



UK Mission
Geneva

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Note Verbal No. 158

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its' response to communication AL GBR 4/2024, further to the letter dated 22 April 2024 from the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children and the Special Rapporteur on violence against women and girls, its causes and consequences.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 13 June 2024

Special Procedures Branch
Office of the High Commissioner for Human Rights



UK Mission
Geneva

United Kingdom of Great Britain and Northern Ireland

**Response to Special Procedure communication AL GBR 4/2024 of
22 April 2024**

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The UK remains steadfast in its commitment to an open international order, a world where democracy and freedoms grow and where autocracy is challenged. We have put open societies and the protection of human rights around the world at the heart of what we do.

The UK Government is committed to implementing the UN Guiding Principles on Business and Human Rights (UNGPs) and is clear that it expects all UK businesses to respect human rights throughout their operations, in line with the UNGPs. Furthermore, the UK is committed to raising standards of the private security sector to reduce and prevent conflict, while protecting human rights.

The UK Government is aware that human rights organisations, particularly [REDACTED] [REDACTED] have raised concerns against Barrick Gold, a Canadian-based company. In Tanzania, the UK Deputy High Commissioner met with [REDACTED] in February 2022.

Following receipt of this Special Procedures letter, UK Government officials have contacted the LBMA, and will be meeting with them to discuss the matter further. The LBMA has a number of initiatives in place to ensure responsible sourcing, including a [Responsible Sourcing Programme](#), aligned with OECD Guidelines. The UK Government is fully committed to promoting and protecting human rights for all individuals, without discrimination on any grounds.

2. As the home State of the LBMA, please highlight the steps that your Excellency's Government has taken, or is considering to take, including policies, legislation, and regulations, to fulfil its obligations to protect against human rights abuse by business enterprises under its jurisdiction, and ensuring that business enterprises within its territory conduct effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operation, as set forth by the UN Guiding Principles on Business and Human Rights.

The UK Government is clear that it expects all UK businesses to respect human rights throughout their operations, in line with the UNGPs. The UK Government has consistently supported the UNGPs, which are widely regarded as the authoritative international framework to steer practical action by Governments and businesses worldwide on this important agenda. Implementation of the UNGPs will support access to justice and remedy for victims of business-related human rights abuses, wherever these occur, and encourage businesses to voluntarily adopt due diligence approaches to respecting human rights. In response to the UNGPs, the UK was the first State to produce a National Action Plan (NAP) and we continue to develop our approach, including in line with the provisions of the Modern Slavery Act 2015.

Section 54 of the UK's Modern Slavery Act 2015 requires businesses with a turnover of £36m or more to report annually on the steps they have taken to prevent modern slavery in their operations and supply chains. The UK Government has previously announced plans to introduce financial penalties for organisations who fail to meet their statutory obligations to publish annual modern slavery statements. Section 54 of the Modern Slavery Act is designed to drive senior-level accountability and leadership, which is why modern slavery statements require Director-level sign off and Board approval. Detailed best practice guidance can be found on gov.uk pages, including [statutory guidance](#) from the Home Office with links to external resources to help businesses publish their annual modern slavery statement.

Section 414C(7) of the Companies Act 2006 further requires the annual strategic report of a quoted company to include information about social, community and human rights issues, including information about any policies of the company in relation to those matters and the effectiveness of those policies. They are required to produce this information to the extent necessary for an understanding of the performance or position of the company's business.

The UK Government supports voluntary due diligence approaches taken by UK businesses to respect human rights across their operations and supply relationships, as steered by the UNGPs and the OECD Guidelines on Multinational Enterprises.

Private Military and Security Companies

The UK is committed to raising standards of the private security sector to reduce and prevent conflict, while protecting human rights. As a home state of many market leading private military and security companies (PMSCs) the UK Government has long supported a mix of existing legal and regulatory measures in promoting responsible behaviour, working closely with industry and civil society to raise standards in the UK and internationally.

Domestically, the UK Government supported the introduction of voluntary professional standards for PMSCs working on land or at sea in complex or high-risk environments, against which PMSCs can be certified by independent auditors. The UK Accreditation Service accredits auditors for these standards and is a signatory to the International Accreditation Forum Multilateral Agreement. The [Security Industry Authority](#), established under the Private Security Industry Act 2001, is the body responsible for regulating the private security industry in the UK.

At the international level, the UK was a founding signatory of the Montreux Document on Private Security Companies (2008), which reaffirms the existing obligations of states under international law, relating to PMSC activity during armed conflict. The UK played a leading role in the drafting of the International Code of Conduct for Private Security Providers (ICoC) in 2010 and supported the launch of its oversight mechanism to monitor compliance with the Code, the International Code of Conduct Association (ICoCA) in 2013. The ICoC is not binding, but the companies that sign up agree to adhere to its principles, which include codes of conduct for personnel that includes: use of force; prohibition on torture or exploitation; vetting and training of staff. The ICoC applies during both times of armed conflict and peacetime.

The UK is actively engaged in ongoing negotiations mandated by the UN Human Rights Council, to develop an international regulatory framework on PMSCs. The framework's objectives include providing for the regulation, oversight, and accountability of PMSCs globally, to protect and promote human rights and ensure the protection and accountability for violations of International Humanitarian Law (IHL). The UK also supports a framework that encourages States to establish comprehensive domestic frameworks to regulate and monitor PMSCs.

The UK Government promotes the Voluntary Principles on Security and Human Rights (VPs) for businesses operating in complex or fragile environments. The VPs are a framework that guides extractive companies on how to conduct conflict sensitive approaches for their security operations while respecting human rights. The UK devised the VPs with other governments and is a member of the Voluntary Principles Initiative (VPI) which promotes the VPs implementation.

The VPI and ICoCA provide effective human rights due diligence mechanisms that enables private security providers contracted by extractive companies to act responsibly wherever they operate. Contracting private security providers that meet international standards for private security governance, respect human rights and international humanitarian law is essential for any responsible extractive company.

Since 2021, UK funding has supported projects to improve private security standards within the extractive sector. The UK has supported the delivery of the Prevention of Sexual Exploitation and Abuse (PSEA) online training course and guide to build PMSCs capacity on how to deal with sexual violence and to prevent abuses from occurring. Further training was developed on the use of force to reduce the risk of human rights abuses and country surveys on working conditions of private security personnel in Tanzania, Kenya and Uganda were conducted that established a link between poor working conditions and the risk of abuses.

3. Please describe the guidance, if any, that your Excellency's Government has provided to the LBMA on how to respect human rights throughout their operations in line with the UN Guiding Principles on Business and Human Rights. This guidance may include measures, inter alia, conducting human rights due diligence, consulting meaningfully potentially affected stakeholders, and remediating any negative impacts.

The UK's National Action Plan on Business and Human Rights makes clear that the UK Government expects all UK businesses to respect human rights throughout their

operations, in line with the UNGPs. The UK Government has published [advice](#) on tackling human rights abuse risks within businesses and international supply chains. Businesses can also access the [overseas business risk pages](#), managed by the UK's trade and diplomatic network, which include information on human rights risks when trading overseas.

The UK Government notes that the LBMA operates a [Responsible Sourcing Programme](#), a mandatory independent assurance programme that verifies the legitimacy of gold and silver supply chains, ensuring sourcing meets international ethical standards. The Programme follows the five-step due diligence framework set out in the [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#)

The LBMA has recently issued a [response](#) to a letter from Civil Society Organisations who raised concerns about sourcing challenges faced by the gold supply chain. This response further highlights the LBMA's efforts to ensure responsible sourcing.

4. Please provide information regarding the measures that your Excellency's Government is taking, or considering to take, to ensure that those trading in gold, and/or certifying gold as responsibly sourced, within the jurisdiction of your Excellency's Government are taking all necessary measures to comply with their responsibilities under the UN Guiding Principles on Business and Human Rights.

The UK Government is clear that it expects all UK businesses, including those trading in gold, and/or certifying gold as responsibly sourced, to respect human rights throughout their operations, in line with the UNGPs. Detail on the measures taken by the UK Government to support businesses to fulfil their responsibility to respect human rights can be found in answers to questions two and three.

The UK Government is committed to responsible gold extraction and is a founding member of the European Partnership for Responsible Minerals (EPRM). This initiative aims to increase the proportion of responsibly sourced and produced minerals by working across the whole supply chain. The UK Government funded EPRM projects in the Africa Great Lakes region and supported the development of a due diligence hub that provides information for businesses to progress their supply chain due diligence.

5. Please provide information on any additional steps taken by your Excellency's Government to protect against human rights abuses with which the LBMA may be, albeit inadvertently, linked.

The UK Government has contacted the LBMA, and officials will be meeting with them in due course to discuss the human rights abuses alleged.

The LBMA has access to the guidance and resources outlined above, and has implemented a [Responsible Sourcing Programme](#), amongst other initiatives. The LBMA owns and manages the Good Delivery List for gold. To be accepted onto the Good Delivery List, refiners must implement LBMA's Responsible Gold Guidance, including by adhering to the due diligence framework set out in the [OECD Due](#)

[Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.](#)

The Special Procedure Letter does not mention which company refines gold for Barrick Gold and/or if it is listed on the Good Delivery List. The UK Government cannot comment or provide detail on this.

6. Please provide information regarding efforts undertaken to ensure the prompt identification, referral for protection and full range of assistance and specialised support services to victims and survivors of sexual abuse and violence, namely women and children.

Ending gender-based violence is a UK priority, reflected in the International Women and Girls Strategy. Ending Violence is one of the '3Es' along with the International Development Strategy, Preventing Sexual Violence in Conflict (PSVI) Strategy, and the UK's fifth Women, Peace and Security (WPS) National Action Plan.

We are using our diplomatic partnerships, development programmes and research and evidence to drive national and international action to end all forms of gender-based violence. This includes support to survivors of violence to access medical treatment, psychosocial support, and legal assistance. It also includes investment in preventing gender-based violence by changing attitudes and behaviour. Between April 2021 and March 2023, 4.2 million people were reached with gender-based violence prevention or response services through bilateral FCDO support.

In Tanzania, the FCDO funded Anti-Human Trafficking and Child Protection Task Force is fully operational and improving our ability to prevent vulnerable persons from falling victim to Organised Crime Group exploitation. The task force is providing stronger systems of detection with increases in number of reports leading to investigations. Between April 2022 and March 2023, the total number of Tanzanians benefiting from Gender-Based Violence prevention or response services (including female genital mutilation) through FCDO support was 507, 296.

The FCDO takes a zero-tolerance approach to inaction on sexual exploitation, abuse and sexual harassment in the delivery of our work. The September 2020 UK Safeguarding Strategy guides our work to tackle sexual exploitation, abuse and harassment (SEAH) in the aid sector, and sets out the actions the UK is taking across all government departments which engage in delivering Official Development Assistance (ODA).

We expect all our partners to have robust measures in place to respond to and tackle SEAH, and, as underlined in the International Development White Paper, FCDO also provides global leadership to improve capability, promote accountability and deliver tools that improve SEAH prevention and response. For example, we are funding initiatives to catch perpetrators, build safeguarding capacity and drive cultural change across the aid sector:

- The [Misconduct Disclosure Scheme](#) facilitates the sharing of misconduct data between employers. It complements police checks by identifying perpetrators

who have had SEAH disciplinary processes against them or are involved in investigations, but who may not have committed crimes.

- [Project Soteria](#), managed by Interpol, helps prevent and detect cases of SEAH. Interpol's global policing capabilities can be used by institutions through drawing on Interpol notices and databases.
- [Safeguarding Resource and Support Hub](#) is an online hub with resources to support organisations with safeguarding against SEAH available in multiple languages and free to use. It contains a resource library, e-learning course, safeguarding consultants' directory, webinars and podcasts. It also has or has operated national hubs across 4 regions: Ethiopia, Nigeria and South Sudan (Africa); Jordan, Syria and Yemen (Middle East and North Africa); Pakistan and Bangladesh (South Asia); and Eastern Europe.
- FCDO funding since 2021 has allowed thousands of individuals to participate in SEAH training courses, including a specialist safeguarding investigations course.