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

Reply to Recommendation¹: Recommendation 2289 (2025)

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2289 \(2025\)](#) "Addressing risks to human rights and the rule of law posed by mercenaries and private military and security companies: a call for comprehensive regulation" and has forwarded it to the European Committee on Crime Problems (CDPC), the Committee of Legal Advisers on Public International Law (CAHDI) and the European Commission for Democracy through Law (Venice Commission) for information and possible comments.
2. The Committee of Ministers recalls that the Venice Commission has addressed the issues raised by the Assembly in its 2009 report on private military and security firms and erosion of the State monopoly on the use of force (see document CDL-AD(2009)038) and in its 2016 Rule of Law Checklist (see CDL-AD(2016)007), which is currently being updated. Both these documents point to the scarcity of international regulation in governing the operation of private military and security companies (PMSCs) which poses grave risks to democracy, the rule of law and the protection of human rights.
3. In light of these concerns, the Committee of Ministers agrees with the Assembly that the development of a regional legal framework could complement the ongoing work of the United Nations in its 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. The Committee underlines, however, that the legal nature of the draft framework under discussion at the UN remains to be determined, and stresses the importance of avoiding duplication between UN efforts and any future Council of Europe initiatives. It therefore invites the CDPC, in the context of the next budgetary cycle (2028-2029), to consider the need for and feasibility of drawing up a non-binding and/or binding Council of Europe instrument focused on mitigating the risks to human rights, democracy and the rule of law posed by PMSCs, taking account in particular of the relevant work of the Venice Commission (paragraphs 3 and 5.2 of the Assembly's recommendation).
4. Furthermore, in order to co-ordinate this work, the Committee of Ministers invites the Secretary General to consider the Assembly's call for the Council of Europe to contribute to the above-mentioned UN open-ended intergovernmental working group, and take action as appropriate, ensuring that any contribution by the Council of Europe would be complementary to the ongoing UN process (paragraph 5.3 of the Assembly's recommendation).
5. Finally, in view of the gravity of the matter, the Committee of Ministers agrees with the Assembly that the Council of Europe should join the 61 States, including 39 Council of Europe member States, and the EU, OSCE and NATO in endorsing 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.

1. Adopted at the 1546th meeting of the Ministers' Deputies (10 December 2025).

