
<table>
<thead>
<tr>
<th>Module Objective</th>
<th>At the end of this module, you will be familiar with human rights frameworks, principles, concepts, and norms regulating security related duties and responsibilities, applicable to company operations and security practices.</th>
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<tbody>
<tr>
<td>Assessment</td>
<td>Assessment will occur through specifically designed group activities and sessions requiring you to apply the knowledge and skills acquired throughout the module.</td>
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</table>
| Sections         | Introduction
1. What are Human Rights (HR)
2. HR in Times of Civil Emergency and Armed Conflict
3. HR in the Extractive Industry
4. Monitoring and Reporting on Allegations and Violations of HR
Conclusion |
INTRODUCTION

This module will introduce you to the human rights framework, principles, concepts, and norms regulating the provision of private and public security related duties and responsibilities. Specifically, you will be introduced to:

- Human rights (HR).
- International humanitarian law (IHL) in situations of civil emergency or armed conflict.
- Principles guiding the implementation of the United Nations (UN) “Protect, Respect and Remedy” framework on business and HR.
- Responsibility to protect.
- Voluntary principles on security and HR (VPSHR).
- The company’s policy on HR and the principles guiding the implementation of the VPSHR.

Why are human rights laws important to you? Just as a good athlete must know the rules of his/her sport, a security professional like you must know human rights.

1. WHAT ARE HUMAN RIGHTS (HR)

a) What are HR

Q  What is YOUR definition of human rights?

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Human rights are the “generally accepted principles of fairness and justice” or “moral rights that belong equally to all people simply because they are human beings”. This means that human rights belong to all people, even to private and public security officials.

**Everybody has human rights:**

- Rights inherent to all human beings.
- Whatever your nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.
- My rights, your rights, everybody's rights.

**International Human Rights Law (IHRL)** informs governments what to do and what not do, to ensure that the human rights of individuals and groups are protected.

**b) HR Instruments**

HR instruments are the official declarations, international agreements and laws that describe human rights and how they are to be applied by all countries and people around the world.

**Universal Human Rights**

Expressed and guaranteed by:
- law
- treaties
- customary international law
- general principles
- other sources of international law
HR can be divided into three different categories:

**Human Rights**

**Civil and Political Rights**
- The right to life.
- The right to be free from torture.
- The right to be protected from discrimination.
- Freedom of association.
- Freedom of expression.
- The right to a fair trial.
- The right not to be held in slavery.

**Social, Economic, and Cultural Rights**
- The right to join a trade union.
- The right to education.
- The right to food.
- The rights to housing and medical care.
- The rights to social security and to work.
- The right to equal pay for equal work.

**Environmental and Developmental Rights**
- The right to an environment and living conditions that support good health, well-being and full development of the human personality.
- The right to sustainable development.
Examples of HR instruments:

<table>
<thead>
<tr>
<th>Universal Instruments</th>
<th>Regional Instruments</th>
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<tbody>
<tr>
<td>• Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948 <em>(see Appendices A and B)</em></td>
<td>• European Convention on Human Rights of 1950</td>
</tr>
<tr>
<td>• International Covenant on Civil and Political Rights (ICCPR) of 1966 <em>(see Appendix C)</em></td>
<td>• African Charter of Human and Peoples Rights of 1981</td>
</tr>
<tr>
<td>• International Covenant on Social and Economic Rights (ICSR) of 1966</td>
<td></td>
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<tr>
<td>• Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1981</td>
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<tr>
<td>• Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1984</td>
<td></td>
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<tr>
<td>• Convention on the Rights of the Child (CRC) of 1989</td>
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</tbody>
</table>

All these documents define different human rights people have throughout the world. The government of nearly every country in the world has agreed to them, and signed them.

The **International Bill of Rights** refers to three major human rights instruments and one optional protocol, namely:

- Universal Declaration of Human Rights (UDHR)
- Covenant on Civil and Political Rights (CCPR)
- Covenant on Economic Social and Cultural Rights (CESCR)
- First Optional Protocol to the ICCPR

**Ratification**

Human rights described in a treaty apply to those countries that sign (or ratify) the treaty.

Signing the treaty means that the government agrees to respect the human rights in the treaty. It also means they agree to make it part of their laws and that they promise to do everything possible to protect and promote the rights mentioned in the treaty.

Not all countries sign all treaties.
### Reflection

**Q** In your work environment, who are the groups whose human rights may be particularly at risk?

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**Hint:** They can be people who work with you, people who work near you, or people who live nearby.

### c) Principles of HR

There are a few principles that can be applied to explain human rights:

- Applicable everywhere (universal)
- Cannot be taken away
- Cannot be separated
- Equal and non-discriminatory (the same for everyone)
- Both rights and obligations

In terms of the limitations of these HR principles it is stated that:

**UDHR, Article 29(2):**

*In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.*

**ICCPR, Article 21:**

*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.*

**Governments have an obligation to:**

- **Respect** the human rights of everyone.
- **Protect** the rights of individuals and groups against abuses.
- **Take actions and steps** to make sure that we can enjoy our human rights.

**Individuals (like us) have a responsibility to respect and protect the rights of others, especially those persons that we deal with in our work.**

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The violation of internationally-protected human rights by private and public security personnel is a legitimate subject of international concern and scrutiny.

Private and public security personnel may be criminally charged and prosecuted if they violate human rights.

Private and public security personnel need to know how far they can go in limiting the rights of persons suspected of breaking the law.

**Know the limits of your mandate and powers!**
Reflection

Q  What is your responsibility towards human rights in your job?

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Q  What is your company’s responsibility towards human rights?

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Q  What is your government’s obligation towards human rights?

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d) Relevance of HR for Security Personnel

All security personnel have a responsibility to protect, respect, promote, and ensure human rights of every person they deal with.

If a person does not respect the human rights of others, commits a crime, or breaks the law, then security personnel may be required to act against those persons. Such actions may include arrest, temporary detention, the investigation of crime, searches, or other actions.

The actions or duties of security personnel may limit the rights of other persons.
Examples:

**Every person has the right to freedom of movement.**
- This right may be limited when you want to enter private property such as on company premises.
- Management can decide who is authorised on the property and who not, and what the rules are that persons and employees entering the company’s property have to respect.
- Security personnel will therefore limit the rights of individuals by restricting free access to the property.

**Every person has the right to freedom of expression, association and to demonstrate.**
- Employees or the community have a right to demonstrate against a company.
- When people start to damage the property of, or endanger the lives of others, then security personnel may take authorised action to protect the property, others or themselves.

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*Company and private security personnel may not have the same authority (legal powers) as public security personnel (e.g. the police or military).*

For example, company and private security personnel may have the authority to **temporarily detain** a suspect with the intention of handing him/her over to the police, while public security personnel may have the authority to **arrest and detain** a person themselves.

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*All security personnel are restricted in their actions. They do not have unlimited authority (powers). There are laws, policies and procedure that they have to follow when they perform their duties.*
When deciding to act and limit the rights of persons, security personnel must always apply the **PLAN** principle.

| **Proportionality** | Only use the minimum force or action that is necessary to solve or deal with the situation. | • Are my actions proportional to the goals I seek to achieve?  
• Am I using the least amount of force needed to contain the situation? |
<table>
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</thead>
<tbody>
<tr>
<td><strong>Legality</strong></td>
<td>Only act within the law.</td>
<td>• Does the law or company policies and procedure give me authority to do this?</td>
</tr>
</tbody>
</table>
| **Accountability** | Act in an ethical way, knowing that you will be held accountable for your actions. | • Am I willing to take full responsibility for my actions?  
• Is my behaviour ethical and according to the company’s code of conduct? |
| **Necessity** | Only act when it is necessary to act. | • Is it really necessary for me to act in this way?  
• What other options or means do I have available to solve or deal with the situation? |

In other words, we need to use the **PLAN** principle to be able to say that our actions protect and respect the rights of others.
Reflection

Q  Do you think and PLAN before you act, or do you just act and hope you will not be in trouble?

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All security personnel **must** act as a team.

To do this, they need to fully understand their authority and the limits of what they are authorised to do.

You need to understand the respective duties and responsibilities of all security personnel in support of company security operations.

In *Module 2: Roles and Responsibilities of Security Personnel*, we will further discuss and explore these duties and responsibilities.
2. HR IN TIMES OF CIVIL EMERGENCY AND ARMED CONFLICT

Even during times of civil or public emergencies, “States of Emergency”, or armed conflict, all security personnel have a responsibility to respect and protect the basic human rights of all people.

a) Suspending Obligations in Times of Emergency

During civil emergencies and “States of Emergency” which threaten a country, the government may choose to temporary suspend some human rights to maintain public order and the rule of law.

Before this happens, the government needs to officially declare and inform the United Nations (UN) and the population of the “State of Emergency”.

Even in times of emergency, the government has a responsibility to maintain non-derogable rights. These are rights that the government and public security personnel (forces) cannot suspend.

This is done to ensure that basic human rights are always protected without discrimination on the basis of sex, gender, social origin, religion, or language.

Company and private security personnel will not be required to assist or deal with public emergencies or “States of Emergency”.

Source: Article 4 of the International Covenant on Civil and Political Rights

NON-DEROGABLE (SUSPENDING) RIGHTS
(Siracusa Principles)

1. Right to life.
2. Freedom from torture; cruel, inhuman or degrading, treatment or punishment; and from medical or scientific experimentation, without free consent.
3. Freedom from slavery or involuntary servitude.
4. Right not to be imprisoned for contractual debt.
5. Right not to be convicted or sentenced to a heavier penalty by virtue of retroactive criminal legislation.
6. Right to recognition as a person before the law.
7. Freedom of thought, conscience and religion.

These rights are not negotiable under any conditions, even for the purpose of preserving the life of the nation.

Source: International Committee for the Red Cross (ICRC)
b) International Humanitarian Law (IHL) and Security Personnel

The protection of human rights does not cease to apply during public emergencies or armed conflict. IHL and Human Rights Law (HRL) both still apply in these situations.

In times of war, International Humanitarian Law (IHL) protects all persons affected by the war. No provision under IHL may be derogated or suspended.

IHL

- Known as the “law of war” and applies to all persons participating in the war or armed conflict.
- Applies in times international and non-international conflict.
- Limits the negative effects and consequences of armed conflict.
- Protects people who are not taking part in the hostilities (i.e. civilians, health workers and aid workers).
- Protects persons who are not (or are no longer) participating in hostilities (i.e., the wounded, sick and shipwrecked soldiers, and prisoners of war).
- Provides for humanitarian aid to all persons suffering the effects of the armed conflict.
- Also restricts the means and methods of warfare.

IHL comprises of the four Geneva Conventions of 1949 and their other Additional Protocols.

All together, they define what acts can and cannot be committed in war.

They outline the rules to deal with those who commit “grave breaches”.

194 countries have ratified the Geneva Conventions, making them universally applicable.

During armed conflicts and occupation, public security personnel (forces) may be incorporated as part of armed government forces. Company and
private security personnel are considered **non-combatants** and will not participate in public emergencies or armed conflicts. Armed government security forces are considered **combatants**.

If you are a **combatant**, then you have to learn and apply the **Soldiers’ Rules**.

<table>
<thead>
<tr>
<th>Soldiers’ Rules</th>
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<tbody>
<tr>
<td>1. Be a disciplined soldier.</td>
</tr>
<tr>
<td>2. Fight only enemy combatants and attack only military objectives.</td>
</tr>
<tr>
<td>3. Destroy no more than your mission requires.</td>
</tr>
<tr>
<td>4. Do not fight enemies who are “out of combat” or who surrender. Disarm them and hand them over to your superior.</td>
</tr>
<tr>
<td>5. Collect and care for the wounded and sick, be they friend or foe.</td>
</tr>
<tr>
<td>6. Treat all civilians and all enemies in your power with humanity.</td>
</tr>
<tr>
<td>7. Prisoners of war must be treated humanely and are bound to give only information about their identity. No physical or mental torture of prisoners of war is permitted.</td>
</tr>
<tr>
<td>8. Do not take hostages.</td>
</tr>
<tr>
<td>9. Abstain from all acts of vengeance.</td>
</tr>
<tr>
<td>10. Respect all persons and objects bearing the emblem of the Red Cross, Red Crescent, the white flag of truce or emblems designating cultural property.</td>
</tr>
<tr>
<td>11. Respect other people’s property. Looting is prohibited.</td>
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</tbody>
</table>

Examples of acts prohibited during armed conflict:

“Murder; torture; corporal punishment; mutilation; outrages upon personal dignity, including rape; hostage-taking; collective punishment; executions without regular trial; cruel, inhuman or degrading treatment or punishment. Collecting souveneirs or trophies.”

“Reprisals against the wounded, sick and shipwrecked; medical personnel and services; prisoners of war; civilians; civilian and cultural objects; the natural environment; and works containing dangerous forces.”

Source: Geneva Conventions of 1949 and their Additional Protocols
3. HR IN THE EXTRACTIVE INDUSTRY

The growing reach and impact of mining and resource enterprises has resulted in a debate about the roles and responsibilities that these firms, including this company, have with regard to human rights.

The United Nations (UN) established an agreement known as the UN Global Compact between the UN and many large companies for upholding a set of core values in the areas of:

- human rights
- labour standards
- environmental practice
- anti-corruption

a) Guiding Principles on Business and HR: Implementing the UN Protect, Respect and Remedy Framework

The Office of the United Nations High Commissioner for Human Rights (OHCHR) plays a key part in the overall protection and promotion of business and human rights. On 16 June 2011, it endorsed the “Protect, Respect and Remedy” framework. This framework gives guidance on three main issues:

- **PROTECT**: The governments’ duty to protect HR.
- **RESPECT**: The corporate responsibility to respect HR.
- **REMEDY**: The need for access to remedies when rights and obligations are breached.

This framework sets a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity.
This means the company has a responsibility to respect the **International Bill of Human Rights** and the fundamental rights set out in the **International Labour Organization’s Declaration on Fundamental Principles and Rights at Work**.

The company has a responsibility to protect and respect the human rights of others, and to think about the negative effects and impact that doing business has on the human rights of others.

To do this, the company researches and talks to stakeholders and the community to ensure that its policies and business practices respect the human rights of others.

The company is also committed to work with or participate in any legal process that aims to remedy negative effects or impacts on the human rights of the communities that they work in.

**The Way We Work**

The company’s values include:

<table>
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<tr>
<th>Respect</th>
<th>Integrity</th>
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<tbody>
<tr>
<td>We recognize and consider the views of others and treat them as we would want to be treated.</td>
<td>We act fairly, honestly and consistently in what we say and do and we speak out when necessary.</td>
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<tr>
<th>Accountability</th>
<th>Teamwork</th>
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<tbody>
<tr>
<td>We take responsibility for our actions and hold other to account for theirs.</td>
<td>We work together and learn from each other to achieve our goals.</td>
</tr>
</tbody>
</table>

**Examples:**

- **Australian Minerals Industry Code for Environmental Management**  

- **Global Sullivan Principles of Social Responsibility**  
  [www.globalsullivanprinciples.org/principles.htm](http://www.globalsullivanprinciples.org/principles.htm)
• International Chamber of Commerce Business Charter for Sustainable Development
  www.iccwbo.org/home/environment/charter.asp

• International Council on Metals and Minerals Sustainable Development Framework
  www.icmm.com

• International Labour Organisation Convention 169: Concerning Indigenous and Tribal Peoples in Independent Countries

• International Labour Organisation Declaration on Fundamental Principles and Rights at Work

• Organisation for Economic Cooperation and Development Convention on Bribery and Corruption
  www.oecd.org/pdf/M00007000/M00007323.pdf

• Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises
  www.oecd.org/pdf/M00021000/M00021070.pdf

• United Nations Universal Declaration of Human Rights
  www.un.org/Overview/rights.html

• United Nations Global Compact
  www.unglobalcompact.org/

• US/UK Voluntary Principles on Security and Human Rights
  www.state.gov/www/global/human_rights/001220_fsdrl_principles.html

• World Economic Forum Global Corporate Citizenship Statement
  www.weforum.org/pdf/GCCI/GCC_CEOnstatement.pdf

What are the VPSHR?
VPSHR are a set of voluntary principles that governments, a number of companies and a number of non-government organisations (NGOs) compiled and agreed to implement.

VPSHR guide companies to maintain the security of their operations and respect the human rights and fundamental freedoms of the country, the people, and the community where they do business.

(see Appendix D)
b) Voluntary Principles on Security and Human Rights (VPSHR)

Protecting people and assets from security threats is a vital task.

The company recognises the need for any security arrangements to respect the human rights of employees, members of the communities in which we live, as well as others affected by its operations.

In simple terms, if you fail to treat people with basic dignity or otherwise violate their human rights, this can create risks for the company.

This is especially true in countries where governance is weak and the risk of corruption and conflict are high.

The company is a participant of the VPSHR, and is committed to avoid violations of human rights through its security arrangements.

The company is committed to take all steps necessary to prevent human rights violations by any security personnel working for or supporting company security operations.

The VPSHR provide guidance related to three main spheres of activities:

- Conducting risk assessment
- Interactions between companies and private security
- Interactions between companies and public security
Conducting Risk Assessment

To prevent human rights violations the company continuously conducts risk assessments in the countries and communities that they work in.

During risk assessments the company will:

<table>
<thead>
<tr>
<th>IDENTIFY and ADDRESS risks</th>
<th>Identify security risks that have the potential for violence or human rights violations and take measures to address it (i.e. security risk assessment and management).</th>
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</thead>
<tbody>
<tr>
<td>Consider HR RECORDS</td>
<td>Identify how well HR and IHL are respected by looking at the HR records of all security personnel and providers.</td>
</tr>
<tr>
<td>RULE OF LAW</td>
<td>Consider the laws and the ability of the legal system to hold accountable anyone who violates HR and IHL.</td>
</tr>
<tr>
<td>CONFLICT ANALYSIS</td>
<td>Identify and understand the root causes and nature of local conflicts (i.e. conflict analysis).</td>
</tr>
<tr>
<td>Consider the risks of transferring EQUIPMENT</td>
<td>Do not provide security providers with equipment that can be used or result in HR violations.</td>
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</table>
Interactions between the Company and Private Security

Depending on the security risk level faced by a company site/project, there may be a need to hire private security providers as a complement to the company’s internal security.

When the company decides to make use of a private security provider, the company will ensure that private security personnel know the limits of their authority and that they do not violate HR in any way. Security and human rights requirements will also be specified in the contract with private security provider companies.

In such cases, the company will make sure the contract with the private security provider includes ways to manage these risks.

You may find these kinds of measures in your contract or in the policies and procedures at your worksite.

If you are unsure, you may want to ask your supervisor or manager about any special policies or procedures which apply to you.

Interactions between the Company and Public Security (Forces)

In certain countries the security situation and risks may require the company to request the support of public security personnel (forces) (e.g. the police or military) to help protect company operations and personnel.

These cases may involve emergency or special requests for assistance in the management of security incidents, or a contractual agreement for provision of security services (armed and unarmed).

The company may draft an agreement, known as a Memorandum of Understanding (MOU), with the public security provider (force) to manage risks of HR violations by such security personnel.

Unless authorised, Company and Private Security Personnel will perform their duties unarmed.

Any exception to this rule will be based on a thorough risk analysis that justifies equipping arming security personnel.

The decision to hire armed private security personnel will first be discussed with Group Security and formally approved by the company’s Executive Committee.
c) Company Policy on Human Rights

The company has its own human rights policy that applies to all security personnel, and all other employees at global projects/operations.

All security personnel supporting company security and operations are expected to uphold the company’s policy on human rights.
Sample Company Human Rights Policy

The company respects and supports the dignity, well being and human rights of our employees, the communities in which we live and those affected by our operations. Our approach to human rights is based upon the Universal Declaration of Human Rights and the UN Guiding Principles on Business and Human Rights. We undertake due diligence activities to identify, prevent and mitigate adverse human rights impacts of our operations. This includes conducting stand-alone studies where necessary, as well as integrating human rights into existing corporate processes.

Wherever we operate, we engage with communities to understand the social, cultural, environmental and economic implications of our activities. We provide communities with easily accessible complaints mechanisms and we listen to and take actions to address complaints. We work to optimise the benefits and reduce the negative impacts of our activities, both for local communities and the countries where we operate.

We acknowledge and respect Indigenous peoples’ connections to lands and waters, consistent with the UN Declaration on the Rights of Indigenous Peoples.

We reject any form of slavery, forced or child labour.

We support and implement the Voluntary Principles on Security and Human Rights and ensure relevant employees and contractors are trained in accordance with these principles. We impose strict controls on the use of force and limit the use of firearms on our sites as far as possible. We work with external stakeholders, as well as public and private security forces to promote understanding and implementation of the Voluntary Principles and avoid security arrangements at our sites contributing to human rights harm, including through misuse of our equipment and facilities.

Through appropriate contractual arrangements and procurement principles, we make our consultants, agents, contractors and suppliers aware of and expect their compliance with our human rights commitments. We strive to ensure our joint venture partners and non-controlled companies in which we participate also respect our commitments to uphold human rights.

This policy provides the foundation to our human rights approach. Our policies on Employment; Health, Safety, Environment and Communities and Inclusion and Diversity also contain human rights commitments.
4. Monitoring and Reporting on Allegations and Violations of HR

The company has a **corporate responsibility** to provide, cooperate, and compensate persons for **any impacts to their human rights** using legitimate processes.

The company has a **corporate responsibility** to report, monitor, and follow up on investigations that involve **business related human rights violations and human rights violations committed in support of security operations** that involve the use of their internal, private or public security providers.

a) Monitoring HR

There are various governmental and non-governmental groups at a national, country, and community level that monitor human rights.

They also report on any human rights violations committed by individuals, government organisations, corporates, or employees working for them.

At a regional and international level, organisations monitor human rights within the countries in the region. Examples:

- African Commission on Human and People’s Rights
- Inter American Commission on Human Rights
- European Commission on Human Rights

All security personnel working with the company have an **individual and ethical responsibility** to ensure that **any human rights violations are reported** to the appropriate authorities.

b) Company Policy on Reporting and Investigating Allegations or Incidents of HR Violations

All allegations of human rights abuses by the company or private security personnel should be recorded by the site/project and investigated and responded to. This also involves allegations or incidents of human rights abuses by public security personnel assisting company security operations.
All security personnel are required to follow this process.

Steps to Report on Allegations or Incidents of Human Rights Abuse

1. Allegation or incident reported
2. Record allegation or incident
3. Internal due diligence process
   - Not credible
   - Not related to company
   - Minor breach (Very low; low consequences)
   - Major breach (Moderate, high, or very high consequences)
4. Report to authorities
5. Take action
6. Monitor progress
7. Investigate
8. Remediate
9. Monitor progress, sustain actions
10. Update/record actions taken
11. Ongoing communication with government and other stakeholders
Step 1: Record the allegation or incident.

My notes:

Step 2: Establish the facts: determine the credibility, severity and cause of the incident.

My notes:

Step 3: In case of major breach: report the incident to senior line and Group Security.

My notes:

Step 4: Investigate the incident.

My notes:

Step 5: Notify stakeholders.

My notes:
Reflection

Q To whom should you report HR violations?
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__________________________

Q What are the contact details of the person to whom you should be reporting HR violations?
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CONCLUSION

You now have a better understanding of the human rights framework regulating global operations and security practices.

As security personnel, it is your professional duty to ensure and support the implementation of:

- Human rights (HR).
- International humanitarian law (IHL) in cases of public emergency and armed conflict.
- Principles guiding the implementation of the United Nations (UN) Protect-Respect-Remedy framework on business and HR.
- Voluntary principles on security and HR (VPSHR).
- The company’s policy on HR and the principles guiding the implementation of the VPSHR.

In Module 2, we will be discussing the specific duties and responsibilities of security personnel working for or at company operations.