

**United Nations Human Rights Council
30th Regular Session, 14 September to 2 October 2015
Agenda Item 3**

ICJ Oral Statement in the Interactive Dialogue with the Working Group on use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and the Special Rapporteur on the rights of older persons

THE NEED FOR BETTER REGULATION OF PRIVATE MILITARY AND SECURITY CONTRACTORS IN NATIONAL AND INTERNATIONAL LAW

16 September 2015

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The International Commission of Jurists (ICJ) welcomes the analysis of national legislation on private security companies contained in the Annual Report by the Working Group on the Use of Mercenaries (A/HRC/30/34). The report presents the results of analysis concerning Western Europe, Central America and South America.

The ICJ congratulates the Working Group for its work during the last year, and welcomes its efforts to assess national legal frameworks and identify good practices. However, the ICJ notes that only four countries are covered in Europe, and encourages the Working Group to expand its research and analysis to other European countries to be able to draw a more complete picture. The ICJ reiterates its encouragement to the Working Group to publish the national laws of the concerned countries in its online collection, and to submit additional detailed information and analysis to the Open Ended Working Group on a possible international convention.

The analysis provided identifies a wide diversity of national approaches to the licensing, authorization, monitoring and accountability of private military and security companies, and to the provision of the right to an effective remedy to the victims. These findings confirm previous reports by the Working Group. The report also highlights gaps in national regulation and presents instances of good practice (paragraphs 35, 62, 90, and 119). The sections on accountability and remedies provide useful information on inspection and monitoring by administrative bodies, but the law and practice of access to a legal remedy by the victims could receive more attention by focusing more on judicial accountability of PMSCs.

The ICJ notes the Working Group's reaffirmation (para. 131) that a "comprehensive, legally binding international regulatory instrument" is needed. In view of the current stalemate in multilateral negotiations over such instrument, the ICJ invites the Working Group to elaborate on possible options and alternatives.

I thank you Mr President.

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