



**GENERAL ASSEMBLY
HUMAN RIGHTS COUNCIL**
42nd session / September 2019
ITEM 3 - Clustered interactive dialogue with
Working Group on use of mercenaries

Oral statement

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Mr. President,

CETIM and the International Association of Democratic Lawyers (IADL) welcome the report of the Working Group on use of mercenaries which highlights on the role played by private military and security companies (PMSCs) in the security arrangements put in place by transnational corporations in the extractive industry.

We are particularly worried, as also underlined in the report, about the difficulties in establishing responsibilities and providing remedies to victims of violations perpetrated by PMSCs. This has become a central issue in particular since more and more private entities, and not only states, have recently been using the services of these companies.

This privatization of the area of security has led to difficulties in accessing transparent data and in establishing the responsibilities of the companies involved in human rights violations (both mandated PMSCs and mandate-holders extractive TNCs) leading to higher degrees of impunity.

It clearly appears that national legislation and regulations to which PMSCs are subjected, as well as international voluntary standards adopted in international law, do not sufficiently guarantee the protection of human rights. In fact, these entities have become major players in the current globalized economic system, challenging the coercive power exercised by states. Moreover, on the legal and administrative level, transnational corporations and PMSCs use complex legal montages (often enjoying a special status and playing with legislative difference between countries) to short-circuit national jurisdictions. As a result, companies guilty of human rights violations very often escape from legal action and, consequently, from sanctions.

In the absence of a ban on PMSCs, it is more than necessary to establish their obligations and ensure that they are held responsible for their actions, not only through State responsibility as usually defined.

In conclusion, we call on States to actively support the elaboration of international legally binding norms on the activities of PMSCs, but also those of TNCs in general, by participating in the work of two *ad hoc* Working Groups established by the Human Rights Council in this regard, in order to create the necessary standards to tackle the adverse human rights impacts caused by these entities and to ensure effective access to justice for the victims.

Mr. President,
Thank you for your attention.

Geneva, 9th of September 2019