

THE VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS:
A TOOL TO HELP IMPLEMENT THE U.N. GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The U.N. Guiding Principles on Business and Human Rights (“U.N. Guiding Principles”) were approved in June 2011 by the U.N. Human Rights Council and are the preeminent global standard guiding the behavior of both governments and companies with regard to the nexus of business and human rights. The U.N. Guiding Principles identify steps that governments should take under international law to protect human rights from infringements by companies. They also lay out expectations that help companies respect internationally recognized human rights in their global operations.

The Voluntary Principles on Security and Human Rights (“VPs”) are an important tool that can assist both governments and companies in their efforts to implement the U.N. Guiding Principles in the area of security. Below, we describe how the VPs themselves and related Roles and Responsibilities documents (available at <http://www.voluntaryprinciples.org/resources/>) assist with implementation of the U.N. Guiding Principles. These examples are not exhaustive.

Governments

According to the U.N. Guiding Principles, governments have a duty to protect human rights against infringements by third parties such as companies. They are expected to take steps to prevent, investigate, punish, and redress abuses through their policies, regulations, and judicial system. The VPs help define what those steps look like in practice in the context of security.

For example, the U.N. Guiding Principles state that governments should engage at the earliest possible stage to help companies identify and address potential human rights risks in conflict areas. Similarly, governments that join the VPs Initiative (“VPs Participant Governments”) are expected to help companies operating in conflict areas identify and address human rights-related risks in their security arrangements.

According to the U.N. Guiding Principles, governments should ensure that various agencies and departments are aware of the steps they should undertake to meet the government’s human rights obligations and that they are equipped to carry them out. To help meet this objective, VPs Participant Governments are expected to promote effective training for public security providers with relation to human rights law and international law enforcement principles. When providing public security to companies, they are supposed to help ensure that those providing such security are effectively trained on proportionate use of force so that they respond appropriately and respect the rights of individuals to rights such as freedom of association and peaceful assembly.

The U.N. Guiding Principles call for VPs Participant Governments to help other governments meet their duty to protect, including through technical assistance and capacity building. Similarly, VPs Participant Governments are, where feasible and appropriate, to assist one another with security sector reform.

In another example, the U.N. Guiding Principles call for governments to ensure the availability of effective domestic judicial mechanisms to address business-related human rights impacts. To support this goal, VPs Participant Governments are to provide effective training for prosecutors and the judiciary on international human rights and humanitarian law, and ensure that effective remedy is available for company-related abuses.

Companies

Under the U.N. Guiding Principles, companies are expected to respect human rights – meaning to not infringe upon them and address adverse impacts with which they are involved. One of the ways in which companies can be involved in infringements on human rights is through security operations. Although the primary actor in security incidents is typically either private security hired by the company or public security active in the project area, companies are often seen as contributing to such incidents. The VPs are a highly useful guide for companies that strive to respect human rights in their security practices.

The U.N. Guiding Principles call for companies to respect internationally recognized rights. The VPs are intended to help companies do just this in the context of security, by respecting the rights found in the International Bill of Human Rights, including the rights to life, health, freedom from torture, and due process of law. The VPs help companies do so by incorporating international human rights, humanitarian law, and international law enforcement principles that are directly relevant for security practices, and thus provide an appropriate normative framework that companies can operationalize to respect human rights in their security practices.

In another example, the U.N. Guiding Principles call for companies to develop human rights policies. Companies that are Participants in the VPs are expected to include their commitment to the VPs in their policy framework.

Additionally, the U.N. Guiding Principles propose that companies conduct human rights due diligence, including by assessing actual and potential impacts, integrating and acting upon those findings, tracking the company's responses, and communicating how the impacts are addressed. The VPs call for companies to conduct security and human rights risk assessments, taking into account a range of perspectives, in order to identify the potential for security incidents and related adverse human rights impacts to affect nearby communities. The VPs set out a number of integration methods to mitigate security and human rights related risks, such as minimizing the risk of equipment being used to carry out abuses; careful

selection of private security personnel, taking into consideration their human rights records; guidelines regarding the use of force; and ongoing engagement with host governments regarding security arrangements and how they affect communities. Companies are also expected to communicate publicly regarding their implementation of the VPs.

* * *

In conclusion, the VPs are a key tool that helps governments and companies to operationalize their commitments to the U.N. Guiding Principles in the area of security.