within extractive and/or PMSCs, as well as to monitor human rights compliance, including throughout the supply chain of private security services.
 - Procedures in place for the selection and training of private security personnel, including human rights considerations, and their application for security (sub) contractors, as well as examples of decisions and procedures that were applied.
 - Mechanisms in place for dialogue and consultation with local communities, including indigenous peoples, and civil society about the role and functions of private security supporting extractive industries, including examples of such processes where available.
 - The concrete application within companies of international, regional and national initiatives that promote compliance by private security actors involved in the extractive industry with international human rights standards and principles (e.g. UN Guiding Principles on Business and Human Rights, Voluntary Principles on Human Rights and Security, International Code of Conduct for Private Security Providers [ICoC]).
 - The availability and effectiveness of reporting mechanisms, institutions, company-level grievance mechanisms, and/or community level mechanisms and responses to enable victims, community members and/or civil society organisations to file complaints in case of alleged human rights abuses.
 - National or international mechanisms to prosecute and/or facilitate and support claims by victims regarding alleged abuses committed by private security actors; and accessibility of associated remedial mechanisms.
 - Extraterritorial jurisdiction in national legal systems and its application, including specific cases if any.

5. *Good practices, lessons learnt*

- Existing initiatives and good practices in terms of preventing and addressing human rights abuses by private security actors mandated by the extractive industry.

Thank you for your cooperation. The Working Group welcomes any additional pertinent information on the role of PMSCs contracted or utilised by extractive industries that may help it in the preparation of its report.