



**COLLECTING,
DOCUMENTING
& REPORTING**
on PRIVATE
SECURITY

**A PRACTICAL GUIDE
FOR CIVIL SOCIETY**

DCAF Geneva Centre
for Security Sector
Governance



International
Code of Conduct
Association

COLLECTING, DOCUMENTING & REPORTING on PRIVATE SECURITY

A PRACTICAL GUIDE
FOR CIVIL SOCIETY

to support implementation
of the International Code
of Conduct for Private
Security Service Providers

About ICoCA


ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect human rights and humanitarian law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers (the “Code”). The Code articulates responsibilities of private security companies under human rights and international humanitarian law to ensure the responsible provision of private security services, particularly when operating in complex environments.

About DCAF

Since 2000, DCAF - Geneva Centre for Security Sector Governance has facilitated, driven and shaped security sector reform (SSR) policy and programming around the world. DCAF assists partner states in developing laws, institutions, policies and practices to improve the governance of their security sector through inclusive and participatory reforms based on international norms and good practices. DCAF creates innovative knowledge products, promotes norms and good practices, and provides legal and policy advice. The Centre also supports capacity building of state, civil society and private sector stakeholders by providing access to independent expertise and information on Security Sector Governance and Reform (SSG/R).

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Confederaziun svizra

INTRODUCTION ●

CHAPTER

1

Civil Society and Private Security Governance

1. What is private security?
2. Civil society’s role in good private security governance

CHAPTER

2

Collecting Information on Private Security

1. Differentiating private security from other security actors
2. Identifying applicable standards
3. Selecting information sources

CHAPTER

3

Documenting and Reporting on Private Security

1. Documenting
 - Key considerations before documenting and reporting
 - Private security documentation checklist
2. Reporting
 - Information that is pertinent for civil society
 - Reporting mechanisms regarding private security

CONCLUSION ●

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ACRONYMS

CSO	Civil Society Organisation
DCAF	Geneva Centre for Security Sector Governance
DRC	Democratic Republic of Congo
FARDC	Forces armées de la République démocratique du Congo
ICoCA	International Code of Conduct Association (ICoCA)
The Code	International Code of Conduct for Private Security Service Providers
ISO	International Organization for Standardization
ISWAP	Islamic State in West Africa Province
MSF	Médecins sans Frontières
NGO	Non-Governmental Organization
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
PNC	Police Nationale Congolaise
PSC	Private Security Companies
UNGPs	UN Guiding Principles on Business and Human Rights
VPs	Voluntary Principles on Security and Human Rights

Introduction

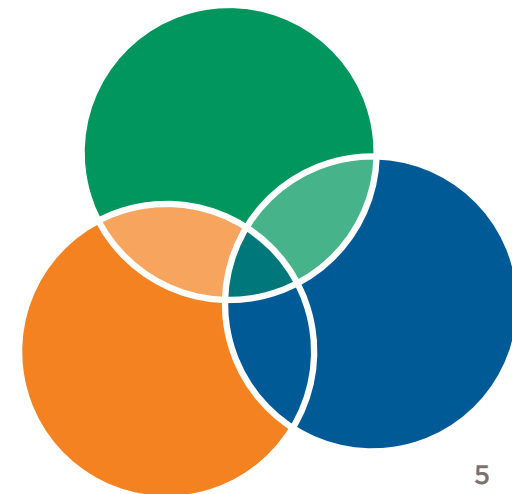
OBJECTIVE & PURPOSE OF THE TOOL

The private security industry has grown exponentially in many countries in the last quarter of century and is oftentimes larger than police, military and prison services combined. Despite its weight in the security, economic and social sectors of countries, there is a general lack of information and data on the size and numbers of private security companies and employees as well as on the exact nature of their operations and activities.

In many contexts, national legal frameworks and policies do not effectively regulate the industry and there is a lack of oversight. This leads to an increased risk of human rights abuses, such as sexual harassment, exploitation and abuse and excessive use of force.

Civil society plays a fundamental role in promoting a better understanding of private security, ensuring that violations are reported and that applicable national laws and policies address all relevant issues.

This tool provides guidance to civil society organisations (CSOs) in collecting, documenting and reporting on private security. For this, it draws on the International Code of Conduct for Private Security Service Providers (the Code). This Code articulates important principles for private security companies based on human rights and international humanitarian law, including the prohibition of torture, human trafficking, and rules on the use of force. It serves as a useful reference to ensure good private security governance and therefore to prevent and address human rights abuses by private security companies. The Code is overseen by the International Code of Conduct for Private Security Service Providers' Association (ICoCA) a multi-stakeholder initiative formed in 2013 that brings together governments, civil society organisations and private security companies.



HOW TO USE THIS TOOL

This tool addresses CSOs that work in the field of human rights protection and are interested in contributing to good private security governance. This tool assumes that CSOs have access to monitoring guidance and seeks to offer a specialised complement to such guidance by providing insight on collecting, documenting and reporting on private security specifically. It provides an overview of international norms and standards applying to private security and includes good practices and additional elements to consider when integrating a private security focus in larger human rights promotion and protection work.

While this tool contains a core structure that is applicable to all contexts, some sections are meant to be adapted for each setting as the private security landscape changes from country to country. These sections include boxes entitled “in context” where country specific information can be added.

THE FIRST CHAPTER lays out **the role of civil society in private security governance** by highlighting the particularity of the sector and its characteristics, through demonstrating how this sector’s operations can present a risk for human rights and providing insights into the role civil society can play in preventing and mitigating human rights abuses by private security companies.

THE SECOND CHAPTER provides guidance on **collecting information on private security**. After addressing the challenge in distinguishing private security from other actors operating in the security sector, it provides an overview of the standards articulated in the International Code of Conduct for Private Security Service Providers (the Code). This Code compiles principles based on human rights and international humanitarian law which are particularly relevant for companies offering security services. Lastly, an important step before collecting information requires identifying information sources and indicating the strengths, weaknesses and risks of each source.

THE THIRD CHAPTER provides insights on **documenting and reporting information on private security**. In the **documentation** section, guidance is provided on the content of the information that should be documented when working on private security. Opportunities to enforce accountability in the case of a human rights abuse, will depend on the information documented. The last section covers relevant **reporting** best practices and channels.

Human rights monitoring is a specialized function that requires sound substantive knowledge, a distinct set of technical skills and the application of thorough methodologies. If you would like to learn more about human rights monitoring specifically, you may find this resource useful: Manual on Human Rights Monitoring (OHCHR): searchlibrary.ohchr.org/reCORD/4835?ln=en This Manual was developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and integrates the experience and good practices developed by OHCHR’s human rights officers over two decades of fieldwork, including guidance on analysis, protection of witnesses, victims and sources, and monitoring of economic, social and cultural rights.

IN CONTEXT

Are there manuals and monitoring tools available offering CSOs guidance on how to monitor and document human rights abuses?

Are there agencies and experts that can be consulted?

Although this tool focuses on monitoring and reporting, it may also be useful to raise awareness on the importance of good private security governance with other civil society organisations, communities, private security guards, clients of private security companies or government agencies.

1

Civil Society and Private Security Governance

1.1 WHAT IS PRIVATE SECURITY?

In the last 20 years, there has been a world-wide increase in the number of private security companies (PSCs). The role of PSCs is especially visible where there is insufficient provision of security services by the State, or when natural disasters or armed violence make it necessary to strengthen security measures.

\$244
BILLION

Market value
of the private
security industry
per year

20+
MILLION

Number of
private security
workers
worldwide

50%

Of the world's
population live
in countries where
private security
workers outnumber
public police
officers

WHAT TYPE OF SERVICES DO PRIVATE SECURITY COMPANIES PROVIDE?

Private security companies offer a wide range of services. These range from classical activities, such as the guarding of airports or banks, body-guarding, to the training of police or other companies, to assessing and managing security risks of a big company or providing security to a merchant vessel. Other services offered by PSCs might not be as visible such as intelligence, surveillance, risk analysis, or cyber security.

WHAT TYPE OF CLIENTS DO THEY HAVE?

Private security companies have a wide range of clients. One major category of clients are states where companies offer training services to state security forces, guard critical infrastructure or embassies, provide mobile security to government delegations, or other. Another category are (multinational) corporations such as extractive industries or agricultural companies, shipping companies, banks, airports. Non-governmental and international organisations such as the United Nations also increasingly use private security companies.

IN CONTEXT

CHALLENGES

The nature of the private security industry, and its evolution are in themselves challenges for ensuring oversight and accountability.



LACK OF AVAILABLE DATA & INFORMATION



MIX BETWEEN PUBLIC AND PRIVATE SECURITY



LACK OF OVERSIGHT



COMPLEX BUSINESS RELATIONSHIPS



LACK OF AVAILABLE DATA & INFORMATION

A lack of capacity to monitor the industry, its evolving and diverse nature, untransparent practices and exponential growth may be reasons for a lack of official data on the private security sector in many states, i.e. numbers, size, services, activities, etc.

The lack of data results in low levels of awareness in many societies about the nature of private security services, how these are regulated and how they differ from public security. Also, there is often no effective democratic oversight of private security. This makes it challenging to know about the prevalence of human rights abuses and formulate strategies to prevent them.

A low level of awareness within domestic human rights constituencies, the increased privatisation of security, along with the withdrawal of the state in a number of areas, lead to the fact that human rights abuses or other misconduct go unreported.

IN CONTEXT



MIX BETWEEN PUBLIC AND PRIVATE SECURITY

In many contexts, private security guards seem to execute the same services as public security officers. They could be performing a summary search of individuals, conducting investigations on specific criminal and/or civil cases, ask for individuals' identity papers etc. In addition, public and private security often work together in mixed teams. For example, armed police cooperate with private security teams- this is especially the case in countries where private security companies are prohibited from carrying firearms. "Rapid intervention teams" are manned by both private security guards and police and stand ready in case of emergency. Corporate transports can be escorted by units manned by both police and private security. In some countries, private security companies provide training to police units. Additionally, they can switch between public and private: often public security personnel hired for private security shifts in their free time to augment their salary. As a result, citizens may struggle in distinguishing between the type of actor they are encountering and the competences they have. For public and private security there are different rules regarding use of force, searching or arresting people, etc. Mixed public-private teams make it also challenging to determine who controls and commands and ultimately who is responsible and accountable for misconduct.

IN CONTEXT



LACK OF OVERSIGHT

With the constant evolution of the private security industry, the need for effective regulation has increased. Many states lack adequate national legal frameworks and resources to regulate and oversee the private security industry and thus to prevent/address human rights abuses or other misconduct by companies or their personnel. Often states do not have laws in place regulating private security services specifically, including on the use of firearms, storage of ammunition, working conditions and training. Authorities in charge of the licensing of private security companies are in many cases located in the Ministries of Interior and have often limited expertise and resources to monitor the industry.

IN CONTEXT



COMPLEX BUSINESS RELATIONSHIPS

The private security industry operates both at the international and national levels. The sector is constituted by both multinationals operating in multiple sites all over the world and small businesses present in one community village. For example, some private security companies have over 100'000 employees serving clients across countries. Sometimes, these international PSCs work through subsidiaries, companies which have a distinct legal entity for the purpose of taxation, regulation or liability but they are owned/controlled by the parent company. Often international PSCs rely on subcontractors, local PSCs in-country, to deliver the service. Local PSCs may just operate in that specific area or have offices across the country. For international clients, a combination of international and local PSCs could be considered as the optimum solution. This in principle ensures respect for international standards as well as local embeddedness. However, these setups can make it difficult to establish accountability and responsibility as there is often a lack of transparency in the relationships between private security companies and their subcontractors. The difficult question to address for civil society is to establish accountability and responsibility when private security companies' headquarters are abroad or when a company subcontracts the services to another company.

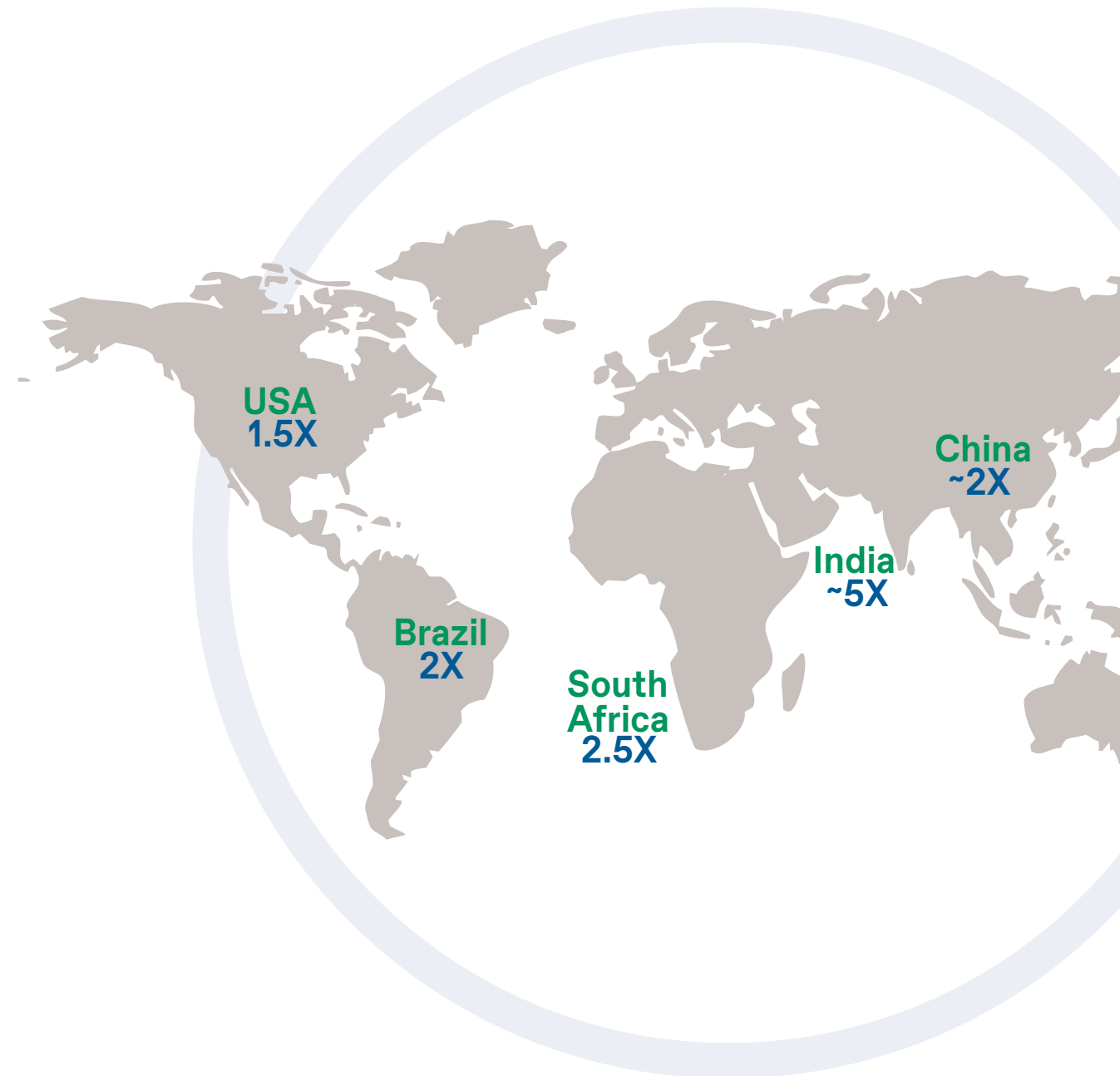
EXAMPLE

A business in Great Britain contracts an international private security company to protect its staff in Tanzania. Due to the local law allowing only companies to operate in the country with a majority of nationals, the international company subcontracts this contract to the local company in Tanzania. However, the local company is not well trained and uses excessive force against a community member. Whose responsibility is it in the end that a community member was injured? What is the international company's responsibility?

IN CONTEXT

PROPORTION POLICE/ PRIVATE SECURITY

X | Times That Private Security
Outnumbers Police Officers



PRIVATE SECURITY AND HUMAN RIGHTS

Due to the challenges and complexity linked to private security outlined above, this industry poses a specific risk for the protection of human rights.

“Quite simply, because of the types of services that private security companies provide, they are in a position to violate human rights in numerous different ways. For example, PSC personnel may carry weapons which impacts on the right to life or they may be involved in detaining individuals which impacts on the right to liberty as well as the right to be free from torture and inhuman and degrading treatment. They may also be linked to negative human rights impacts through their government clients as well as their business relationships. In addition, the increasing privatisation and outsourcing of security by states means that the security industry is expanding rapidly into new spheres of operation, this in turn means that the risk of human rights violations increases. The difficulty is that there is limited oversight of PSCs in relation to human rights.”*

Where there is limited oversight and weak legal frameworks, it is not always clear how PSCs can be held accountable for human rights abuses. As human rights are primarily applicable to states, their enforceability with the corporate sector has been subject to debate in the international arena for many years. As a response, in 2011 the UN Human Rights Council adopted the **Guiding Principles on Business and Human Rights (UNGPs)** www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf. These Guiding Principles provide the first global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. They clearly state that while states are the main subject of human rights’ law, the corporate sector has a duty to respect human rights.

* Mcleod Sorcha in Whose responsibility? Reflections on accountability of private security in Southeast Europe, Franziska Klopfer and Nelleke van Amstel (Eds.), DCAF, 2017.

The United Nations Guiding Principles (UNGPs) Include **THREE PILLARS** Outlining How States and Businesses Should Implement the Framework:

1 STATE DUTY TO PROTECT HUMAN RIGHTS

States have the responsibility to respect, protect and fulfil international human rights law obligations within their jurisdiction. This includes the duty to protect against human rights abuse by third parties, including business enterprises.

2 THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Businesses must act with due diligence to avoid infringing on the rights of others and to address any negative impacts for individuals and communities. This includes for example conducting human rights impact assessments.

3 ACCESS TO REMEDY FOR VICTIMS OF BUSINESS-RELATED ABUSE

Access to remedy for victims of business-related abuses: This includes both the state and corporate responsibility to provide access to remedy. As part of their duty to protect individuals within their jurisdiction from business-related human rights abuse, states must ensure that when such abuses occur under their jurisdiction those affected have access to an effective remedy through judicial, administrative, and legislative means.

When a private security company has infringed the human rights of an individual, this individual should have access to a mechanism provided by the state in order to access an effective remedy for the violation incurred. The corporate responsibility includes preventing and remedying any infringement of rights linked to their actions through for example a company grievance mechanism or a mechanism developed jointly with communities. Having effective grievance mechanisms in place is crucial in upholding the state’s duty to protect and the corporate responsibility to respect. The UNGPs dictate that such mechanisms should be legitimate, accessible, predictable, rights-compatible, equitable, and transparent.

EXAMPLES OF IMPACT ON HUMAN RIGHTS



Right to Life	A security guard on a property shot and killed a young man who was picking mangos from a tree. While the guard stated he believed the young man was trying to enter the property, the use of force must only be used for self-defence and in cases of threat to life to others.
Freedom of Movement and Unlawful Detention	A security guard forbids a person to access their home.
Freedom from Torture or Other Cruel, Inhuman and Degrading Punishment	A security company holds an apprehended person for two days without providing food or water.
Right to an Effective Remedy	A security guard protecting a residential neighbourhood fired his weapon at alleged thieves. A stray bullet hit a three-year old boy nearby, leaving him paralyzed. His parents complained to the company but have not received any response.
Right to Health	A security company does not provide its staff protective clothing and material to protect them from being infected by COVID-19.
Right to a Private Life	A security company reads and monitors all correspondence of its employees.

IN CONTEXT

Human Rights Impacted

Example

1.2 CIVIL SOCIETY'S ROLE IN GOOD PRIVATE SECURITY GOVERNANCE

Civil society organisations (**CSOs**) have a key role to play in addressing challenges linked to private security and to mitigate related human rights risks. CSOs can for example act as a partner of state oversight actors, by challenging information and analysis, support in ensuring accountability by assisting alleged victims of private security, working with private security to support human rights compliance through capacity-building etc.

This tool focuses on three interrelated activities that can be conducted separately or in sequence:



COLLECTING
information on private security;



DOCUMENTING
information on private security;



REPORTING
on private security to various fora.

These three important activities do not encompass the full spectrum of roles that CSOs can play in the field of private security governance. They are however related to many different functions that CSOs can fulfil. For example, successful mediation processes require reliable information which is adequately **collected** and **documented**. When monitoring private security companies, civil society organisations collect, **document and report** on private security. When building capacity of stakeholders (government, CSOs, PSCs, clients, etc.) to promote good private security governance knowledge on **collecting and reporting** on private security is important.

Examples of CSO ACTIVITIES IN PRIVATE SECURITY GOVERNANCE

1

CSO ROLE

PROMOTE A BETTER UNDERSTANDING OF THE PRIVATE SECURITY INDUSTRY



See private security baseline studies conducted by CSOs here:

observatoire-securite-privee.org/en/content/publications

2 CSO ROLE SUPPORTING PRIVATE SECURITY GOVERNANCE NATIONALLY



RAISE AWARENESS among clients about their responsibilities and duty to contract responsible private security services.

RAISE AWARENESS about the regulatory framework and international standards, expected behavior of private security companies and challenges among communities and other stakeholders.

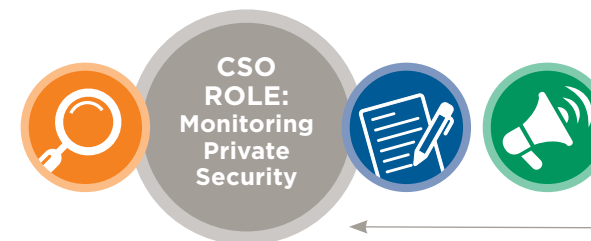
PROMOTE dialogue between different stakeholders such as CSOs, PSCs and their clients, and government actors

ADVOCATE/LOBBY at the local and national level to strengthen private security regulation and ensure accountability of private security.

Photo credit: CECIDE



A CSO in Guinea - CECIDE - developed videos to raise awareness on the role of private security in times of COVID-19 in Guinea.



3 CSO ROLE SUPPORTING PRIVATE SECURITY GOVERNANCE GLOBALLY

PARTICIPATE IN INITIATIVES aiming to strengthen private security governance at national, regional (such as the Private Security Governance Observatory at www.observatoire-securite-privee.org/en) or international level (such as the International Code of Conduct Association at www.icoca.ch).

4 CSO ROLE BUILDING CAPACITY AND SHARING EXPERTISE

Provide **CAPACITY-BUILDING** on human rights to PSCs.

SUPPORT PSCs in vetting personnel.

SUPPORT PSCs in carrying out human rights risk and impact assessments.

SUPPORT THE REGULATOR through expertise and/or provision of information gathered in monitoring.



The International Code of Conduct Association - ICoCA:

ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect human rights and humanitarian law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers (the "Code").



2

Collecting Information on Private Security

2.1 DIFFERENTIATING PRIVATE SECURITY FROM OTHER ACTORS

To collect information on private security, the first step is to differentiate these actors from other security entities. However, distinguishing between security actors can be challenging in certain contexts.

CAN WE QUALIFY THE BELOW ACTORS AS PRIVATE SECURITY?

- Private security companies are hired to protect private individuals' houses.
- Private security companies are hired to guard government buildings.
- State security forces are paid by a mining company to provide security.
- State security forces take private security shifts outside their normal working hours.
- Local militias and rebel groups are hired to provide protection of businesses/organisations.
- Cooperatives, businesses, individuals hire an individual or a group of individuals to provide security.



In order to collect information on private security companies, it is important to be able to situate these actors in the security landscape and distinguish them from other actors operating in same spaces. Below are standard definitions of the main actors providing security. Such actors can look different from one context to another.

STATE SECURITY

Public security providers are the security institutions established by the state and provide security as a public good. State security providers are authorized to use force on behalf of the state. The use of force includes the threat to use force and the limitation of certain basic rights under specific circumstances defined by law.

Examples

Police, Armed forces, Border Guards, Intelligence Service, Executive Protection Forces

IN CONTEXT

PRIVATE SECURITY

Private security providers operate on a commercial basis; their goals are not political or criminal. Their activities are regulated by the state and at the international level, and such companies have a formal legal status that allows them to practice their profession legitimately. Private security guards are not allowed to use force except in self-defence or defence of others.

Examples

Private security companies, private military companies, private maritime security companies, In-house, informal, artisanal guards

IN CONTEXT

HYBRID SECURITY

Security services are provided to citizens and companies – by an array of actors.

Examples

Vigilante community security, non-state armed groups, Indigenous or tribal authorities, de facto authorities and security officials, cooperatives

IN CONTEXT

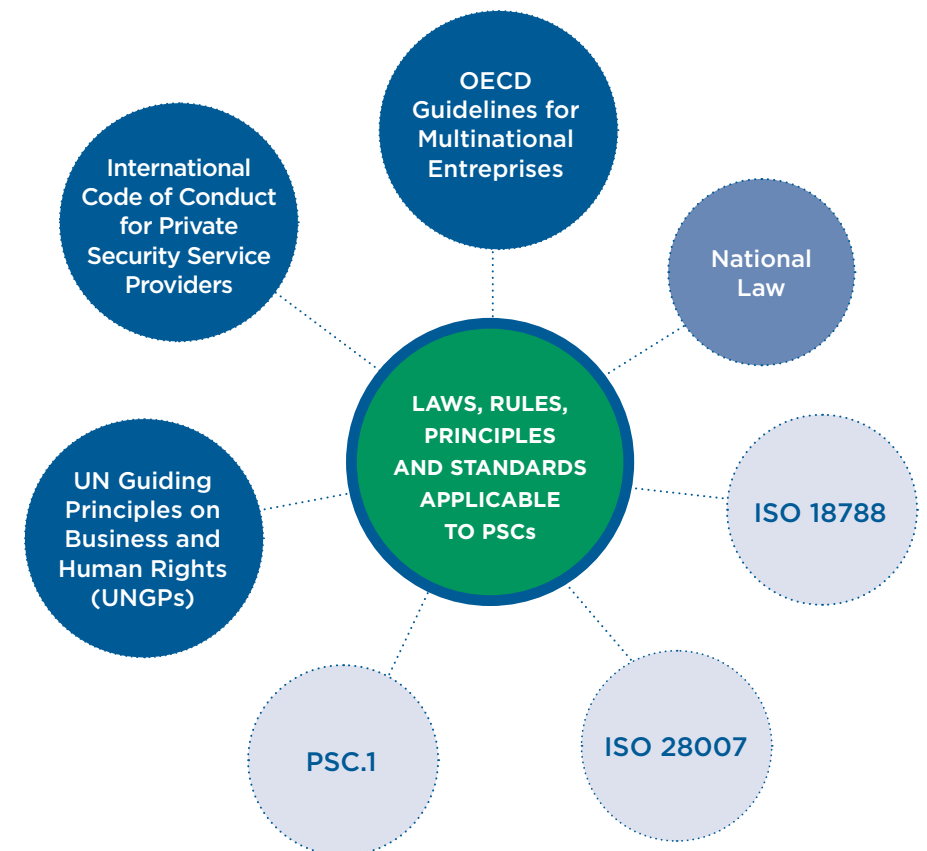
2.2 IDENTIFYING APPLICABLE STANDARDS



WHAT ARE THE LAWS, RULES AND PRINCIPLES APPLICABLE TO PRIVATE SECURITY?

There are a multiplicity of laws, rules, principles and standards private security companies (PSCs) are expected to respect. Private security accountability as well as remedies/redress in case of alleged violations will notably depend on the:

1. country in which the PSC operates (“territorial state”)
2. the country of the PSC’s headquarters (“home state”)
3. the country contracting the private security company (“contracting state”)





INTERNATIONAL PRINCIPLES, STANDARDS AND GUIDELINES APPLICABLE TO PRIVATE SECURITY COMPANIES

In addition, there are a range of voluntary international standards, principles and guidelines which apply to private security companies, including the International Code of Conduct for Private Security Service Providers (the Code). The Code includes internationally agreed principles specifically applying to private security companies.

In addition, there are principles, standards and guidelines that concern private security but do not apply directly to these actors.

- The Montreux Document applies to states and addresses private security regulation.
- The Voluntary Principles on Security and Human Rights speak to the extractive sector and how extractive industries work with private and public security as clients.



THE INTERNATIONAL CODE OF CONDUCT FOR PRIVATE SECURITY SERVICE PROVIDERS (THE CODE)

The Code is the only international instrument drafted with the participation of private security companies and addressing private security companies directly.

It was negotiated among private security companies (PSCs), governments, civil society organisations and other experts in 2010 with a view to bring together in one document existing minimum standards applying to PSCs operating in complex environments and based on human rights and international humanitarian law. Over 700 PSCs subscribed voluntarily to this Code in 2010.

Today, the signatory status does not exist anymore, and PSCs can apply for membership on a voluntary basis with the International Code of Conduct Association (ICoCA). The ICoCA is the body overseeing the implementation of the Code and based in Geneva, Switzerland. The Association is governed by three groups of Members, namely private security companies, civil society organisations and governments.

The Code sets forth international principles specifically for PSCs operating in complex environments. These principles are based on human rights and international humanitarian law.

The Code contains two sets of principles that address:

1. how private security personnel should behave;
2. how private security companies should be managed and governed.

The International Code of Conduct for Private Security Service Providers

CONDUCT OF PERSONNEL

- Use of Force
- Detention
- Apprehending Persons
- Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment
- Sexual Exploitation and Abuse or Gender-based Violence
- Human Trafficking
- Slavery
- Child Labor

MANAGEMENT AND GOVERNANCE

- Identification and Registering
- Selection and Vetting of Personnel
- Training of Personnel
- Selection and Vetting of Subcontractors
- Management of Weapons and Material of War
- Safe and Healthy Working Environment
- Incident Reporting
- Company Grievance Mechanisms
- Meeting Liabilities



CONDUCT OF PERSONNEL



Use of Force

A member of a community approaches a private security guard protecting the mining site. The person holds a tree branch and looks very angry. How should the guard react?

The Code

The use of force by private security guards is strictly restricted to the defence of her/himself and to defend others and the property they protect against an imminent threat.

A guard must always try to de-escalate the situation and use force proportionate to the threat.

Security guards must respect the following principles:

- Use force only when strictly necessary;
- Use of force needs to be proportionate to the threat;
- Use of force needs to be appropriate to the situation.

For more information on the Use of Force

www.dcaf.ch/regulating-use-force-private-security-providers-guidance-tool-states.

IN CONTEXT

QUESTIONS | Have you observed situations where guards used force? What happened? What type of weapons (batons, etc.) do private security guards carry?



Detention

A security guard discovers an intruder on a mine site in the process of stealing equipment. The guard locks the person into an office until the police arrives to transfer the person to the police station. Because of the mine's remote location, the police will arrive in 3 to 4 days. What is the guard required to do? Can the PSC detain the person?

The Code

Private security guards are only allowed to detain persons if state authorities have asked them to do so and the details are regulated in a contract. For example, they can decide to outsource the protection of prisons or the guarding, transport or questioning of prisoners to private security companies. Otherwise detention by private security guards is prohibited.

In situations, where the state has delegated the authority to detain individuals to private security companies, these are required to properly train guards detaining individuals in the applicable national and international law.

Most importantly, guards must treat all detained persons humanely at all times.

IN CONTEXT

QUESTIONS | How does this standard apply to your country? Which measures can the PSC put in place in such situations?



Apprehending Persons

A person is caught stealing in a grocery shop by a security guard. Can the security guard detain the person? What is the guard supposed to do?

The Code

Private security guards are not allowed to take or hold any persons except in self-defence or to defend others such as clients or property under their protection.

In such situations the following principles apply:

- A guard must treat the person held humanely and consistent with national and international law.
- At the earliest opportunity the guard must handover the person to a Competent Authority such as for example the police.
- The PSC then needs to report this incident to the company, Embassy or other client who contracted them without delay.

IN CONTEXT

QUESTIONS | How relevant is this Code standard in your country? Can you think of any other examples where private security guards apprehended persons? Which actors are usually involved, i.e. clients, police? How can the PSC ensure compliance with this standard considering the Police's logistical constraints?



Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment

A security guard works in a prison. A prisoner shouts and swears at the guard. To silence the prisoner, the guard beats him up. Another guard observes the beating. What are both guards supposed to do?

The Code

Private security personnel are prohibited in any circumstance to torture individuals, to punish them or treat them in any way which is degrading or inhuman.

Guards are required to report any observations or suspicions of such treatment to the company.

Companies must report such acts to their clients and to Competent Authorities. Competent Authorities may be those of:

- the country where the acts took place,
- the country of nationality of the victim,
- the country of nationality of the perpetrator.

IN CONTEXT

QUESTIONS | How relevant is this Code standard in your country? Have you observed any situations of such misbehaviour? Please explain.



Human Trafficking, Slavery, Child Labour

Four women are hired by a private security company for housekeeping on the base the company is protecting. An employee observes that these women are working as prostitutes on the base and that other colleagues are involved in human trafficking and in alcohol smuggling. The employee reports this observation to the management. What are the issues here? What action needs to be taken?

The Code

Private security personnel are not allowed to engage in or be complicit in trafficking of persons, slavery or child labour.

Human trafficking includes for example slavery or recruitment of a person forcing her/him to provide sexual services or work under inhuman conditions unpaid.

Guards are required to report any observations or suspicions of such acts to the company or a Competent Authority.

IN CONTEXT

QUESTIONS | How relevant are these Code standards in your country? Have you observed such behaviour? What are considered forced labour and adverse working conditions in your country? Do you observe any PSCs hiring children?





Sexual Exploitation and Abuse or Gender-Based Violence

A private security guard and his five colleagues (all male) guard a company compound. People know that there are jobs at the company, but it is hard to get inside to meet the right people. The guard is approached by a woman to let her in so she can approach the manager. The guard suggests that he will let her pass if she offers him a sexual favour in return. He organizes where to meet with her. What could the issues be in this situation? What actions should be taken?

The Code

Private security personnel are not allowed to:

- engage in sexual exploitation or gender-based violence.
- benefit from sexual exploitation or gender-based violence.

Such behaviour includes for example sexual harassment of a colleague, using prostitution, rape.

Guards are required to report any observations or suspicions of such behaviour to the company.

Where such behaviour took place, the company is recommended to offer assistance to the harmed individual such as medical aid, psychological support or other help they might need.

For more information on the Prevention of Sexual Exploitation and Abuse

www.icoca.ch/en/guidance#2

IN CONTEXT

QUESTIONS | How relevant is this Code standard in your country? Is there any law in place regulating such behaviour? Are there any services available where victims of sexual violence can go?

MANAGEMENT AND GOVERNANCE

Identification and Registering

A security guard is involved in a traffic accident and continues driving unharmed. The injured persons in the other car see how a white car continues driving with a driver in uniform and a logo on his arm. What can the injured persons do?

The Code

All private security personnel should be identifiable with their name and the company they are working for, for example through the company logo on their uniform.

The following should be registered and licensed with the relevant national authorities:

- Vehicles;
- Hazardous materials such as ammunition, chemicals, etc.

IN CONTEXT

QUESTIONS | How do you recognise in your country that vehicles used by private security are registered with the relevant authorities? Do you recognise private security guards in your country and for whom they are working?



Selection and Vetting of Personnel

A private security company operates in an area where different tribes are fighting each other. The company would like to hire a local to provide guarding services. The country the company operates in does not have a system in place to check criminal records. How can a company make sure that it hires a person which has not committed any crimes and is fit for the job?

The Code

Private security companies should select their personnel carefully. When hiring personnel, companies must check the following:

- The candidate's identity;
- That the candidate providing security services is not under 18 years of age;
- The candidate's education history;
- The employment history of a candidate;
- That the candidate has no crime history/criminal record;
- That the candidate has no history of abusing human rights;
- That the candidate has sufficient physical fitness to perform the assigned duties;
- That the candidate has sufficient mental fitness to perform the assigned duties;
- In case of previous military experience, that the candidate has not been dishonourably discharged;
- That the candidate has the requisite qualifications as defined by the contract.

Companies must ask candidates applying for a position with a private security company to authorise access to prior employment and government records.

Companies should keep passports, or other identification documents of their personnel for the shortest period of time reasonable.

Once the person is hired, a company is required to assess her/his performance on a regular basis for example through tests and training.

No tolerance for discrimination! When PSCs hire and assess their personnel they should not discriminate on grounds of race, colour, sex, religion, social origin, social status, indigenous status, disability, or sexual orientation.

All policies, employment material such as the Code, contract terms and conditions need to be clearly communicated to personnel and be available in written form and in a language they can understand.

PSCs need to keep employment records and reports on past and current personnel for a period of 7 years.

IN CONTEXT

QUESTIONS | Is there a different law in your country describing how people should be hired? How are background checks done in your country and what are potential challenges? Does the state implement any measures against discrimination?



Training of Personnel

A private security company hires new staff to escort an NGO providing humanitarian aid to villages in the area. The guards are armed with batons. The country where the company operates does not have any requirements on how to train guards. What is the company supposed to do, to ensure the new staff are able to provide the required services in the most professional manner possible?

The Code

PSCs are required to train their personnel when they start their job and then on a regular basis.

The training should include the following:

- An explanation of the Company commitment to comply with the highest standards of conduct and professionalism;
- An explanation of the principles of the Code;
- How to assess risks and prevent and mitigate harm to personnel and the local population;
- Hostile environment training;
- An overview of the national and international law applicable to the conduct of personnel;
- Training on the Rules for the Use of Force;
- An explanation of how to report incidents that occurred while guards were operating;
- Training on how to use the company grievance mechanism;
- Communication of the disciplinary measures for violations of the company procedures.

For those who carry weapons, PSCs need to provide training which is specific to the weapons they carry. Personnel are only authorised to carry weapons if the company has verified their skills specific to the type and model of weapon they carry and provided dedicated training.

IN CONTEXT

QUESTIONS | Do you know how private security personnel are trained in your regions? If so, do you know the contents of their training?



Selection and Vetting of Subcontractors

A client asks an international private security company to put security measures in place at short notice. The company does not have enough personnel to execute the contract in the required timeframe. It decides to contract a local security company to help them out. Which local company should they select?

The Code

If private security companies decide to subcontract services, they have to evaluate them carefully and assess how they respect the Code on a regular basis.

A company needs to make sure that a subcontractor carrying out security services operates in accordance with the principles of the Code. If a subcontractor is not operating up to standard, a PSC needs to take measures to remedy that.

IN CONTEXT

QUESTIONS | Does the law specify how subcontractors need to be selected and according to which criteria? Do you know of private security services that are subcontracted to other entities? For example, international companies using national companies to provide the services? Or companies using recruiting agencies to recruit security personnel?





Management of Weapons and Material of War

A private security company has a warehouse next to a market place in a village. In this warehouse the company stores various ammunitions, weapons and other explosive material, piled up and mixed with each other. The warehouse guard smokes a cigarette. What are the risks? What is the company supposed to do?

The Code

In some countries private security guards are allowed to carry firearms. This is regulated by national law.

PSCs are required to obtain and maintain authorisations for the possession and use of weapons, ammunitions and other hazardous materials.

Companies are prohibited from possessing illegal weapons, ammunitions or other hazardous materials or to engage in illegal transfers.

Companies are required to put in place measures which ensure that:

- Weapons and ammunitions are stored securely;
- Weapons and ammunitions are controlled regularly;
- It is recorded to whom and when weapons are issued;
- Ammunition is identified and accounted for;
- Weapons and ammunitions are disposed verifiably and properly.

IN CONTEXT

QUESTIONS | What is the law in your country to store and manage weapons and ammunition? Are you aware of any incidents where ammunition and explosives were not stored appropriately?



Safe and healthy working environment

A private security company protects a refugee camp close to a border. The climate is hot. The area along the border is known to have landmines. What is the company supposed to do to make sure the employees stay safe and healthy?

The Code

PSCs are required to ensure that reasonable precautions are taken to protect relevant staff in high-risk or life-threatening operations.

This includes:

- Assessing the risks of injury to personnel and the local population;
- Provide adequate training to personnel;
- Provide adequate protective equipment, weapons and ammunition;
- Provide medical support;
- Other measures addressing psychological health, deters work-place violence, misconduct, alcohol and drug abuse, sexual harassment and other improper behaviour.

Companies should not tolerate harassment and abuse of co-workers.

IN CONTEXT





Incident reporting

Private security company personnel are involved in a traffic accident.
What are they supposed to do?

The Code

PSCs need to document and investigate any incident involving the use of weapons, escalation of force, damage to equipment, injury to persons, attacks criminal acts, traffic accidents or incidents involving other security forces.

The information to be investigated and documented needs to include the following:

- Time and location of the incident;
- Identity and nationality of any persons involved including their addresses and other contact details;
- Injuries/damage sustained;
- Circumstances leading up to the incident; and
- Any measures taken by the Signatory Company in response to it.

Companies are then required to write a report and share it with their clients and if required by law also with Competent Authorities.

IN CONTEXT

QUESTIONS | What happens in your country if a company is involved in a traffic accident? Have you ever observed how security actors record incidents? Do you know if they need to report these incidents to a competent authority or client?



Company Grievance Mechanisms

A private security guard enters a university with a firearm and pushes a student. The colleague of the student witnesses this and wants to complain to the company about the aggressive behaviour of the guard. What is he supposed to do?

The Code

Every company should be able to receive complaints from its own employees as well as the public. For people to know about it, what they need to do and how it works, a company needs to make it known.

As a minimum, companies are required to have a description on their website on how people can submit any concerns or complaints they may have. They should have the following on their websites:

- Company contact details;
- Who can submit a complaint;
- How complaints can be submitted and in which languages;
- An indicative timeline for processing the complaint;
- That the Company intends to protect complainants from any retaliation for making such reports in good faith.

Ideally this information is available through a link on their main page of the website.

Complainants should also have a choice of different communication options through which they can submit a complaint. Some companies have feedback boxes, posters or a phone number on their car through which people can reach them. Sometimes companies or their clients have dedicated staff members who are in touch with community elders and listen to any concerns people may have.

When companies receive complaints, they are required to acknowledge receipt of the complaint, investigate the complaint properly and inform the complainant about next steps and all necessary information.

When complainants meet with company staff in charge of the complaint, they should be allowed to bring a friend, colleague or family member with them for their support.

A company also needs to make sure that complainants are protected from any further harm.

Companies are required to find a solution for the complaint which is fair and compensates the complainant adequately for the damage experienced.

IN CONTEXT

For more information on Company Grievance Mechanisms
www.icoca.ch/en/guidance#1



Meeting Liabilities

The country where the company operates does not have any insurance options in place. If the company causes any damage to property or people it might need to pay a large sum of money to remedy the damage. The company is worried that it might not be able to cover potential damage. It therefore decides to create its own fund into which it regularly pays a certain amount of money.

The Code

Companies need to ensure that they always have sufficient financial capacity in place to be able to meet commercial liabilities for damages to any person or property.

This might be insurance coverage, customer commitments, self-insurance or any other alternative arrangements.

IN CONTEXT

QUESTIONS | Is it possible for companies to get insurance in your country? If so, what type of insurance?

2.3 COLLECTING INFORMATION ON PRIVATE SECURITY

INFORMATION SOURCES

Civil Society Organisations (CSOs) worldwide use several channels to gather information linked to private security. We review each in turn highlighting tips, best practices and challenges.



The Alleged Victim

Description & Process

Alleged victims approach CSOs for help and support. Either the civil society organisation has the capacity to handle the case (legal background, expertise) or the CSO guides the victim to the appropriate organisations/entities. This information source could potentially provide the most direct, accurate and detailed account of incidents. When CSOs seek to support alleged victims either to prevent further harm or seek remedies, this is the primary channel of information. However, reliability of alleged victims' reports needs to be carefully assessed.

Risk/Challenges

Securing informed consent always is paramount: this means that at every step taken the victim needs to understand exactly the risks and consequences and accept such risks and consequences. When engaging with an alleged victim it is crucial that CSOs assess the risks for the victims and for themselves by evaluating the risk of reprisals, the risk of interfering with an on-going legal process, collateral harm to other alleged victims, etc.

Tips/Good Practices

- CSOs establish networks of partners with the appropriate expertise to which they can refer the victim for appropriate guidance.
- CSOs define pre-established steps that they systematically follow depending on the gravity of the case.
- For awareness raising on individual human rights, some CSOs have organised conferences with lawyers.

The principle “**the victim’s interest comes first**” should always guide the steps taken by CSOs.

The victims’ informed consent must be secured at all times.

IN CONTEXT



The Community/ The General Public

Description & Process

The community is a powerful channel for information gathering. Connecting effectively to the local community ensures a full picture of events/incidents as well as the opportunity to prevent incidents from happening via early warning systems. CSOs engage with community leaders and organise awareness-raising events to sensitise the community to possible impact of private security for the promotion and protection of human rights. The community is made aware of what to look for and how to channel information to CSOs whether on past and/or current events/incidents and/or risks.

Risk/ Challenges

When relying on information provided by the community/the general public, it may be challenging to distinguish reliable information from gossip, settling of scores, etc. In some cases, mobile phone applications set up to receive information on incidents, have led to receiving such a high number of unreliable denunciations that they had to be shut down.

Tips/Good Practices

Some CSOs work with facilitators in the communities that collect information. These facilitators have motorbikes to travel long distances and are given specific information to gather. Most CSOs have stressed the importance of in-field presence and regular contact with the community to build trust and cooperation.

IN CONTEXT



Regulatory Authority

Description & Process

Official databases, reports and registers are in many contexts a reliable source of information. Some CSOs rely on the regulatory authority for information – notably through information requests – as in many countries, states require private security companies to register and operate under licenses. Some authorities issue public annual reports including an analysis of the trends in the industry, as well as information on compliance inspections. States sometimes also have platforms to receive complaints on private security.

Risk/ Challenges

Given that the maintenance of a private security registry requires considerable resources, the regulatory authority sometimes does not have updated information. In some contexts, states are affected by issues of corruption and of conflict of interest. For instance, some private security companies are owned by public officials linked to the authority or have special relationships with some companies. Information from such channels must thus be carefully assessed.

Tips/Good Practices

Some CSOs have established formal or informal partnerships/relationships with private security authorities to exchange information on the sector. Many CSOs stressed that being seen as a credible organisation by the authority is very important for the quality of the exchange.

IN CONTEXT



Working Groups/ Networks

Description & Process

In many contexts, working groups are established to address a specific issue (e.g. local security, human rights, border management challenges, etc.) either on a regular or ad hoc basis. Working groups usually have established procedures, where they either have regular meetings/ or include systemised reporting. Such groups potentially allow for coordinated and systematic information collection whilst including a variety of expertise and locations. If groups are composed of stakeholders from the public and private sector and representing different industries and functions, information received can come from different angles and perspectives. Such groups sometimes conduct early warning and prevention of incidents. (See concrete examples on the next page).

Risk/ Challenges

Given that the maintenance of a private security registry requires considerable resources, the regulatory authority sometimes does not have updated information. In some contexts, states are affected by issues of corruption and of conflict of interest. For instance, some private security companies are owned by public officials linked to the authority or have special relationships with some companies. Information from such channels must thus be carefully assessed.

Tips/Good Practices

Some CSOs have established formal or informal partnerships/relationships with private security authorities to exchange information on the sector. Many CSOs stressed that being seen as a credible organisation by the authority is very important for the quality of the exchange.

EXAMPLES

The International Code of Conduct Association is a multi-stakeholder initiative composed by states, private security companies and civil society organisations. All stakeholders share best practices, exchange information on promoting responsible private security and oversee implementation of the International Code of Conduct for Private Security Service Providers.

icoca.ch/about/

The Voluntary Principles Working Group in South Kivu builds trust in multistakeholder working settings to increase collaboration between private sector, civil society organisations, security forces and other public authorities. Security and human rights risks in the extractive sector are jointly identified and addressed.

The Private Security Governance Observatory is a network of African civil society organisations that seeks to share knowledge and reinforce their organizational capacity to promote good governance of the private sector.

Main activities:

- Research, awareness raising and building a network;
- Support to CSO engagement with national authorities, companies and other stakeholders at national, regional, and international levels;
- Experience sharing within and across regions.

observatoire-securite-privee.org/en

IN CONTEXT



The Media

Description & Process

Media play a crucial role in ensuring a democratic oversight of the work of the security sector. Nevertheless, private security is often overlooked by the media, despite its growing importance in the national security landscape. It is therefore essential that media are well informed about private security's role and the legal framework for its activities, in order to be able to report on their activities adequately and serve as a useful information channel for CSOs (e.g. Social media, newspapers, online platforms, radio.)

Risk/ Challenges

Depending on the credibility of the media, information needs to be verified. There is still insufficient reporting on private security by the media.

Tips/ Good Practices

The media is an important source of information; however information should be thoroughly cross-checked with multiple different sources. CSOs should consider reaching out to media outlets and establishing relationships of trust for media to constitute a reliable and consistent information collection channel.





The Private Security Sector & Clients

**Description
& Process**

The private security ecosystem includes industry associations, trade unions, the companies and their clients and employees. Especially when a relationship of trust is established, CSOs may receive information from such actors.

**Risk/
Challenges**

Private security companies & clients have by definition commercial interests to protect - CSOs should be aware of this when handling information from such channels.

**Tips/
Good
Practices**

It is recommended to conduct a mapping of such actors to be prepared when more detailed information on an incident would be needed. Moreover, participation in multi-stakeholder working groups/networks (see above) is a proven way of establishing trust-based relationships between CSOs and the private security sector/clients.

IN CONTEXT

Example 1

Three uniformed PSC guards intimidate, beat and rob an elderly man at an ATM machine.

Example 2

Armed attackers shoot and kill a PSC guard protecting an entrance to a mine.

- 1** Which of your information channels would have alerted you about the cases below?
- 2** Which information channels would you use to get more details on these incidents?



3 Documenting and Reporting on Private Security

3.1 WHAT SHOULD BE DOCUMENTED

Think first about...

- **Your objective with documenting:**
Before documenting information, clarify the objective. The data needed will be different for advocacy to the government on improving private security regulatory frameworks than to contribute to a case in a court of law.
- **Informed consent:**
Always make sure that you have the consent of the alleged victims before using that information.
- **Risk analysis and mitigation:**
Before documenting and using the information analyse the potential risks for all the actors involved.

Relevant Information On Private Security Companies



The following checklist intends to help guide the documenting process by showing you what type of questions you could ask yourself and what type of information you should look out for. Assess risks to yourself and/or others before contacting a company and asking for information.

INFORMATION NEEDED Why Is It Useful	HOW/WHAT/WHERE TO CHECK
<input type="checkbox"/> WHERE Location of the Incident	
<input type="checkbox"/> WHEN Time and Date	
<input type="checkbox"/> WHO WAS INVOLVED Possible remedies will be different if police, army, private security company, client or other actor responsibility is established?	<ul style="list-style-type: none"> • Uniform • Weapon • Logo
<input type="checkbox"/> NAME OF THE PRIVATE SECURITY COMPANY INVOLVED	<ul style="list-style-type: none"> • Company logo on the uniform/ vehicle or other material
<input type="checkbox"/> NATIONAL/INTERNATIONAL Important information to identify the different options for contacting the company. An international company can be contacted both in-country or at the headquarters level	<ul style="list-style-type: none"> • If safe and possible go to the company offices • Check the company website • Check the client website/material • Check with the regional/ national authorities • If safe, talk to people living and working around the location where the incident happened,

INFORMATION NEEDED Why Is It Useful	HOW/WHAT/WHERE TO CHECK
<input type="checkbox"/> LICENSED In many countries, companies need to be licensed to operate.	<ul style="list-style-type: none"> • Check the company website • Check with the national authorities
<input type="checkbox"/> MEMBER OR AFFILIATE OF ICoCA As ICoCA members or affiliates, PSCs have committed to comply with the Code, and to be submitted to ICoCA's core function (i.e., certification, monitoring and complaints).	<ul style="list-style-type: none"> • Check the ICoCA website www.icoca.ch • Check if you see a logo on the company website, uniform or other
<input type="checkbox"/> CERTIFIED To achieve certification, PSCs had to demonstrate that they comply with recognized international standards.	<ul style="list-style-type: none"> • Check for certification logos on the website or description of the company • Depending on the nationality of the company you may also check websites of private security associations
<input type="checkbox"/> WHO IS THE CLIENT OF THE COMPANY Clients have a responsibility in the operations of the PSC they hire especially when in their service.	<ul style="list-style-type: none"> • Check the company website • Reach out to the local community

Information Civil Society Should Have

Before collecting, documenting and reporting information about the behaviour of private security companies, it is important to know what type of services and grievance mechanisms are available, how they work and in which situations they can be used.

If a person is harmed by actions of private security guards, help sometimes needs to be provided in a timely manner to avoid further harm to the victim.

Having the information ready about potential services and grievance mechanisms is therefore highly recommended.

INFORMATION NEEDED	HOW/WHAT/WHERE TO CHECK
MEDICAL AND LEGAL ADVISORY SERVICES	<ul style="list-style-type: none"> • Closest medical services (including psychological services) and legal advisory services • Exact location, itinerary and means of transportation to medical and legal advisory services • Costs and means of payment of medical services and legal advisory services

EXAMPLES

MEDICAL

Hospitals, Médecins sans frontières (MSF), National Red Cross, International Red Cross

LEGAL

Legal clinics, specialised CSOs, public services.



RECOMMENDATION

Continuously update and have readily available a list of reporting mechanisms, expert organisations as well as support services (see following checklist)

INFORMATION NEEDED	HOW/WHAT/WHERE TO CHECK												
GRIEVANCE MECHANISMS AND/OR OTHER AVENUES FOR REPORTING	<ul style="list-style-type: none"> • List of grievance mechanisms or other reporting avenues available on a national, regional and international level • Scope and competence of grievance mechanism or other avenue • Possible outcome from grievance mechanism or avenue chosen • Risk assessment for self and third parties in using mechanism or avenue • Possibility for submitting simultaneously to different processes • Availability of support network to assist in identifying and submitting complaints to grievance mechanisms or through other avenues • Documentation of experience with process • Information on functioning responsiveness and challenges of process. 												
EXAMPLES	<table border="0"> <tr> <td>Human rights institutions</td> <td>Ministry responsible for overseeing private security companies or their clients</td> </tr> <tr> <td>Courts</td> <td>Certification Body</td> </tr> <tr> <td>Private security companies</td> <td>International Code of Conduct Association</td> </tr> <tr> <td>Clients of private security companies such as oil companies, mines, embassies,</td> <td>African Observatory for Private Security Governance</td> </tr> <tr> <td>United Nations</td> <td>Working groups of the Voluntary Principles for Security Human Rights</td> </tr> <tr> <td>Licensing authority of private security companies</td> <td></td> </tr> </table>	Human rights institutions	Ministry responsible for overseeing private security companies or their clients	Courts	Certification Body	Private security companies	International Code of Conduct Association	Clients of private security companies such as oil companies, mines, embassies,	African Observatory for Private Security Governance	United Nations	Working groups of the Voluntary Principles for Security Human Rights	Licensing authority of private security companies	
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Licensing authority of private security companies													

Examples Of Reporting Mechanisms Linked To The Private Security Industry

Company Grievance Mechanisms



The International Code of Conduct requires private security companies to have a grievance mechanism in place which is fair, impartial, and offers an effective resolution of the complaint. Everybody who has been harmed or has observed misconduct by company personnel should be able to report this to the company. Every Affiliate and Member company of the ICoCA has such a mechanism in place. Personnel and the public can report any concerns by phone, e-mail, through community liaison officers, feedback boxes, or through the company websites. If you check the company websites look out for “complaints”, “feedback”, “compliance”, “contact” or other wording at the bottom or top of the page to find information about a company grievance mechanism. Usually you find a description of how the grievance mechanism works or directly the grievance policy explaining the process step-by-step. If you cannot find the information you need, contact the company and ask for it.

Grievance mechanisms of clients of private security companies



Clients of private security companies often have grievance mechanisms in place. For example, you may want to inform the Embassy protected by private security guards or home country of an international company.

Extractive companies have their own grievance mechanisms which are sometimes managed jointly with the surrounding communities or the private security company protecting the extractive company. Some extractive companies require all complaints against their private security providers to be reported directly to them and not to the private security provider.

Humanitarian actors such as the International Committee of the Red Cross (ICRC), Médecins Sans Frontières (MSF) or others may have mechanisms in place as well.

Licensing bodies



The Montreux Document, which includes good practices for states to regulate private security companies, recommends that states designate a central authority to issue operating licences to every PSC wishing to offer its services on its territory. Operating licences should be issued for a limited amount of time and a renewable period based on clear criteria.

If there is a competent authority in your country, you may consider reporting an incident to this authority. The authority assesses if this information infringes on the requirements for obtaining licence and might revoke the licence for the company to operate on its territory and/or submit the file to the justice system.

Certification bodies



A Certification Body is a company which evaluates and certifies other companies to a national or international standard. A company that wishes to achieve certification pays a Certification Body to evaluate its processes and policies, to verify these on site and in-country and to issue a certificate for a certain amount of years, if the company meets all the criteria of the standard.

In order to be allowed to do that a Certification Body needs to be accredited by a National Accreditation Body.

For private security companies there are specific standards they can get certified to. For example, ISO 18788 for land-based PSCs, ISO 28007 for maritime PSCs, or the US standard PSC.1.

If you observe an incident, you may check if the company involved is certified and by which Certification Body. You may then report the incident to the Certification Body which can revoke the certification if it assesses that the company does no longer meet the specific standard. This may cause the company to lose its clients.

Examples

Certification Bodies certifying to standards for private security companies include:

- MSS Global, UK: www.mssglobal.com
- Intertek, UK: www.intertek.com
- LRQA, UK: www.lr.org/en-gb/management-systems
- Asociación de Empresas Seguras, Colombia: aes.org.co

The International Code of Conduct Association's Grievance Mechanism

The Association receives and processes complaints of alleged violations of the International Code of Conduct by its Member & Affiliate Companies. Where a complainant seeks support, the ICoCA facilitates access to fair and accessible grievance procedures that may offer an effective remedy, including through providing the complainant with access to ICoCA's own good offices. For Member & Affiliate Companies, the Association provides guidance on establishing and maintaining fair and accessible grievance procedures in compliance with the Code.



MAIN STEPS

Grievance Mechanism

- 1 ICoCA Secretariat to review complaint received and check if a violation by an ICoCA member/affiliate company of the Code is alleged.
- 2 Request more information from submitter if needed.
- 3 If conditions are met and with consent of submitter and alleged victim, ICoCA will contact the member company.
- 4 Based on information collected will make recommendations to ICoCA member/affiliate.
- 5 Different options will be offered for resolution of case: mediation, good offices, referral, etc.
- 6 ICoCA will monitor implementation of corrective measures by member companies and affiliates.
- 7 If company does not cooperate in good faith, possibility for ICoCA to suspend/terminate membership/affiliation.

WHO CAN SUBMIT COMPLAINT? Anyone

CONCERN WHO/WHAT?

Complaint concerning private security company which is either **ICoCA member or affiliate**.

Alleging a **violation of the International Code of Conduct** for Private Security Service Providers that has occurred or is about to occur.

HOW?

Through complaint form on the ICoCA website: www.icoca.ch

E-mail to secretariat@icoca.ch

Call or send an **instant message** by Viber, WhatsApp (+41 79 440 34 14) or Skype (ICoCA Secretariat)

Conclusion

This practical guide's primary focus is to support civil society organisations seeking to work on private security governance and oversight. It should be approached as a living document which can be adapted to different contexts, depending on the size and nature of the private security industry and its regulatory framework. This tool specifically addresses civil society organisations that seek to increase their understanding of private security, the applicable international standards and what roles they themselves could play in ensuring a more responsible private security industry.

The role and regulation of private security is not well-known despite the industry's growing importance across the globe. The development of this tool responds to a call by key stakeholders such as regulators, clients, civil society organisations themselves to support civil society in better understanding and monitoring the private security industry as well as in reporting misconduct. However, donors and governments need to step up and support civil society in this important work, as they themselves increasingly use private security services while regulation and oversight remains often insufficient.

This tool also contributes to raising awareness about the International Code of Conduct for Private Security Service Providers across a variety of stakeholders, notably civil society organisations, private security companies and their clients as well as governments. A result of negotiations between private security companies, civil society and states, it recalls minimum standards based on human rights and international humanitarian law applicable to private security companies and their personnel. The Code constitutes a useful frame of reference for any actor in a variety of contexts working on private security. In that sense, this tool is a contribution to applying the Code and its standards in practice.

Comments and feedback should be sent to:
secretariat@icoca.ch or bsdivision@dcaf.ch.

