Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2289 (2025)[1]
Provisional version

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. Referring to its Resolution 2583 (2025) "Addressing risks to human rights and the rule of law posed by mercenaries and private military and security companies: a call for comprehensive regulation", the Parliamentary Assembly reiterates its concern about the erosion of States' authority, loss of democratic oversight and accountability, and the impunity of perpetrators of human rights violations, which result from the increased use of private military and security companies (PMSCs), including those registered or operating within the territory of the Council of Europe member States.

2. The Assembly believes that numerous reports of grave human rights violations perpetrated by PMSCs call for stronger regulation of this industry. Although their deployment might serve legitimate purposes, such as providing security and expertise to international organisations and humanitarian workers, some States might be keen to use their services simply to hide their involvement in military operations by invoking plausible deniability and prevent victims of abuses from obtaining compensation and seeking justice.

3. Notwithstanding the fact that matters relating to national defence do not fall within the scope of the Council of Europe, the Assembly notes that the scarcely regulated operation of PMSCs poses grave risks to the rule of law and protection of human rights. Therefore, pending the outcome of works of the United Nations open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of PMSCs, the Assembly invites the Committee of Ministers to examine the feasibility of drawing up a Council of Europe convention governing the use of private military and security companies, ensuring accountability, victim redress, and adherence to international human rights standards.

4. The Assembly believes that such a legally binding regional framework should address, at minimum, issues associated with PMSCs' licensing, registration and oversight and require the introduction of effective remedies for victims of possible human rights violations and developing training programs aimed at preventing such abuses. The initiative on the creation of a legally binding regional framework would complement ongoing efforts within the United Nations by providing a robust regional framework tailored to the specific challenges faced by member States. PMSCs might operate in a grey area where human rights would fall on deaf ears, due to a plausible deniability from the State. As PMSCs are already wreaking havoc on the European continent, the Council of Europe should reinforce trust in its role as a defender of democratic values and human rights, while setting an example of leadership that inspires confidence in multilateral mechanisms and rule of law.

5. Finally, the Assembly recommends that the Committee of Ministers:

5.1. endorse, on behalf of the Council of Europe, the Montreux Document on pertinent international legal obligations and good practices for States related to operations of PMSCs during armed conflict;

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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).

5.2. pending the adoption of a convention, draw up a draft recommendation to member States, focused on mitigating risks to human rights, democracy and the rule of law posed by private military and security companies;

5.3. intensify political dialogue with the United Nations, in line with the Reykjavik Declaration, by ensuring that the Council of Europe contributes to the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies.