

# Voluntary Principles on Security and Human Rights: Performance Indicators

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### **About International Alert**

International Alert is an independent peacebuilding organisation that has worked for over 20 years to lay the foundations for lasting peace and security in communities affected by violent conflict. Our multifaceted approach focuses both in and across various regions; aiming to shape policies and practices that affect peacebuilding; and helping build skills and capacity through training. Our regional work is based in the African Great Lakes, West Africa, the South Caucasus, Nepal, Sri Lanka and the Philippines. Our thematic projects work at local, regional and international levels, focusing on cross-cutting issues critical to building sustainable peace. These include business and economy, gender, governance, aid, security and justice. We are one of the world's leading peacebuilding NGOs with an estimated income of £8.4 million in 2008 and more than 120 staff based in London and our 11 field offices. International Alert is grateful for the support of our core donors: Irish Aid (Department of Foreign Affairs Ireland); Danida (Danish International Development Agency); DFID (UK Department for International Development); The Netherlands Ministry of Foreign Affairs; Sida (Swedish International Development Cooperation Agency); and SDC (Swiss Agency for Development and Cooperation).

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## Introduction

The Voluntary Principles for Security and Human Rights were unveiled in December 2000 by the US State Department and the Foreign and Commonwealth Office of the United Kingdom, after a yearlong process involving government officials, oil and mining companies, and NGOs. The Principles provide guidance to companies operating in zones of conflict or fragile states so that they can ensure that security forces – public or private – protecting the companies’ facilities and premises operate in a way that protects the company’s assets while respecting human rights and fundamental freedoms.<sup>1</sup> Such an initiative was necessary because of widespread international concern over the way security forces operated while protecting oil and mining installations in many parts of the world.<sup>2</sup>

While the Principles have grown over the past seven years to include 4 governments, 18 companies and 8 NGOs, companies have sought clearer guidance as to what the principles mean in practice. Several companies have prepared detailed operational guidelines for internal use. The International Finance Corporation is currently supporting an effort by the Voluntary Principles’ secretariat to develop a guidance tool for companies assist the implementation of the VPs. Other pillars of the process, i.e. governments and NGOs, have often sought clearer information about company performance in implementing the Principles. In the absence of reliable or credible indicators, companies have reported their performance using different yard-sticks and benchmarks. A comprehensive process is currently underway to develop reporting guidelines, building from the Global Reporting Initiative<sup>3</sup> framework.

A team at International Alert has developed the draft guidelines described below to assist global efforts to bring in uniformity, clarity, and simplicity for material information that can be made available to make better decisions within the company, measure and evaluate performance internally or externally, and assist in bringing about a climate of accountability in the process. The guidelines are drawn from the work Alert did with the support of the Government of the United Kingdom’s Global Conflict Prevention Pool in 2007 and the Government of Canada’s Global Peace and Security Fund in 2008. These indicators were initially developed for the Colombian context, where Alert has long experience of operating on the ground with Colombian companies and civil society, and presented in an earlier draft form at the Annual Plenary of the Voluntary Principles in Amsterdam in early 2008. After receiving positive feedback, Alert is now disseminating, more widely, the current draft, which provides a global perspective to the issue. Alert gratefully acknowledges the excellent partnership with *Fundación Ideas para la Paz* (FIP) in piloting conflict sensitive business risk and impact methodologies with several members of the *Comité Minero Energético para los Derechos Humanos* in Colombia, and participants at a workshop at the Universidad Javeriana in June 2007 where it benefited from input from FIP, the *Centro de Recursos para el Análisis del Conflicto* (Colombia), Monkey Forest Consulting (Canada), *Fundación Cambio Democrático* (Argentina), as well as representatives from the *Asociación Colombiana del Petróleo*, the Colombian government and major mining and oil companies.

This pioneering effort is a work-in-progress, and it is anticipated that companies will test these indicators and provide feedback to make the indicators more robust, with the hope of developing an industry standard. It is well understood that in the initial stages, this exercise will be primarily carried out privately within companies, but that at a later stage will be shared more widely.

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<sup>1</sup> See [www.voluntaryprinciples.org](http://www.voluntaryprinciples.org) for a detailed history as well as the text of the principles.

<sup>2</sup> Particular initial focus concerned Nigeria, Colombia, and Indonesia.

<sup>3</sup> [www.globalreporting.org](http://www.globalreporting.org)

The primary obligation to respect, protect and fulfil human rights rests with the State. Companies have a duty to respect human rights, and in certain specific circumstances, may have an obligation to protect rights. The role of companies in conflict-affected areas is to ensure that they do not cause, contribute to, or benefit from, human rights abuses. In areas of fragile governance the responsibility de facto increases due to the absence of government institutions, and the company is obliged to carry out due diligence to prevent incidents, and report them when they occur.

The VPs are divided in three categories – risk assessment, interactions with public security, and interactions with private security. Instead of developing an indicator for each sub-heading under the principles, this guideline has taken a holistic approach to develop indicators that can, when taken together, take into account all the Principles. **Indicators 1–3** deal with *Human Rights Risk and Impact Assessment*. **Indicators 4-7** look to ensure the adequate *legal, contractual and training measures* are in place. **Indicators 8-9** deal with *monitoring and oversight*. **Indicator 10** evaluates *equipment transfers to security forces* while **Indicator 11** documents *human rights incidents* on company property and *actions taken in response*.

Companies may have their own protocol regarding recording incidents and may be unwilling to document in writing some of the information requested in this draft document. Companies may choose whether to hold this information at headquarters or at the project site. The authors recommend documenting them for three reasons.

1. This is a draft to be piloted internally within companies in order to generate and receive feedback. There is no requirement to share the actual information with the public at the moment.
2. If companies are going to improve practice on security and human rights issues they are going to have to create sufficient documentation to maintain an institutional memory for future managers.
3. If companies' commitments to the VPs and human rights are to be taken seriously, there is going to have to be a degree of accountability to the wider external public. This is a unique opportunity for the companies to hold themselves accountable first.

## Human Rights Risk and Impact Assessment

Accurate assessment of security risks is considered necessary and vital for effective implementation of the Voluntary Principles. Risk Assessment is the first of the three critical components of the VPs. Identification of risks, potential of violence, human rights record of security providers, rule of law and effective administration of the rule of law, conflict analysis, and guidelines concerning equipment transfer are the six critical areas the VPs require to be covered in risk and impact assessment.

Emerging international standards for human rights risk and impact assessment contain three key elements. First, the impacts of company operations and actions on the community and general environment are taken into account in addition to risks that threaten company operations. Second, risk and impact assessment processes include other departments within the company and are not limited to security departments and personnel. Third, broad stakeholder consultation is adopted as a company strategy to generate social license to operate and not only employed to negotiate specific company objectives.

Several companies already have sophisticated risk and impact assessment tools that include analyses of conflict, security and human rights issues. For those companies that do not yet have an official risk and impact assessment methodology that includes human rights factors the following resources should be consulted:

**Business Leaders Initiative on Human Rights**

*A Human Rights Matrix*

<http://www.blihr.org/>

**Danish Institute for Human Rights**

*Human Rights Compliance Assessment*

[http://www.humanrightsbusiness.org/040\\_hrca.htm](http://www.humanrightsbusiness.org/040_hrca.htm)

**International Alert**

*Conflict Sensitive Business Practice: Guidance for Extractive Industries*

[http://www.international-alert.org/our\\_work/themes/business\\_1a.php](http://www.international-alert.org/our_work/themes/business_1a.php)

**International Business Leaders Forum and International Finance Corporation**

*Guide to Human Rights Impact Assessment and Management*

<http://www.iblf.org/resources/general.jsp?id=123946>

**Rights and Democracy, Canada**

*Human Rights Impact Assessment*

<http://www.d-rd.ca>

INDICATOR 1

Evidence of Risk and Impact Assessment Conducted According to Internationally-Accepted Best-Practice

1a

| a) Risk analysis               | Included?<br>(Y/N) | Frequency<br># | Risks to<br>company<br>(Y/N) | Systems in<br>place for<br>taking<br>action? |
|--------------------------------|--------------------|----------------|------------------------------|--|
| Social                         |                    |                |                              |  |
| Economic                       |                    |                |                              |  |
| Political                      |                    |                |                              |  |
| Security                       |                    |                |                              |  |
| Armed conflict                 |                    |                |                              |  |
| Human Rights                   |                    |                |                              |  |
| International Humanitarian Law |                    |                |                              |  |
| b) Internal analysis           | Included?<br>(Y/N) | Frequency<br># |                              |  |
| Inter-departmental             |                    |                |                              |  |
| Security                       |                    |                |                              |  |
| Production/operations          |                    |                |                              |  |
| Legal                          |                    |                |                              |  |

|                             |                            |                        |
|-----------------------------|----------------------------|------------------------|
| Finance                     |                            |                        |
| Community affairs           |                            |                        |
| Health and safety           |                            |                        |
| Top management              |                            |                        |
| Others                      |                            |                        |
| <b>c) External analysis</b> | <b>Included?<br/>(Y/N)</b> | <b>Frequency<br/>#</b> |
| National government         |                            |                        |
| Local government            |                            |                        |
| Communities                 |                            |                        |
| Unions                      |                            |                        |
| Other critics               |                            |                        |

**1b**

| <b>a) Impact analysis</b>      | <b>Included?<br/>(Y/N)</b> | <b>Frequency<br/>#</b> | <b>Risks to company<br/>(Y/N)</b> | <b>Systems in place for taking action?</b> |
|--------------------------------|----------------------------|------------------------|-----------------------------------|--|
| Social                         |                            |                        |                                   |  |
| Economic                       |                            |                        |                                   |  |
| Political                      |                            |                        |                                   |  |
| Security                       |                            |                        |                                   |  |
| Armed conflict                 |                            |                        |                                   |  |
| Human Rights                   |                            |                        |                                   |  |
| International Humanitarian Law |                            |                        |                                   |  |
| <b>b) Internal analysis</b>    | <b>Included?<br/>(Y/N)</b> | <b>Frequency<br/>#</b> |                                   |  |
| Inter-departmental             |                            |                        |                                   |  |
| Security                       |                            |                        |                                   |  |
| Production/operations          |                            |                        |                                   |  |
| Legal                          |                            |                        |                                   |  |
| Finance                        |                            |                        |                                   |  |
| Community affairs              |                            |                        |                                   |  |
| Health and safety              |                            |                        |                                   |  |
| Top Management                 |                            |                        |                                   |  |
| Others                         |                            |                        |                                   |  |
| <b>c) External analysis</b>    | <b>Included?<br/>(Y/N)</b> | <b>Frequency<br/>#</b> |                                   |  |
| National government            |                            |                        |                                   |  |
| Local government               |                            |                        |                                   |  |
| Communities                    |                            |                        |                                   |  |

|               |  |  |
|---------------|--|--|
| Unions        |  |  |
| Other critics |  |  |

**Qualitative questions for internal and external stakeholder indicators to be addressed within the company**

- Which stakeholders do you consult?
- What is the frequency of such consultations?
- What information do you receive?
- How does it inform your analysis?

**Evaluation Criteria for Indicator 1**

|  |             |
|--|-------------|
| Includes two-way analysis (risk and impact)  | 25%         |
| In addition to security and human rights includes social, political and economic spheres | 25%         |
| Inter-departmental participation in analysis   | 25%         |
| Stakeholder participation in the analysis  | 25%         |
| <b>TOTAL Indicator 1</b>   | <b>100%</b> |

**INDICATOR 2**  
**Comprehensiveness of Stakeholder Consultations**

The VPs require companies to consult regularly with communities, local groups, local media, authorities and other relevant actors in order to have a clear understanding of the operating environment. In order to do this, widespread consultation is necessary. It is particularly important to ensure that these consultations are conducted in a free and fair atmosphere, where the people being consulted feel safe to express their opinions. This may mean that in some cases companies have to withdraw themselves from seeking opinions, and let an independent group, such as a consulting firm, an NGO, or trained socio-economic development professionals, to conduct consultations. Such consultations may be individualized, specifically with one group, in a group setting involving other groups, or in a neutral and impartial third-party setting. Some consultations would require the presence of company officials, others may be more effective without company officials being present. In general, consultations with communities, local groups, trades unions, etc, should be conducted in an independent, impartial way, and if such consultations are conducted without corporate presence. Ideally, there should be no armed security present; if exceptional circumstances require such presence, then the people being consulted should be informed prior to the consultation taking place.

The following table asks companies to record the number of meetings and types of meetings it holds with the entire range of stakeholders. The number of meetings alone does not provide information on the quality of consultation process. In a points system companies would receive points for number of consultations, range of actors consulted and the willingness to let independent parties facilitate meetings. None of these factors alone guarantee outcomes, but do demonstrate due diligence on the part of the company.

| Stakeholder                              | Individual meetings (Number) | Company led group meetings (Number) | Independent consultations (Number) | Key Findings |
|--|------------------------------|-------------------------------------|------------------------------------|--------------|
| Ministry of Defence/Armed Forces         |                              |                                     |                                    |              |
| Ministry of Interior/Police              |                              |                                     |                                    |              |
| Ministry of Natural Resources/Energy     |                              |                                     |                                    |              |
| Ministry of Justice                      |                              |                                     |                                    |              |
| Governors                                |                              |                                     |                                    |              |
| Mayors & Councils                        |                              |                                     |                                    |              |
| Political parties                        |                              |                                     |                                    |              |
| Religious institutions                   |                              |                                     |                                    |              |
| NGOs (national & local)                  |                              |                                     |                                    |              |
| Regional NGOs                            |                              |                                     |                                    |              |
| National NGOs                            |                              |                                     |                                    |              |
| International NGOs                       |                              |                                     |                                    |              |
| Women's groups                           |                              |                                     |                                    |              |
| Youth groups                             |                              |                                     |                                    |              |
| Indigenous groups                        |                              |                                     |                                    |              |
| Community leaders                        |                              |                                     |                                    |              |
| Local & national media                   |                              |                                     |                                    |              |
| Unions                                   |                              |                                     |                                    |              |
| Demobilised armed groups (if applicable) |                              |                                     |                                    |              |
| Displaced/refugees groups                |                              |                                     |                                    |              |
| Farming communities                      |                              |                                     |                                    |              |
| Red Cross                                |                              |                                     |                                    |              |
| International agencies/govts             |                              |                                     |                                    |              |

**Evaluation Criteria for Indicator 2**

- Consultations carried out on security and human rights  
50%
- Participation of actors critical of company operations  
25%
- Third party facilitation  
25%



TOTAL Indicator 2  
100%

### INDICATOR 3 STRATEGIC RESPONSIVENESS

A key aspect of implementing the VPs is for the companies to adjust and modify actions and corporate strategies based on feedback and information received from stakeholders and others who are part of the consultative process. A management process informed by consultations will be stronger in helping the company promote greater respect for human rights in its area of operations. Broad and systematic stakeholder consultation will bring to light the interrelationship between company operations, the community and overall context that may include issues of: forced displacement, extortion of local workers and communities by armed groups, curtailment of right to peaceful assembly, and so on. In this sense, VP Participants need to be able to demonstrate the due diligence that has informed their actions when human rights issues come to their attention either via internal analysis or external stakeholder consultation.

| Critical security and human rights risks identified | Identified via internal company analysis (Y/N) | Identified via stakeholder consultation (Y/N) | Action taken |
|---|--|---|--------------|
|   |  |   |              |

*Example: Through stakeholder analysis led by an independent third-party with local community leaders it was learned that construction contracts for community works were being distributed to individuals with close links to an illegal armed group. These works were funded through royalties generated by oil and mining production in the region. Bribes and kick-backs were being paid to the illegal armed group that had been intimidating local villagers and preventing them from circulating freely through traditional farm lands. Works carried out in indigenous communities did not involve hiring workers from the community generating further distrust towards all levels of authority including the company. In response to this situation, the company worked with the local human rights ombudsman's office and the municipality to develop a royalty oversight system consistent with national laws that included transparency in the hiring of local contractors.*

| Evaluation Criteria for Indicator 3                       |             |
|---|-------------|
| Clear identification of security and human rights risks   | 25%         |
| Clear identification of security and human rights impacts | 25%         |
| Inter-departmental response with stakeholder input        | 25%         |
| Follow up to actions taken                                | 25%         |
| <b>TOTAL Indicator 3</b>                                  | <b>100%</b> |

### INDICATOR 4

#### Evidence of Mainstreaming VPs in relationships with security forces

The VPs call upon the companies to consult regularly with security forces. As part of operating advice, the VPs expect companies to do the following:

- *consult* with security forces
- *communicate* their policies
- make security arrangements *transparent* to the general public
- hold *structured meetings* with the state authorities, and
- use their influence to stress the *importance of international laws*.

A company has relatively limited leverage with state security forces, but is in a position to exercise it at the time of entering into an agreement with the state or a military/police unit. With a private security provider, a company has a contract and additional leverage over its service delivery and performance. This difference arises because the primary responsibility of a state’s security forces is protecting the rights of all civilians. The State has the Primary Obligation to Respect, Protect, Promote, and Fulfil human rights. In contrast, as a non-state actor, a company’s responsibility is to respect human rights, although in some specific instances, its responsibility could extend to protect or even fulfil certain human rights in specific contexts. As a private security provider is also a non-state actor, and not a government entity, the company’s leverage is greater, and it can make adherence to VPs part of its contractual agreement, and failure to adhere to those norms could form the basis to terminate the contract. To enforce proper implementation of VPs, a company can require the private security provider to adhere to the VPs and build in incentives and disincentives in the contract. Some companies participating in the VPs have made adherence to the VPs as a mandatory part of the agreement and/or contract with security forces.

While this is to be encouraged, it should also be remembered that while the Principles are Voluntary for companies, the underlying legal obligations are, and remain, mandatory for governments. This means even if the company’s commitment to adhere to the VPs is voluntary (i.e. it is not required by law to adhere to the Principles), regulations concerning proportionate use of force, respecting the right to assemble peacefully, codes of conduct governing the use of force and firearms, are legal obligations for the state.

The following table helps companies document the degree of adherence to the VPs within written agreements with private security contractors and government security forces.

|   | Agreement with public security forces (Y/N) | Contract with private security providers (Y/N) |
|---|---|--|
| Policy communication to relevant officials and publics                    |   |  |
| Structured meetings/regular consultations on human rights                 |   |  |
| Transparency in agreements/public access to information                   |   |  |
| System of disincentives for bad performance including corrective measures |   |  |
| Established training standards  |   |  |

#### Evaluation Criteria for Indicator 4

Content of security arrangements, including human rights content available to public

25%

Meetings and consultations on security and human rights with security providers

25%

Training standards established for distinct security providers

25%

Disincentives established for poor human rights conduct

25%

**TOTAL Indicator 4**

**100%**

## INDICATOR 5

### General Evidence of Staff Training

When security forces have been accused of abusing human rights, one reason often cited is the lack of proper and adequate training. Indicators 6 and 7 go into greater detail into training. Indicator 5 is designed to ensure that the relevant company staff is also receiving training related to the VPs and human rights in general. It is also important for the company to document here whether newly-appointed staff, transferred personnel or re-deployed individuals and units are receiving training in a timely manner. While it is not the company's legal responsibility to provide such training, as part of its due diligence in adhering to the Principles, it needs to demonstrate that it has made the relevant enquiries and made resources available, where appropriate, for the provision of such training to state security forces, if permissible within the law.

|                            | Number | Frequency | Includes New Hires, Transfers and Re-deployments |
|----------------------------|--------|-----------|--|
| Company staff              |        |           |  |
| Private security providers |        |           |  |
| Military                   |        |           |  |
| Police                     |        |           |  |
| Non-security contractors   |        |           |  |

**Evaluation Criteria for Indicator 5**

Training on human rights within the company, including non-security staff  
25%

Training on human rights for private security contractors, capturing new hires  
25%

Training for military, capturing newly deployed soldiers  
25%

Training for police, capturing newly deployed officers  
25%

**TOTAL Indicator 5**  
**100%**

This indicator only looks to confirm that the different actors responsible for security are receiving training on human rights, and that there are systems in place to ensure that new hires and deployments are included in the training, and are not overlooked. This training can be provided by the company if it has in-house competence and expertise, or other third parties (e.g. internal training provided by the military or police for their personnel).

**INDICATOR 6**

**Evidence of Training for Public Security Forces**

With regard to the companies’ relationship with the military, police and other state security forces companies should ask the following questions to ensure that the training curriculum is in line with what is expected in the VPs:

1. Does the State provide adequate human rights training?
2. Does the company review the training materials and coursework to ensure it is consistent with relevant international norms and the spirit of the VPs?
3. Does the company provide training where gaps are identified?

Companies must seek assurance that security forces deployed by the state to protect the company and its infrastructure are fully trained at the moment of deployment, or within a reasonable period, such as two weeks.

| Army   | State provision (Frequency) | Third party provision (Frequency) | Verified by company (Frequency) | Training for gaps identified (Y/N) |
|--|-----------------------------|-----------------------------------|---------------------------------|------------------------------------|
| International Humanitarian Law (including Geneva Conventions)  |                             |                                   |                                 |                                    |
| Code of Conduct for Law Enforcement Officials and UN Basic Principles on the use of force and firearms                                       |                             |                                   |                                 |                                    |
| Laws governing the rights of indigenous population   |                             |                                   |                                 |                                    |
| Simulations and practical exercises  |                             |                                   |                                 |                                    |
| UN human rights instruments, including those concerning torture, cruel, inhuman and degrading punishment                                     |                             |                                   |                                 |                                    |
| Regional human rights instruments  |                             |                                   |                                 |                                    |
| Principles concerning due process, fair trial, and rule of law, including the rights of the accused and their access to legal representation |                             |                                   |                                 |                                    |

| Police   | State provision (Frequency) | Third party provision (Frequency) | Verified by company (Frequency) | Training for gaps identified (S/N) |
|--|-----------------------------|-----------------------------------|---------------------------------|------------------------------------|
| International Humanitarian Law (including Geneva Conventions)  |                             |                                   |                                 |                                    |
| Code of Conduct for Law Enforcement Officials and UN Basic Principles on the use of force and firearms   |                             |                                   |                                 |                                    |
| Laws governing the rights of indigenous population   |                             |                                   |                                 |                                    |
| Simulations and practical exercises  |                             |                                   |                                 |                                    |
| UN human rights instruments, including those concerning torture, cruel, inhuman and degrading punishment |                             |                                   |                                 |                                    |
| Regional human rights  |                             |                                   |                                 |                                    |

|  |  |  |  |  |
|--|--|--|--|--|
| instruments  |  |  |  |  |
| Principles concerning due process, fair trial, and rule of law, including the rights of the accused and their access to legal representation |  |  |  |  |

#### Evaluation Criteria for Indicator 6

|                                   |             |
|-----------------------------------|-------------|
| All boxes complete for the Army   | 50%         |
| All boxes complete for the Police | 50%         |
| <b>TOTAL Indicator 6</b>          | <b>100%</b> |

## INDICATOR 7

### Evidence of Training for Private Security Contractors

As noted earlier, companies have greater leverage in their interaction with private security contractors, and therefore they should demand stricter compliance with the VPs from private security providers, because of the nature of their relationship. Companies need to ask the following questions with regard to their private security:

1. Does the private security contractor provide adequate human rights training to its personnel?
2. Does the company review the curriculum materials to ensure they are consistent with, or superior than materials used for training government security forces?
3. Is the training certified by a government or third party entity?

| Private security   | State provision (Frequency) | Third party provision (Frequency) | Verified by company (Frequency) | Training for gaps identified (S/N) |
|--|-----------------------------|-----------------------------------|---------------------------------|------------------------------------|
| International Humanitarian Law (including Geneva Conventions)  |                             |                                   |                                 |                                    |
| Code of Conduct for Law Enforcement Officials and UN Basic Principles on the use of force and firearms |                             |                                   |                                 |                                    |
| Laws governing the rights of indigenous population   |                             |                                   |                                 |                                    |
| Simulations and practical exercises  |                             |                                   |                                 |                                    |
| Human security   |                             |                                   |                                 |                                    |
| UN human rights instruments, including those concerning  |                             |                                   |                                 |                                    |

|  |  |  |  |  |
|--|--|--|--|--|
| torture, cruel, inhuman and degrading punishment   |  |  |  |  |
| Regional human rights instruments  |  |  |  |  |
| Principles concerning due process, fair trial, and rule of law, including the rights of the accused and their access to legal representation |  |  |  |  |

*The company must assure itself that private security forces are fully and properly trained before deployment.*

**Evaluation Criteria for Indicator 7**

- Verification of training content  
25%
- All boxes of matrix completed  
25%
- Verification of learning by trainees  
25%
- System in place to provide training where gaps are identified  
25%
  
- TOTAL Indicator 7**  
**100%**

**INDICATOR 8**

**Scrutiny of Human Rights Record of the Public and Private Security Providers**

Under the principle concerning “Deployment and Conduct”, the company is required to check the background of both the private and public security forces to ensure that individuals credibly implicated in human rights abuses are not deployed to protect the company’s facility.

|   | <b>Human Rights record/Army (Y/N) &amp; Frequency</b> | <b>Human Rights record/Police (Y/N) &amp; Frequency</b> | <b>Private security companies &amp; individuals (Y/N) &amp; Frequency</b> |
|---|---|---|---|
| Has the company reviewed the human rights records of the battalions and commanders of military and police units involved in their security? |   |   |   |
| Has the company taken adequate  |   |   |   |

|  |  |  |  |
|--|--|--|--|
| safeguards (such as training) if a person with a human rights abuse record has been 'detected' through the scrutiny process? |  |  |  |
| Has the company checked the status of the companies with the appropriate supervisory/vigilance/regulatory authority?         |  |  |  |

The company should always consult more than one source when looking to answer these questions. In weak governance zones where the state is hardly present, the government's records will not be sufficient. Sources of information include (this is not an exhaustive list) – the National Human Rights Commission, records of the home ministry or appropriate law enforcement authority regulatory bodies; judiciary and tribunals; lists prepared by intelligence agencies, defence officials, and police authorities; reports by credible international NGOs such as Amnesty International, Human Rights Watch, and Crisis Group, reports by credible local human rights and human security monitoring groups; data – if available – from the International Red Cross.

*Many of these sources can be found on the internet, for example, in the case of Colombia, a representative sample would include:*

Amnistía Internacional  
[www.web.amnesty.org/pages/hre-index-esl](http://www.web.amnesty.org/pages/hre-index-esl)

Comisión Colombiana de Juristas  
[www.coljuristas.org](http://www.coljuristas.org)

Consultora para los Derechos Humanos y el Desplazamiento  
<http://www.codhes.org/Publicaciones/centrodocum.htm>

Human Rights Watch en español  
<http://www.hrw.org/spanish/>

Instituto de Estudios para el Desarrollo y la Paz  
<http://www.indepaz.org.co/>

Internacional Crisis Group en español  
<http://www.crisisgroup.org/home/index.cfm?id=1094&l=4>

Lista Clinton (8 de febrero de 2008)  
[www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf](http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf)

Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos  
<http://www.hchr.org.co/publico/publico.php3>

Observatorio de DDHH, Vice-Presidencia de la República  
<http://www.derechoshumanos.gov.co/index.php?newsecc=observatorio>



Superintendencia de Vigilancia y Seguridad Privada  
<http://www.supervigilancia.gov.co/>

### Evaluation Criteria for Indicator 8

Verification of Army unit's human rights records

25%

Verification of Police unit's human rights records

25%

Verification of private security company's human rights records

25%

Consultation of critical reports on human rights and International Humanitarian Law

25%

**TOTAL Indicator 8**

**100%**

## INDICATOR 9

### Evidence of Monitoring Mechanisms

The company is expected to monitor the conduct of security forces protecting its premises under the Principles concerning state and private security forces. The company is expected in particular to monitor compliance with human rights laws and VPs. This requires a certain degree of sophistication within companies, to take into account complex issues such as proportionality of the security footprint as well as the frequency and nature of monitoring visits.

The concept of proportionality differs between the police and military. In the former, it is based on military strategy, laws of war and the international humanitarian law; in the latter case, the conduct is based on the UN Basic Principles on the use of force and firearms. One way companies can demonstrate their understanding of proportionality is through detailed risk analysis and evidence of having conducted due diligence.

|                  | Number of personnel | Number of lethal weapons | Number of small arms | Number of vehicles | % women deployed | Planned visits (frequency) | Random visits (frequency) |
|------------------|---------------------|--------------------------|----------------------|--------------------|------------------|----------------------------|---------------------------|
| Armed Forces     |                     |                          |                      |                    |                  |                            |                           |
| Police           |                     |                          |                      |                    |                  |                            |                           |
| Private security |                     |                          |                      |                    |                  |                            |                           |
| Others           |                     |                          |                      |                    |                  |                            |                           |

It is expected that in many cases the companies will not be able to obtain all of the information in this table from military and police forces for reasons of national security. Those areas have been shaded darker grey. However, the company has the right to demand such information from its private security contractors. The issues of the gender composition of the security forces is important since women may be able to provide different levels of attention to specific vulnerable groups and may also help avoid gender-based violence by their presence.

The underlying idea behind this indicator is to develop a baseline to enable comparison over time. As an example, if a company determines that the security situation in its area of operations has improved substantially from the previous year, and yet if the army insists on significantly enhancing troop strength, it becomes important for the company to carry out its due diligence to determine the cause, and measure it against the anticipated risks.

**Evaluation Criteria for Indicator 9**

|  |             |
|--|-------------|
| Information on the number of personnel, armaments, vehicles, gender composition and visits to private security | 50%         |
| Information on number of personnel, vehicles, gender composition and visits to Army                            | 25%         |
| Information on number of personnel, vehicles, gender composition and visits to Police                          | 25%         |
| <b>Total Indicator 9</b>   | <b>100%</b> |

**INDICATOR 10**

**Evidence of Record-keeping and Oversight of Equipment Transfers**

There have been many allegations implicating companies in human rights abuses for having provided equipment which has facilitated those abuses. (See, for example, International Alert-FAFO publication, Red Flags ([www.redflags.info](http://www.redflags.info)). Companies frequently state that they had not intended facilitating an abuse, but the way the legal doctrine on corporate complicity is emerging, such defence is harder to sustain, particularly if it is established that the company knew, or should have known, that an abuse would occur, and, that by providing the equipment, it aided and abetted the abuse.

Companies are aware of these developments, and VPs explicitly require companies to prepare detailed records of transactions with the security forces. The following table is meant to document and monitor equipment transfers to public and private security providers. Some companies, in different countries, have made attempts to promote a transparent culture, to make information regarding all transfers to state security forces available to the public.

| Type of Equipment Transferred and Used | Company departments consulted and involved | Number of transfers | Procedures followed (Y/N) | Regular transfer (Y/N) | Ad hoc transfers | Action undertaken/ System established to undertake action |
|--|--|---------------------|---------------------------|------------------------|------------------|---|
|  |  |                     |                           |                        |                  |   |
|  |  |                     |                           |                        |                  |   |
|  |  |                     |                           |                        |                  |   |
|  |  |                     |                           |                        |                  |   |

**Evaluation Criteria for Indicator 10**

|   |     |
|---|-----|
| Existence of an equipment transfer register                         | 25% |
| Inter-departmental consultation system in place regarding transfers | 25% |
| Ad hoc transfers < 10% of total transfers                           | 25% |
| Procedures and disincentives for inappropriate use of equipment     | 25% |
| <b>Total Indicator 10</b>   |     |

### INDICATOR 11 Evidence of reporting human rights abuses

Human rights are codified under the International Covenants of Civil, Political, Economic, Social and Cultural Rights. They are based on the aspirational document, the Universal Declaration of Human Rights. There is also a broader range of conventions and declarations related to human rights, with regard to gender, race, discrimination, children, indigenous groups, and so on. Human rights abuses vary in their intensity and gravity, as well as persistence. For the purposes of VPs, bearing in mind the genesis of the Principles, and the nature and character of abuses that led to the creation of the Principles, the following abuses are considered to be of grave nature that require the company to respond and report. This is not to suggest that other human rights (e.g. ESC rights) violations or abuses are less grave, but that the VPs are designed primarily to end specific abuses – those committed by security forces protecting the company’s facilities – and such abuses typically tend to be of the following kind, and enumerated in the following format:

| Human Rights     | Violation/abuse  | Involving company personnel (Y/N or NA and frequency) | Private Security (Y/N or NA and frequency) | State security (Y/N or NA and frequency) | External actors (Y/N or NA and frequency) | Place* |
|------------------|--|---|--|--|---|--------|
| Life and liberty | Homicide   |   |  |  |   |        |
|                  | Torture, cruel, inhuman and degrading punishment, and gender-based violence including rape |   |  |  |   |        |
|                  | Forced disappearance   |   |  |  |   |        |
|                  | Forced displacement  |   |  |  |   |        |
| Property         | Destruction of private property  |   |  |  |   |        |
| Labour           | Forced labour  |   |  |  |   |        |
|                  | Exploitative use of child labour   |   |  |  |   |        |

| Human Rights      | Violation/abuse  | Involving company personnel (Y/N or NA and frequency) | Private Security (Y/N or NA and frequency) | State security (Y/N or NA and frequency) | External actors (Y/N or NA and frequency) | Place* |
|-------------------|--|---|--|--|---|--------|
|                   | Lack of legal guarantees   |   |  |  |   |        |
| Association       | Intimidation of human rights and community leaders, unions and journalists, etc... |   |  |  |   |        |
|                   | Freedom to form labour unions  |   |  |  |   |        |
| Information       | Seek, receive and obtain information   |   |  |  |   |        |
| Indigenous rights | Prior consultation<br>Identity, tradition, culture and territory                   |   |  |  |   |        |

\*Locations: e.g. a) company property; b) area of sphere of influence; c) region of operations.

Indicator 11b – continued ‘Documentation of HR Abuses’

| Abuse/action            | Internal reporting (Y/N)<br>Which department? | Reporting to authorities (Y/N)<br>Which authority? | Fact gathering By company (Y/N)<br>Who? | Corrective action (Y/N)<br>What? | Follow up investigation (Y/N) | Assistance to victims (Y/N) |
|-------------------------|---|--|---|----------------------------------|-------------------------------|-----------------------------|
| (As per the list above) |   |  |   |                                  |                               |                             |
|                         |   |  |   |                                  |                               |                             |
|                         |   |  |   |                                  |                               |                             |
|                         |   |  |   |                                  |                               |                             |
|                         |   |  |   |                                  |                               |                             |

**Evaluation Criteria for Indicator 11**

Existence of a registry of HR/IHL violations on company property  
20%

Existence of a registry of HR/IHL violations in geographic sphere of influence

|   |                     |
|---|---------------------|
| /region of operations   | 20%                 |
| Internal protocol for reporting and following up on allegations of HR abuse | 20%                 |
| Corrective actions where HR have been violated                              | 20%                 |
| Assistance provided to victims  | 20%                 |
| <b>Total</b>  | <b>Indicator 11</b> |
|   | 100%                |