

The Voluntary Principles on Security and Human Rights

INTRODUCTION

Governments of the United States and the United Kingdom, companies in the extractive and energy sectors ("Companies"), and non-governmental organizations, all with an interest in human rights and corporate social responsibility, have engaged in a dialogue on security and human rights.

The participants recognize the importance of the promotion and protection of human rights throughout the world and the constructive role business and civil society - including non-governmental organizations, labor/trade unions, and local communities - can play in advancing these goals. Through this dialogue, the participants have developed the following set of voluntary principles to guide Companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. Mindful of these goals, the participants agree to the importance of continuing this dialogue and keeping under review these principles to ensure their continuing relevance and efficacy.

Acknowledging that security is a fundamental need, shared by individuals, communities, businesses, and governments alike, and acknowledging the difficult security issues faced by Companies operating globally, we recognize that security and respect for human rights can and should be consistent;

Understanding that governments have the primary responsibility to promote and protect human rights and that all parties to a conflict are obliged to observe applicable international humanitarian law, we recognize that we share the common goal of promoting respect for human rights, particularly those set forth in the Universal Declaration of Human Rights, and international humanitarian law;

安全与人权自愿原则文本

美国和英国政府、采掘行业和能源行业的企业("企业")、非政府机构等对人权和企业社会责任有共同利益的各方参与了关于安全和人权的对话。

各参与方认识到在全世界促进和保护人权的重要性,承认企业和民间社团(包括非政府机构,工会,当地社区)在推动这些目标的过程中所起的建设性作用。通过本对话,参与方制定了下面的自愿原则,指导企业在尊重人权与基本自由的经营框架下,维护他们的经营安全。考虑到上述目标并为保证这些原则切实有效,他们认为继续该对话并审议这些原则非常重要。

承认安全是一个基本需要,为个体、组织、企业和政府等所共享,并承认跨国经营的企业面临着棘手的安全问题。同时,认识到安全与尊重人权能够且应该是相一致的。

理解政府在促进和保护人权上肩负主要责任,有争端的任何一方都必须遵守适用的《国际人道法》。同时,认识到我们同《世界人权宣言》和《国际人道法》有着共同的目标,即促进尊重人权。



Emphasizing the importance of safeguarding the integrity of company personnel and property, Companies recognize a commitment to act in a manner consistent with the laws of the countries within which they are present, to be mindful of the highest applicable international standards, and to promote the observance of applicable international law enforcement principles (e.g., the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), particularly with regard to the use of force;

Taking note of the effect that Companies' activities may have on local communities, we recognize the value of engaging with civil society and host and home governments to contribute to the welfare of the local community while mitigating any potential for conflict where possible;

Understanding that useful, credible information is a vital component of security and human rights, we recognize the importance of sharing and understanding our respective experiences regarding, inter alia, best security practices and procedures, country human rights situations, and public and private security, subject to confidentiality constraints;

Acknowledging that home governments and multilateral institutions may, on occasion, assist host governments with security sector reform, developing institutional capacities and strengthening the rule of law, we recognize the important role Companies and civil society can play in supporting these efforts;

We hereby express our support for the following voluntary principles regarding security and human rights in the extractive sector, which fall into three categories, risk assessment, relations with public security, and relations with private security:

强调保障企业员工和财产完整的重要性, 企业承诺采用同所在国家的法律相一致的方式经营。心中铭记最适用的国际标准,促进遵守适用的国际法律执法原则,尤其是有关武力使用的执法原则。(如,《联合国执法人员行为守则》和《联合国关于执法人员使用枪支和武力的基本原则》)

注意企业活动对于地方组织的影响,认识到为降低在某些地方发生冲突的可能性,与地方团体、东道国政府、本国政府一起为本地区的福利做出贡献的价值。

理解有用可靠的信息是安全与人权的重要组成部分。认识到在受到保密性约束的情况下共享和理解我们各自关于最佳安全做法与程序、国家人权状况、公共安全与私人安全等方面经历的重要性。

承认本国政府和多边机构有时可以就安全部门改革、发展机构能力和加强法治协助东道国政府,我们认识到公司和民间社团在支持这些努力中可以发挥的重要作用。

在此,我们支持下面的有关采掘业的《安全与人权自愿原则》。该原则分成三个范畴:风险评估,与公共安全部门的关系,以及与私营安全部门的关系。



RISK ASSESSMENT 风险评估

The ability to assess accurately risks present in a Company's operating environment is critical to the security of personnel, local communities and assets; the success of the Company's short and long-term operations; and to the promotion and protection of human rights. In some circumstances, this is relatively simple; in others, it is important to obtain extensive background information from different sources; monitoring and adapting to changing, complex political, economic, law enforcement, military and social situations; and maintaining productive relations with local communities and government officials.

The quality of complicated risk assessments is largely dependent on the assembling of regularly updated, credible information from a broad range of perspectives - local and national governments, security firms, other companies, home governments, multilateral institutions, and civil society knowledgeable about local conditions. This information may be most effective when shared to the fullest extent possible (bearing in mind confidentiality considerations) between Companies, concerned civil society, and governments.

Bearing in mind these general principles, we recognize that accurate, effective risk assessments should consider the following factors:

Identification of security risks. Security risks can result from political, economic, civil or social factors. Moreover, certain personnel and assets may be at greater risk than others. Identification of security risks allows a Company to take measures to minimize risk and to assess whether Company actions may heighten risk.

Potential for violence. Depending on the environment, violence can be widespread or limited to particular regions, and it can develop with little or no warning. Civil society, home and host government representatives, and other

能够精确地评估企业经营环境中存在的风险对于人员、地方组织和财产的安全、对于企业短期和长期经营的成功、对于人权的促进与保护都至关重要。在有些情况下,这种评估相对简单,在其他一些情况下,就有必要从各种资源获取广泛的背景信息,监督和适应不断变化的情况、复杂的政治局势、经济形势、执法状况、军队状况和社会形势,保持与地方组织和政府官员的富有成效的关系。

复杂风险评估的质量很大程度上取决于从多维视角汇集的、定期更新的可靠信息,这些信息的来源包括地方政府、国家政府、安全机构、其他企业、本国政府、多边机构和熟谙当地情况的民间社团。如果所收集的信息在企业、有关民间社团以及政府之间达到了最大程度的共享,这一信息可能会非常有作用。

铭记这些通用原则的同时,要认识到精确且有效的风险评估,应考虑下列因素:

安全风险的识别。造成安全风险的因素可能是政治因素、经济因素、政府因素或社会因素。特定个人和特定财产会更具风险。识别安全风险可以使公司采取措施降低风险,还可评估公司的措施是否会增加风险。

潜在的暴力。依据环境的不同,暴力可能会广泛分布或仅局限于特定区域。它可能会在不知不觉中发展。民间社团、本国政府和东道国政府的代表以及其他各方应该通过协商,找出由潜在暴力所带来的风险。为了教育、预测和预防目的,风险评估应该在企业经营区域内检查暴力的类型。



sources should be consulted to identify risks presented by the potential for violence. Risk assessments should examine patterns of violence in areas of Company operations for educational, predictive, and preventative purposes.

Human rights records. Risk assessments should consider the available human rights records of public security forces, paramilitaries, local and national law enforcement, as well as the reputation of private security. Awareness of past abuses and allegations can help Companies to avoid recurrences as well as to promote accountability. Also, identification of the capability of the above entities to respond to situations of violence in a lawful manner (i.e., consistent with applicable international standards) allows Companies to develop appropriate measures in operating environments.

Rule of law. Risk assessments should consider the local prosecuting authority and judiciary's capacity to hold accountable those responsible for human rights abuses and for those responsible for violations of international humanitarian law in a manner that respects the rights of the accused.

Conflict analysis. Identification of and understanding the root causes and nature of local conflicts, as well as the level of adherence to human rights and international humanitarian law standards by key actors, can be instructive for the development of strategies for managing relations between the Company, local communities, Company employees and their unions, and host governments. Risk assessments should also consider the potential for future conflicts.

Equipment transfers. Where Companies provide equipment (including lethal and non-lethal equipment) to public or private security, they should consider the risk of such transfers, any relevant export licensing requirements, and the feasibility of measures to mitigate foreseeable negative consequences, including adequate controls to prevent misappropriation or diversion of equipment which may lead to human rights abuses. In making risk assessments, companies should consider any relevant past incidents involving previous equipment transfers.

人权记录。进行风险评估应当研究可得到的人权记录,这些记录包括社会治安的,准军事部队的,地方和国家执法部门的,以及个人安全信誉记录。对于过去的侵权与指控的了解,有助于企业避免重蹈覆辙,还能促进其责任性。上述团体如果能够以法律方式(即,与适用的国际标准相一致的方式)应对不同的暴力情况,可使公司制定出适合该经营环境的措施。

法治。风险评估应当考虑地方检查机关与司法部门能够让相关的部门以尊重被告权利的方式处理侮辱人权和违反国际人道法的行为。

冲突分析。识别和理解地方冲突的根本原因和性质,了解人权和国际人道法标准的遵守程度,对于制定战略政策具有指导意义,这些战略政策可用于管理企业、地方组织、企业雇员和工会、东道国政府之间的关系。风险评估也应该考虑未来冲突的可能性。

设备转让。在为社会治安和私人保安提供设备(包括致命和非致命的设备)的地方,企业应当考虑此类转让的风险、相关的出口许可要求,和减少可预见的能造成负面影响的措施的可行性,包括预防可导致不当获取或挪用设备(从而引发侵犯人权)的措施。进行风险评估时,企业应该借鉴此前涉及设备转让的相关事件。



INTERACTIONS BETWEEN COMPANIES AND PUBLIC SECURITY

Although governments have the primary role of maintaining law and order, security and respect for human rights, Companies have an interest in ensuring that actions taken by governments, particularly the actions of public security providers, are consistent with the protection and promotion of human rights. In cases where there is a need to supplement security provided by host governments, Companies may be required or expected to contribute to, or otherwise reimburse, the costs of protecting Company facilities and personnel borne by public security. While public security is expected to act in a manner consistent with local and national laws as well as with human rights standards and international humanitarian law, within this context abuses may nevertheless occur.

In an effort to reduce the risk of such abuses and to promote respect for human rights generally, we have identified the following voluntary principles to guide relationships between Companies and public security regarding security provided to Companies:

Security Arrangements

Companies should consult regularly with host governments and local communities about the impact of their security arrangements on those communities.

Companies should communicate their policies regarding ethical conduct and human rights to public security providers, and express their desire that security be provided in a manner consistent with those policies by personnel with adequate and effective training.

Companies should encourage host governments to permit making security arrangements transparent and accessible to the public, subject to any overriding safety and security concerns.

企业与公共安全部门的互动

尽管政府在维护法律法规,保障和尊重人权上起主要作用,企业也对保证政府采取的措施,尤其是公共安全部门的措施,与保护和促进人权有利益关联。在需要东道国政府加强治安的情况下,企业可能会被要求或被期望以资助或其他形式补偿保护企业设施和人员的公共安全费用。即使期望公共安全部门以符合地方和国家法律、符合人权标准、符合国际人道法的方式执法,侵权行为仍有可能发生。

努力减少侵权的风险,努力促进尊重人权的同时,我们要确认下列自愿性原则,来指导企业与保障企业安全的公共安全部门之间的关系。

安全措施

企业应该定期与东道国政府和当地社区就企业安全保障措施的影响进行探讨。

企业应该把他们关于商业道德和人权的 政策方针传达公共安全部门,期望他们指派 经过培训的合格人员,以符合这些政策方针 的方式提供安全保障。

企业应该鼓励政府允许就一些重要的安全问题向公众公开安全保障措施。



Deployment and Conduct

部署与指挥

The primary role of public security should be to maintain the rule of law, including safeguarding human rights and deterring acts that threaten Company personnel and facilities. The type and number of public security forces deployed should be competent, appropriate and proportional to the threat.

Equipment imports and exports should comply with all applicable law and regulations. Companies that provide equipment to public security should take all appropriate and lawful measures to mitigate any foreseeable negative consequences, including human rights abuses and violations of international humanitarian law.

Companies should use their influence to promote the following principles with public security: (a) individuals credibly implicated in human rights abuses should not provide security services for Companies; (b) force should be used only when strictly necessary and to an extent proportional to the threat; and (c) the rights of individuals should not be violated while exercising the right to exercise freedom of association and peaceful assembly, the right to engage in collective bargaining, or other related rights of Company employees as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work.

In cases where physical force is used by public security, such incidents should be reported to the appropriate authorities and to the Company. Where force is used, medical aid should be provided to injured persons, including to offenders.

社会治安的主要作用应该是维护法律法规,包括保护人权,制止威胁企业人员和设施的行为。调配的社会治安的类型和数量应该合格、适当、与造成威胁的人数成比例。

设备的进出口应该符合适用的法律规定。向社会治安提供设备的企业应该采取适当而合法的措施,减少可预见的负面影响,包括侵犯人权和违反国际人道法。

企业应该与公共安全部门一起利用他们的影响力促进下列原则。(a)不雇佣牵涉侵犯人权的个体为企业提供安全保障服务。(b)仅在必要的时候,以适当的程度向造成威胁的人使用武力。(c)在个体行使结社自由、和平集会的权利、行使集体谈判的权利、行使《世界人权宣言》和《国际劳工组织关于工作中的原则与权利的宣言》中认同的企业职员的相关权利时,个体的权利不受侵犯。

如果社会治安人员使用武力,应该向有关的主管部门和企业报告。在使用武力的地方,应该救护受伤人员,包括违法人员。



Consultation and Advice

协商与建议

Companies should hold structured meetings with public security on a regular basis to discuss security, human rights and related workplace safety issues. Companies should also consult regularly with other Companies, host and home governments, and civil society to discuss security and human rights. Where Companies operating in the same region have common concerns, they should consider collectively raising those concerns with the host and home governments.

In their consultations with host governments, Companies should take all appropriate measures to promote observance of applicable international law enforcement principles, particularly those reflected in the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms.

Companies should support efforts by governments, civil society and multilateral institutions to provide human rights training and education for public security as well as their efforts to strengthen state institutions to ensure accountability and respect for human rights.

Responses to Human Rights Abuses

Companies should record and report any credible allegations of human rights abuses by public security in their areas of operation to appropriate host government authorities. Where appropriate, Companies should urge investigation and that action be taken to prevent any recurrence.

Companies should actively monitor the status of investigations and press for their proper resolution.

企业应该定期与社会治安部门举行有组织的会议,讨论有关安全保障、人权和相关工作场所安全的问题。企业应该定期与其他企业、东道国政府、本国政府和民间社团协商,讨论安全与人权问题。在同一地区运营的企业有共同的问题时,他们应该集体向东道国政府和本国政府提出这些问题。

在与东道国政府协商时,企业应该采取一切适当的措施,促进遵守适用的国际法执法原则,特别是遵守《联合国执法人员行为守则》和《联合国关于使用武力和枪支的基本原则》中的那些原则。

企业应该支持政府、民间社团和多边组织向社会治安部门提供人权培训和教育的努力,以及增强国家机构在保证对人权问责和尊重人权方面的努力。

对人权侵犯的反应

对经营区域内的社会治安部门造成的人权侵犯的指控,企业应该做记录并向东道国政府的有关主管部门报告。在适当时候,企业应该催促调查,采取措施,避免再次发生。

企业应该积极监督调查的状况,并要求给予适当的解决。



Companies should, to the extent reasonable, monitor the use of equipment provided by the Company and to investigate properly situations in which such equipment is used in an inappropriate manner.

Every effort should be made to ensure that information used as the basis for allegations of human rights abuses is credible and based on reliable evidence. The security and safety of sources should be protected. Additional or more accurate information that may alter previous allegations should be made available as appropriate to concerned parties.

INTERACTIONS BETWEEN COMPANIES AND PRIVATE SECURITY

Where host governments are unable or unwilling to provide adequate security to protect a Company's personnel or assets, it may be necessary to engage private security providers as a complement to public security. In this context, private security may have to coordinate with state forces, (law enforcement, in particular) to carry weapons and to consider the defensive local use of force. Given the risks associated with such activities, we recognize the following voluntary principles to guide private security conduct:

Private security should observe the policies of the contracting Company regarding ethical conduct and human rights; the law and professional standards of the country in which they operate; emerging best practices developed by industry, civil society, and governments; and promote the observance of international humanitarian law.

Private security should maintain high levels of technical and professional proficiency, particularly with regard to the local use of force and firearms.

企业应该以合理的程度监督设备的使用,对于不正当使用情况,进行适当调查。

尽一切努力保证对人权侵犯指控的信息 是以可靠的事实为基础。应该保护信息提供 者的安全。其他或改变此前指控的额外信息 或更准确的信息应该视情况提供给有关方。

企业与私营安全部门的互动

当东道国政府不能或不愿意提供足够的安全力量保护企业的人员和财产时,有必要雇私营保安作为对公共安保的补充。在这种情况下,私营保安必须同携带武器的国家部队(尤其是执法部门)合作,并考虑使用自卫性武力。我们承认下列自愿性原则指导私营安保行为。

私营安保应该遵守签约公司的关于道德行为和人权的政策,遵守所在国家的法律和专业标准,遵守由企业、民间社团和政府制定的最佳做法,和促进遵守国际人道法。

私营保安应该保持高水平的技术与专业素质,尤其是在武力和枪支的使用方面。



Private security should act in a lawful manner. They should exercise restraint and caution in a manner consistent with applicable international guidelines regarding the local use of force, including the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, as well as with emerging best practices developed by Companies, civil society, and governments.

Private security should have policies regarding appropriate conduct and the local use of force (e.g., rules of engagement). Practice under these policies should be capable of being monitored by Companies or, where appropriate, by independent third parties. Such monitoring should encompass detailed investigations into allegations of abusive or unlawful acts; the availability of disciplinary measures sufficient to prevent and deter; and procedures for reporting allegations to relevant local law enforcement authorities when appropriate.

All allegations of human rights abuses by private security should be recorded. Credible allegations should be properly investigated. In those cases where allegations against private security providers are forwarded to the relevant law enforcement authorities, Companies should actively monitor the status of investigations and press for their proper resolution.

Consistent with their function, private security should provide only preventative and defensive services and should not engage in activities exclusively the responsibility of state military or law enforcement authorities. Companies should designate services, technology and equipment capable of offensive and defensive purposes as being for defensive use only.

私营安保应该以合法的方式执行公务。在 武力的使用上,应该克制和谨慎,以同适用 的国际指导方针相一致的方式使用武力,其 指导方针包括《联合国执法人员行为守则》 和《联合国关于使用武力和枪支的基本原 则》以及由公司、民间社团和政府制定的最 佳做法。

私营安保应该履行有关适当行为和武力使用的政策。公司应该能监督他们在这些政策下的行为,可行的话,可有独立的第三方监督。这种监督应该包括对滥用职权或不法行为的指控进行详细调查、防止和制止滥用惩戒措施、和在适当的时候向有关执法主管部门报告的程序。

所有对私营安保的人权侮辱的指控应记录 在案。对于确凿的指控应该进行调查。对于 安保人员的这些指控的那些案例应该呈报给 相关的执法主管部门。公司应该积极监督调 查情况,并要求给以适当解决。

同他们的职能一样,私营安保应该只提供一些预防性的和防卫性的服务,不应该参与到国家部队和执法部门的行动中。公司应该指定能够起到防卫目的,仅作为防卫使用的服务、技术和设备。



Private security should (a) not employ individuals credibly implicated in human rights abuses to provide security services; (b) use force only when strictly necessary and to an extent proportional to the threat; and (c) not violate the rights of individuals while exercising the right to exercise freedom of association and peaceful assembly, to engage in collective bargaining, or other related rights of Company employees as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work.

In cases where physical force is used, private security should properly investigate and report the incident to the Company. Private security should refer the matter to local authorities and/or take disciplinary action where appropriate. Where force is used, medical aid should be provided to injured persons, including to offenders.

Private security should maintain the confidentiality of information obtained as a result of its position as security provider, except where to do so would jeopardize the principles contained herein.

To minimize the risk that private security exceed their authority as providers of security, and to promote respect for human rights generally, we have developed the following additional voluntary principles and guidelines:

Where appropriate, Companies should include the principles outlined above as contractual provisions in agreements with private security providers and ensure that private security personnel are adequately trained to respect the rights of employees and the local community. To the extent practicable, agreements between Companies and private security should require investigation of unlawful or abusive behavior and appropriate disciplinary action. Agreements should also permit termination of

私营安保应该(a)不雇佣牵涉人权侵犯的个体为企业提供安全保障服务。(b)仅在必要的时候,以适当的程度向造成威胁的人使用武力。(c)在个体行使结社自由、和平集会的权利、行使集体谈判的权利、行使《世界人权宣言》和《国际劳工组织关于工作中的原则与权利的宣言》中认同的企业职员的相关权利时,个体的权利不受侵犯。

在使用武力的案例中,安保应该适当地调查并报告给公司。必要时,应该向求助于有关的主管部门或采取惩戒措施。在使用武力的地方,应该救护受伤人员,包括违法人员。

私营安保应该维护获得的信息的保密性,除非这样做会危及到所包含的原则。

为了减少安保人员越权的风险和促进尊重人权,我们制定了下面的自愿性补充原则和指导方针。

适当的情况下,公司应该将上述原则作为合同条款包括在与私营安保的合约中。保证私营安保人员接受过适当的培训,尊重雇员与地方组织的权利。在可行的程度上,公司与私营安保之间的合约中应该要求调查不法行为和滥用职权的行为,要求适当的惩戒措施。合约中应该明确,在私营安保确有不法行为或滥用职权的行为时,允许公司终止合约。



the relationship by Companies where there is credible evidence of unlawful or abusive behavior by private security personnel.

Companies should consult and monitor private security providers to ensure they fulfill their obligation to provide security in a manner consistent with the principles outlined above. Where appropriate, Companies should seek to employ private security providers that are representative of the local population.

Companies should review the background of private security they intend to employ, particularly with regard to the use of excessive force. Such reviews should include an assessment of previous services provided to the host government and whether these services raise concern about the private security firm's dual role as a private security provider and government contractor.

Companies should consult with other Companies, home country officials, host country officials, and civil society regarding experiences with private security. Where appropriate and lawful, Companies should facilitate the exchange of information about unlawful activity and abuses committed by private security providers.

为保证私营安保以与上述原则相一致的方式履行义务,提供安全保障,公司应该咨询和监督私营保安。适当的时候,公司应该雇佣代表地方人群的私营安保提供商。

公司应该审查要雇佣的私营安保的背景, 尤其是滥用武力的方面。这种审查应该包括,以前为东道国政府服务的评估,以及对 安保的双重身份(即私营安保人员和政府的 分包商)是否产生过疑虑。

公司应该与其他公司、本国国家公务人员、东道国国家公务人员和民间社团就私营安保的经历进行交流。适当且合法的时候,公司应该促进对私人营安保的不法行为和实施侵权行为相关信息的交流。