

**Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

**Guiding questions for submissions**

The Working Group seeks information on the following issues of relevance to its future thematic report concerning gender and private military and security companies (PMSCs):

Responses may be submitted to the Working Group in English, French or Spanish at [mercenaries@ohchr.org](mailto:mercenaries@ohchr.org). If not stated otherwise in your submission, the responses received will be published on the website of the Working Group. However, if requested, the Working Group may treat the submission confidentially.

***1. Gender dimensions of the PMSC industry***

- Analysis of gender-specific trends and patterns across the PMSC industry, including possible variations between regions, business sectors, and/or security contexts.
- Information, analysis or experiences that reflect particular workplace cultures within the PMSC industry that influence how gender issues play out and are addressed.
- Possible impact of PMSC operations in the specific contexts in which they operate, from a gender perspective.

***2. Gender-related policies, procedures and mechanisms***

*Instruments and policies at company level*

- Gender-disaggregated data within individual PMSCs and transparent reporting on gender equality indicators (e.g. regarding roles, functions, hierarchical structures, levels of inclusion and prevalence, the possible impact of hiring and deploying female PMSC personnel, including to conflict and post-conflict settings). If relevant, please highlight measures and mechanisms to increase gender parity and equal participation in decision-making processes, including concrete examples, information about their effectiveness, and good practices that have proved to be effective.
- Formulation and implementation of sensitive programming with respect to gender and sexual orientation and gender identity, specific policies addressing gender and incorporation of gender and sexual orientation and gender identity issues into company policies, procedures and codes of conduct. Please provide concrete examples where available, including good practices.
- Relevant training courses for PMSC personnel, the periodicity of the training provided and any analysis regarding its effectiveness.

- Procedures for the selection of private security personnel, including specific gender considerations, and their application for security (sub) contractors, as well as available examples of decisions and procedures that were applied.
- Risk assessments, including human rights and gender analyses, undertaken by PMSCs, as well as assessments of broader structural inequalities and discriminatory social norms in the specific contexts in which they operate, and possible implications for PMSC operations and the conduct of PMSC personnel, as well as steps taken to actively promote gender equality inside and outside the workplace.

*National, regional and international instruments and mechanisms*

- Inclusion and effectiveness of gender-sensitive provisions in national, regional and international regulatory frameworks (e.g. Montreux Document, International Code of Conduct, UN Guiding Principles on Business and Human Rights<sup>1</sup>) for PMSCs.
- Incorporation of gender specific concerns into industry standards and related monitoring and oversight mechanisms, with a focus on women's human rights and non-discrimination against LGBTI persons, including information about their effectiveness and specific examples.
- Gender-specific requirements in State licensing and registration of PMSCs.
- Inclusion of gender-sensitive provisions in contracts awarded to PMSCs by clients (be they private companies, governments or multilateral organisations), and monitoring of compliance with such contractual obligations, including throughout the supply chain as applicable.

***3. Gender-specific abuses against members of the local community and against co-workers***

- Information, including statistical data, about alleged cases of sexual and gender-based violence and discrimination involving PMSC personnel. For example, this may include violence and discrimination against, and stigmatisation of, women and girls and LGBTI persons, as well as sexual violence against men and boys.
- Information and analysis on intersectional and multiple forms of discrimination. For example, these may be based on racial or ethnic origin, nationality, migration status, age, disability, minority status, and sexual orientation and gender identity that when combined with gender-based discrimination contribute to creating layers of inequality.

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<sup>1</sup> <https://shop.icrc.org/document-de-montreux-sur-les-entreprises-militaires-et-de-securite-privees-2633.html>;  
[https://icoca.ch/en/the\\_icoc](https://icoca.ch/en/the_icoc);  
[https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

#### *4. Accountability and remedy*

- Company policies and mechanisms to prevent, report and address allegations of gender-based violence and discrimination against members of the local community, including in supply chains. Please share any good practices.
- Company policies and mechanisms to prevent, report and address gender-based discrimination and violence, harassment and other forms of workplace misconduct and/or abuse by PMSC personnel against their co-workers, including information on effectiveness, providing specific examples where possible.
- National legislation, policies and mechanisms that cover gender-specific abuses by PMSC personnel, including those tailored to monitor, investigate, prosecute and provide remedies for such abuses.
- Please provide information on specific case examples, indicating possible gender-sensitive reporting mechanisms, investigations, witness and victim protection schemes, and judicial proceedings and their outcomes, including in relation to justice and reparations for the victims. Please share any good practices.
- Specific barriers faced by victims of sexual and gender-based violence and discrimination committed by PMSC personnel to access justice (e.g. cultural barriers, legal obstacles, internal hurdles), and to access effective remedies and reparations.

*The Working Group welcomes any additional pertinent information on gender dimensions of the PMSC industry that may help it in the preparation of its report. In keeping with its mandate, the Working Group would also welcome any information pertaining to gender-specific abuses by mercenaries and/or other gender-related issues relevant to the phenomenon of mercenaries. Thank you for your cooperation.*