

**THE VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS:  
LINKAGE BETWEEN THE VOLUNTARY PRINCIPLES AND THE  
U.N. GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS**

The U.N. Guiding Principles on Business and Human Rights (“U.N. Guiding Principles”), endorsed in June 2011 by the U.N. Human Rights Council, are the preeminent global framework guiding the behavior of both governments and companies with regard to the nexus between business and human rights. The U.N. Guiding Principles, organized under a three-pillar framework, elaborate upon the state duty to protect against human rights abuses, the corporate responsibility to respect human rights, and the principle that there should be access to remedy for those affected by business-related human rights abuses.

The Voluntary Principles on Security and Human Rights (“Voluntary Principles”) were established in 2000. Though the Voluntary Principles predate the U.N. Guiding Principles by over a decade, the guidance set out in the Voluntary Principles is consistent with the U.N. Guiding Principles. Developed for the extractives industry, the Voluntary Principles can be applicable to any industry that engages public and/or private security providers to protect assets. The Voluntary Principles help companies implement the U.N. Guiding Principles in the area of security and human rights; the commitments for those companies in the Voluntary Principles Initiative (“Voluntary Principles Initiative”) create even further alignment with the U.N. Guiding Principles

**Governments**

The U.N. Guiding Principles set out that governments have a duty to protect against human rights abuse by third parties, including companies. According to the U.N. Guiding Principles, the duty to protect is a standard of conduct in which governments take appropriate steps to prevent, investigate, punish, and redress abuses through their policies, legislation, regulations, and adjudication. The Voluntary Principles Initiative was founded to address complex challenges that no one party can solve alone. As part of the “duty to protect”, governments in the Voluntary Principles Initiative find utility in the Voluntary Principles as a tool that helps engagement with and oversight of companies in the area of security and human rights. Governments have supported various efforts within the Voluntary Principles Initiative to hold all participants accountable to the principles they sign up to as members. Below are a few examples of how governments implement the Guiding Principles within the Voluntary Principles Initiative.

- **Provide Guidance:** The U.N. Guiding Principles state that governments should provide effective guidance to business enterprises on how to respect human rights throughout their operations. Such guidance should indicate expected outcomes, help share best practice, and advise on human rights due diligence. Over the last few years, governments have worked with companies and NGOs to develop frameworks that verify implementation of the principles each participant signs up

to upon joining the Initiative. The Corporate Pillar Verification Framework provides that companies will select and use a set of organizationally appropriate performance indicators assessing implementation of the Voluntary Principles. Voluntary Principles Governments support this effort and through the Initiative continue to work with companies to develop a credible, practical system to validate their efforts to implement the Voluntary Principles and to find the right formula to communicate their findings to stakeholders.

- **Engagement Around Conflict-Affected Areas:** Recognizing that the risk of human rights abuses is heightened in conflict-affected areas, the U.N. Guiding Principles provide that governments should engage at the earliest possible stage to help companies identify, prevent, and mitigate potential human rights risks in these contexts. Voluntary Principles Governments are expected to assist companies operating in conflict-affected areas to help them identify, prevent and mitigate human rights-related risks in their security arrangements. This could involve convening conversations with companies and relevant stakeholders around challenges on the ground and providing support, as appropriate.
- **Ensuring Policy Coherence:** According to the U.N. Guiding Principles, governments should ensure that their various agencies and departments are aware of the steps they should undertake to meet the government’s human rights obligations, including by providing them with relevant training and support. One way this applies in the Voluntary Principles context is in the public security space. For example, governments have the duty to protect human rights, including through provision of public security. Companies should support governments’ efforts to effectively train public security personnel on human rights.

### **Companies**

According to the U.N. Guiding Principles, companies have a responsibility to respect human rights by avoiding infringing on human rights of others and addressing adverse human rights impacts with which they are involved. This is a global standard of expected conduct for companies wherever they operate, which exists independent of State abilities or willingness to fulfill their own human rights obligations. The Voluntary Principles Initiative provides guidance to extractive companies on engaging with public and private security providers around their operations, to help mitigate the risks of adverse human rights impacts. The Voluntary Principles provide especially useful guidance for companies operating in countries with weak rule of law.

- **Human rights policy and due diligence process:** The U.N. Guiding Principles state that companies should have in place a policy commitment to meet their responsibility to respect human rights; a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; and processes to enable the remediation of any adverse human

rights impacts they cause or to which they contribute. Voluntary Principles companies are expected to include their commitment to the Voluntary Principles in their company policy framework and business practices; to actively engage with legitimate processes, such as grievance mechanisms, in order to address credible allegations of security related human rights abuses and remediate adverse impacts related to company actions.

- **Operationalizing Due Diligence:** The U.N. Guiding Principles provide that companies should conduct human rights due diligence by assessing actual and potential human rights impacts, integrating and acting upon those findings, tracking the company’s responses and communicating how impacts are addressed. In addition, where a company has contributed to adverse human rights impacts, it “should use its leverage to mitigate any remaining impact[:]” and where a company’s operations have been directly linked to such an impact through its business relationships or entities in its value chain, it “should use any leverage to prevent or mitigate the adverse impact.” (GP 19)

*Use of leverage often comes about, for instance, by urging public security to provide appropriate remedy, enhanced training, alternate patrolling approaches, and/or discipline of individuals involved to help prevent recurrence of a negative impact has occurred; or using a commercial relationship with a private security contractor to advocate for similar steps.*

- The Voluntary Principles call for companies to conduct security and human rights risk assessments and set out a number of methods to mitigate human rights related risk (e.g., vetting of private security personnel by considering their human rights record). Voluntary Principles companies also are expected to develop indicators and use relevant processes to assess and address company implementation of the Voluntary Principles. Voluntary Principles companies are encouraged to use the Voluntary Principles corporate pillar verification framework and Voluntary Principles reporting guidelines, in communicating publicly on how such impacts are addressed.
- **Engage with Affected Communities:** The U.N. Guiding Principles state that in order to gauge human rights risks, business enterprises should, among other things, engage in meaningful consultation with potentially affected groups, and other relevant stakeholders, including for tracking company performance. The Voluntary Principles also focus on stakeholder engagement, and recognize the value of companies engaging with civil society and host and home governments to discuss security and human rights challenges, among themselves and in conjunction with local communities.

### **Access to Remedy**

The third pillar of the U.N. Guiding Principles addresses access to remedy. According to the U.N. Guiding Principles, “where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in remediation through legitimate processes.” (GP 22). With respect to grievance mechanisms, the Guiding Principles set out that companies “should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may have been adversely impacted.” The GPs also lay out effectiveness criteria for operational-level grievance mechanisms. (GP 31).

For multi-stakeholder initiatives based on respect for human rights-related standards, like the Voluntary Principles, the Guiding Principles state that the initiatives “should ensure that effective grievance mechanisms are available” at the level of the individual members, the collaborative initiative, or both.” (GP 30).

The Voluntary Principles do not require that companies themselves have a grievance mechanism. The Voluntary Principles state that companies should “record and report any credible allegations of human rights abuses by public security in their areas of operation to appropriate host government authorities. Where appropriate, [c]ompanies should urge investigation and that action be taken to prevent any recurrence.” The Voluntary Principles also set out that companies “should actively monitor the status of investigations and press for their proper resolution.” In addition, the Guidance on Certain Roles and Responsibilities of Companies in the Voluntary Principles Initiative includes specific reference to cooperating in legitimate processes to respond to and remediate adverse impacts attributable to the company’s operations.

The Voluntary Principles Initiative Governance Rules contemplate a complaint and dialogue process among participants that involves consultations, discussions at the Annual Plenary or an Extraordinary Plenary, and the possible disciplinary measures for an entity that refuses to engage with another Participant, and other Voluntary Principles Initiative requirements. Also, under the Voluntary Principles Initiative Governance Rules, companies who participate in the Voluntary Principles Initiative submit annual reports on their Voluntary Principles implementation in which they are required to report on procedures or mechanisms to report and address security-related incidents with human rights implications by public/private security forces relating to the company’s activities.

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In conclusion, the Voluntary Principles represent an existing initiative that helps governments and extractive industry companies implement the U.N. Guiding Principles in the area of security.