

## 6. Business, security and human rights

### *Key definitions: How does business affect human rights and security?*

**Providing security in a way that protects human rights is a key responsibility of the state, but how businesses conduct themselves also has serious consequences for the protection of human rights and security.** There are three main ways in which businesses affect security and human rights: The first way is when companies seek to protect their operations by becoming clients or beneficiaries of security providers (state or non-state). The second way is when businesses are themselves security providers, for example private military or security companies (see further tip-sheet 12 about private security companies). The third way that businesses affect security and human rights is by how they manage their supply chains. For example, companies should be sure that human rights abuse by public or private security forces has not been involved in the extraction or production of the raw materials they purchase for their products or operations.

**Businesses have both a responsibility and an interest in ensuring human rights are protected in how they secure their operations. This can be challenging for companies that operate in complex environments, where the need for security and protection of human rights is especially great. Holding companies accountable for their respect of human rights is also difficult when businesses operate in multiple countries and may not be based in the country where violations occur.**

The security implications of business and human rights can best be seen in the extractives industry. The extraction, transport, trade and export of natural resources have often exacerbated insecurity for men and women, boys and girls in the surrounding communities. This is particularly true for women and children, who tend to bear more of the negative security impacts of extraction and are less likely to be able to participate in the benefits that reach local economies, such as job opportunities. Irresponsible business conduct can lead to adverse impacts on the communities where they operate and can undermine security of people and societies.

### *Why business, security, and human rights matter for security sector reporting*

Journalists have an essential role to play in monitoring, investigating, and reporting on business, security and human rights concerns. Where companies are clients or beneficiaries of security services, they may not be transparent about their formal or potentially informal contractual arrangements. Investigative journalism can bring to light the nature of these service relationships and inform the public and decision-makers of their impact on human rights, public safety and national security. Journalists also have the capacity to amplify the voices of individuals or communities who are negatively affected by the security forces that companies employ.

Media can demand more transparency and accountability from businesses on their record of protecting human rights in their security arrangements. Increased and informed reporting on business, security and human rights can bolster public policy discussions on how to improve regulations and businesses' security and human rights approaches. Media coverage may be the only means to hold companies accountable for their impact on security and human rights both in their "home" countries where they are incorporated and in the "host" countries where they operate. The usefulness of this work is proven by the creation of regulations compelling companies to conduct due diligence, report on, and mitigate the human rights impacts of their operations in other countries.

### *Key issues for reporting on business, security and human rights*

Committed to human rights? The international human rights framework first developed to address the state's duty to protect human rights while companies were not held accountable for their negative impacts on human rights. Only recently, the United Nations Guiding Principles on Business and Human Rights have developed a framework that sets out the corporate responsibility to respect human rights. In addition, the Voluntary Principles on Security and Human Rights provide guidance to companies on conducting comprehensive human rights risk assessments in their engagement with public and private security providers, and membership. Responsible businesses can ensure they are respecting human rights by ensuring that they do not relying on public or private security forces that could be involved in human rights abuses either directly in their business operations or throughout their supply chains. Journalists can verify whether businesses are living up to their responsibilities.

#### → Journalists can ask:

- ✓ What human rights frameworks does the company rely on to guide its security arrangements and business operations?
- ✓ Has the company applied the guidance of the Voluntary Principles on Security and Human Rights in conducting a comprehensive human rights risk assessment?
- ✓ What has the company committed to do to ensure human rights are respected by its security providers in business operations and its supply chains? What has been done so far?
- ✓ What kind of human rights due diligence has a company undertaken?
- ✓ Has the company engaged in multistakeholder dialogue to ensure respect for norms and good practices on business, security and human rights?
- ✓ What corporate grievance mechanisms does the company have in place to address allegations of human rights abuses?
- ✓ What consultation has the company initiated on respect for human rights in its security and business arrangements? Who has been consulted (e.g. communities, government, civil society, wider private sector)?

**Effective regulation and oversight?** Businesses may work directly with both public and private security providers, as well as security sector management and oversight bodies. Often legal and policy frameworks, accountability mechanisms, and institutional capacities are poorly adapted to oversee how these security arrangements affect human rights, public safety and even national security. As a result, the negative impacts that some business operations have on human rights and security may go unnoticed. Ensuring that businesses are living up to their responsibilities to respect human rights involves each part of the security sector playing their role in oversight: For example, parliaments, ministries and national regulatory bodies should ensure adequate regulation is in place for both providers and clients of private security services. National judicial systems and other oversight bodies should ensure accountability of security providers and their clients. Finally, civil society organizations and communities need to be informed about their rights and the responsibilities of companies in order to be able to carry out active oversight. Journalists can hold government authorities to account for establishing an effective system of regulation and oversight.

#### → Journalists can ask:

- ✓ What measures has the government taken to ensure businesses respect human rights in their security arrangements and business operations?
- ✓ What legal and national policy frameworks do businesses need to respect when employing public or private security forces?

- ✓ Are the legal and national policy frameworks for public security forces working with businesses sufficient to ensure the public and national interest is not compromised?
- ✓ What accountability mechanisms are in place to ensure that businesses and their security forces respect human rights in their security arrangements?
- ✓ Which independent public authorities are responsible for overseeing the human rights record of businesses and their security arrangements?
- ✓ How has the justice system handled cases or accusations of human rights abuses by public or private security forces employed by businesses?
- ✓ How do civil society advocates for human rights view the security arrangements of businesses?
- ✓ How do local communities see the security impacts and human rights record of businesses operating in their area?

**Violating human rights?** A business might be the beneficiary of the work of public security forces such as police or military active in their area of operations or with whom they have formal arrangements for protection. A business can become a client of a private security or in some cases, private military company to protect its operations. In rarer cases, a non-state armed group that controls a local area can become involved in providing security for a business. Regardless of what security arrangements a business makes, it must still ensure the security providers it chooses protect human rights. Yet often public or private security providers are implicated in alleged human rights violations committed on behalf of an arrangement to secure private corporate interests. Media coverage of these violations may be the only way to expose them and create pressure to hold those responsible accountable.

→ **Journalists can ask:**

- ✓ What kind of security forces does a company employ? Are they public or private security forces?
- ✓ What evidence is there that these forces have been engaged in alleged human rights abuse?
- ✓ How is the company being held accountable for its failure to ensure its security forces respected human rights?
- ✓ What are the reactions of communities, government, companies and civil society to the alleged violations?
- ✓ What potential solutions to prevent future abuse are most viable?
- ✓ What changes to legislation/regulation might be necessary in response to alleged violations?
- ✓ How do possible solutions reflect the security needs of the communities concerned?
- ✓ What are the reactions of communities, government, companies and civil society to possible solutions?

### Box 16 Practice example: “Petra Diamonds accused of human rights abuses in Tanzania”

The Financial Times reported allegations of “serious human rights abuses” committed by security guards at a diamond mine in Tanzania in September 2020. The security guards involved were private security contractors working to secure the mine site under the direct supervision of the mine management. The guards were accused of multiple killings, torture, degrading and inhuman treatment in a case brought before the High Court in London by a UK law firm representing 35 people who live near the mine. The mine is co-owned by a number of companies and the government of Tanzania. In response to the allegations, the main private stakeholder in the mine initiated an independent investigation by a specialist third party. The article recounts how this case was filed amidst wider allegations of killings and assault by the mine’s security forces. The article includes comments from the mining group at the center of the case, the law firm that brought the case, as well as human rights advocates knowledgeable of the issue area. This is an example of how security sector reporting can inform the public about the responsibility businesses have to ensure their own security measures do not create insecurity for others. It also demonstrates that businesses which neglect their responsibilities to protect human rights can be held accountable by the justice system even outside the country where the violations occurred.

Source: <https://www.ft.com/content/20c8c8e1-a90e-49d7-8803-cdd018f37276>

#### Further resources on business, security, and human rights:

- DCAF-ICRC Toolkit on Addressing Security and Human Rights Challenges in Complex Environments. Available at: <https://www.securityhumanrightshub.org/toolkit>
- Covering Extractives, An Online Guide to Reporting on Natural Resources, Natural Resource Governance Institute (NRGI). Available at: <https://coveringextractives.org/>
- Oil and Gas: A Reporter’s Handbook, Thompson Reuters Foundation. Available at: <http://www.trust.org/contentAsset/raw-data/09d41dcb-c007-4a30-84d9-8f8395d0ecdc/file>
- The Voluntary Principles on Security and Human Rights. Available at: <https://www.voluntaryprinciples.org>
- United Nations Guiding Principles on Business and Human Rights. Available at: [https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf)



Image: Private security providers photographed by journalist in Indonesia, 2017 @ Ali Yahya.