Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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On private military companies, mercenaries, foreign fighters and their impact on human rights

Motion for a resolution
tabled by Ms Olena KHOMENKO and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Private military and security companies (PMSCs) are widely used by States and businesses to protect themselves from hostile actors. However, the lack of a robust monitoring and sanctioning mechanism means that PMSCs risk becoming powerful and potentially rogue actors that place profit and power over human rights.

There is a thin line between legitimate military and security services and the providers of such services turning into war criminals, mercenaries, and «foreign fighters», leading to potential mass-scale human rights violations. PMSCs are often used by governments as means of foreign interference, as is the case of the Wagner Group, undermining the right of peoples to self-determination. Transnational companies often use them for the repression of local civil populations and organisations acting in defence of their environment by opposing the exploitation of natural resources.

There appear to be significant legal gaps with regard to the proper regulation of activities of these companies and voluntary means seem insufficient. The Parliamentary Assembly should examine the challenges of holding foreign fighters, mercenaries, and private military companies accountable for human rights abuses. This could include the clarification of the legal consequences of their actions, drawing clear lines between what is legally acceptable and illegal conduct, as well as limiting their ability to cause harm around the world.

The Council of Europe, with its experience in defining, promoting, and protecting common standards in the field of human rights, democracy, and the rule of law, combatting terrorism and addressing the issue of foreign fighters, can make an important contribution in this field. The Assembly should therefore recommend to the Committee of Ministers to examine the feasibility of drawing up a legally binding instrument.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EC/DA: European Conservatives Group and Democratic Alliance
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left