



Resolution 2583 (2025)¹

Addressing risks to human rights and the rule of law posed by mercenaries and private military and security companies: a call for comprehensive regulation

Parliamentary Assembly

1. Since the beginning of the 21st century, particularly in the context of the war on terrorism, non-state actors, such as private military and security companies (PMSCs), mercenaries and foreign fighters have become increasingly involved in military operations. Although these entities are clearly distinct from one another, and in particular the deployment of PMSCs can often serve legitimate aims, the Parliamentary Assembly notes with concern the scarcity of international regulation governing their operation, which negatively affects the respect for human rights, democracy and the rule of law.
2. Following the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022, Russian private military companies, the very existence of which is prohibited under Russian law, such as the Wagner Group and Redut, carried out numerous acts of torture and extrajudicial executions, including mass executions, of Ukrainian prisoners of war and civilians, and targeted attacks on civilian infrastructure. In line with its previous resolutions, notably [Resolution 2556 \(2024\)](#) “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine”, the Assembly considers that the Russian Federation bears full international responsibility for these actions because of its acknowledged links and financial and operational support extended to the Wagner Group during its participation in the war, including the use of pardoned convicts as fighters and co-ordination on the ground with the regular forces. It further notes that these so-called “Russian private military companies” should be distinguished from PMSCs, which are registered and operate within the legal framework of their home States.
3. The Assembly firmly rejects statements made by senior representatives of the Russian Federation describing members of the International Legion for the Defence of Ukraine as “mercenaries”. The Assembly considers that under international law and international humanitarian law, members of the International Legion for the Defence of Ukraine are clearly to be regarded as members of the Armed Forces of Ukraine, benefiting from full legal and humanitarian protection afforded to lawful combatants. The Assembly reiterates its full support for Ukraine’s independence, sovereignty and territorial integrity within its internationally recognised borders.
4. The Assembly reiterates the concern it expressed in [Recommendation 1858 \(2009\)](#) “Private military and security firms and erosion of the state monopoly on the use of force” about the erosion of States’ authority, loss of democratic oversight and accountability, and impunity of perpetrators of human rights violations resulting from the increased involvement of PMSCs. It further pointed out possible conflicts of interest when PMSCs stand to benefit from prolonging conflicts to increase their profits.
5. Notwithstanding the adoption of the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, which sums up legal obligations under existing international law and provides best practices related to PMSC activities, and the establishment by the United Nations Human Rights Council of the Open-ended

1. *Assembly debate* on 28 January 2025 (4th sitting) (see [Doc. 16092](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Andrea Orlando). *Text adopted by the Assembly* on 28 January 2025 (4th sitting).
See also [Recommendation 2289 \(2025\)](#).



intergovernmental working group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies, the Assembly notes with concern that the regulatory landscape on this matter remains scarce.

6. Despite repeated allegations of severe violations of human rights or humanitarian law and crimes committed by PMSC personnel, the existing regulatory gap often prevents victims from obtaining redress or seeking justice. Some States are deliberately using PMSCs to conceal their involvement in conflicts. Deployment of PMSCs allows States to conduct military operations without the same level of public scrutiny or approval processes required for deploying regular armed forces, thus removing one of the essential democratic checks on the use of force. Given the functioning of PMSCs as private corporations, their activities are often exempted from public scrutiny and lack the same chain of command and disciplinary procedures as regular armed forces. Corporate interests thus risk prevailing over the public good in sensitive policy areas.

7. In States with fragile institutions, deploying PMSCs can further undermine State authority, contributing to the erosion of the rule of law and democratic governance.

8. The Assembly shares the concern of the United Nations 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 that violations by mercenaries and mercenary-related actors are escalating in scale and intensity while accountability remains mostly absent.

9. The Assembly also acknowledges the increased involvement of PMSCs in humanitarian missions, providing security for non-governmental and international organisations. The growing security challenges in conflict zones and the limited capacity of some States to provide adequate protection for humanitarian workers increase the demand for private military and security contractors, who offer their clients access to specialised expertise, flexibility and rapid deployment. Nevertheless, the involvement of PMSCs in humanitarian missions blurs the lines between military and humanitarian actors. This may negatively affect the perceived neutrality and independence of humanitarian work and undermine the trust of local communities.

10. The Assembly notes that the existing rules of customary international law of State responsibility, as codified in the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, establish a high threshold for attributing actions of non-state actors to States themselves, requiring the exercise by the State of "effective control" over the non-state actor.

11. Addressing these issues requires robust international and domestic regulatory frameworks to ensure that PMSC activities align with democratic principles and respect human rights. The Assembly therefore reiterates that only a legally binding instrument could adequately guide States in managing the PMSC industry and mitigate risks of human rights violations and democratic erosion posed by the unregulated operation of such companies. Pending the adoption of such an instrument, the Assembly reminds States of their existing positive obligations under international human rights law, associated with licensing, contracting, operating and deploying PMSCs.

12. The Assembly considers that under international human rights law, the following should be regarded as minimum requirements incumbent on States whenever licensing, contracting, operating or deploying PMSCs:

12.1. to enact legislation regulating PMSCs, including criteria for their licensing and registration, and oversight mechanisms, and establishing precise accountability mechanisms for PMSCs and their personnel for human rights violations;

12.2. to require PMSCs to comply with international standards applicable to business and human rights, such as the United Nations Guiding Principles on Business and Human Rights and ISO 26000:2010 (Guidance on social responsibility);

12.3. to vet, train, instruct and supervise PMSC personnel, in particular when contracting services involving the use of coercive measures, such as combat operations, guarding or transporting prisoners and conducting interrogations;

12.4. to require a human rights impact assessment to be conducted before authorising PMSC operations;

12.5. to establish an effective legal framework enabling swift, transparent and impartial investigations of any allegations of human rights violations committed by PMSCs where such PMSCs are registered in the State, operate in its territory or in a territory under that State's jurisdiction or are employed by that State, and to provide any victims with proper means of redress;

- 12.6. to take such measures as may be necessary to establish jurisdiction over crimes committed by their nationals who are part of PMSC personnel deployed in other States, irrespective of whether such PMSCs are registered or employed by the State in question or operate in a territory controlled by that State;
 - 12.7. to require PMSCs to maintain insurance sufficient to provide an adequate compensation to victims of human rights violations committed by these companies;
 - 12.8. to provide appropriate and regular training and instructions to PMSC personnel on compliance with international human rights law and international humanitarian law;
 - 12.9. to require PMSCs to establish internal human rights protection policies and compliance mechanisms;
 - 12.10. to publish information on the public procurement of PMSC services, allegations of human rights violations and their consequences, thus facilitating external oversight;
 - 12.11. to require PMSCs registered or operating within their territory to adhere to the International Code of Conduct for Private Security Service Providers and to endorse the Montreux Document.
13. The Assembly calls on the Council of Europe member and observer States who have not yet done so to:
- 13.1. ratify the United Nations International Convention against the Recruitment, Use, Financing and Training of Mercenaries;
 - 13.2. endorse the Montreux Document.
14. The Assembly calls on the Council of Europe member and observer States to:
- 14.1. actively lead and co-ordinate with the United Nations open-ended intergovernmental working group, proposing a concrete timeline and commitments to expedite the development and adoption of an international regulatory framework on the regulation, monitoring and oversight of the activities of PMSCs;
 - 14.2. promote a human rights-oriented approach to the issue of PMSCs;
 - 14.3. prepare a binding instrument aimed at regulating the relations of States with PMSCs and laying down minimum standards for the activity of these companies, in line with this Resolution.