

<b>Risks / opportunities to:</b>	<b>Yes / Moderately / No</b>	<b>Human Rights</b>	<b>Democratic principles</b>	<b>Security</b>
<b>Issues:</b>				
<b>Regulatory</b>				
Law and regulations are applied	Largely	Indirectly the law does provide protection to the clients and third parties and the PSCs are generally implementing the law strictly.	In Kosovo there is still a grey market of the private security sector which means that unregistered/unlicensed individuals or companies do still operate in Kosovo providing mainly in-house security services or protection for night life businesses. However, the licensed private security companies do largely obey the rules provided by the Law on Private Security Services.	When it comes to licensed PSCs and security workers the laws are applied to a satisfactory level. However those who operate on the grey market do not necessarily implement the law.
Laws applicable to the operations of PSCs protect human rights	Moderately	Legislation in Kosovo protects human rights. However, although the private security workers are uniformed personnel they do not benefit from a specific law or by-law which provides any protection related to the job description of private security worker. On the contrary, according to law they are treated like all non-skilled labor powers and when it comes to labor rights most of them are unreservedly abused by their employers	Considering that labor rights as well as market equality are to important principles of the broad concept of democracy, the existing legislation does not fulfill these two basic criteria which are integral part of democratic society	There is a sufficient legal protection of human rights of client and third parties which all licensed PSCs and security worker are strictly obliged to implement. However, they do when it comes to protection of rights of PSC employees, the legislation is not so well-covered. Employees are very often abused by their employees and they are also exposed to improper working conditions.
The same limitations and	No	Principally the private security	Unequal protection of private	Unlike the public security

safeguards apply to private security forces as to public security forces		companies are considered as a random private security sector. Therefore, their employees lack any of the privileges that the security worker in the public sector is guaranteed.	security worker in the private sector competed to those in the public sector causes discrimination of those working on the private one.	institutions who can exercise its security authority in accordance with the respective legislations, authorizations of the private security workers are similar to those which are guaranteed by criminal code for any random citizens when exposed to direct threat which is to use cohesive means only for the defensive purpose.
PSCs operate in a clearly delineated area, they do not spill-over to usurp police functions such as searches, detention and arrest	Yes	Unlike the Police, the role of PSCs is defensive which means that are strictly forbidden to take any proactive measure to force their authority.	Having in mind that PSCs are private actors, the existing clear lines between the work of police and PSCs workers contributes positively in fulfilling the democratic criteria in the Kosovo's security sector	In this regards PSC workers have same authorization as any random citizen. Which means that in certain cases they may stop individuals and immediately call police.
Weapon laws are stringent prevent illegal possession and use of weapons	Yes	It minimizes the potential for illegal use of weapons by PSCs workers and also decreases the possibility of their excessive use of power.	Strict regulations which exists to possession and use of weapons does contribute positively when it comes to increase of accountability of PSC Workers and strengthens the cooperation with public rule of law institutions which is crucially important when it comes to strengthening the democratic criteria	Strict laws when it comes to possession of weapons have been crucial to the fact that since the LPSS have been adopted almost no weapon involving incidents have appeared in Kosovo's private security sector involving a licensed PSC staffer.
PSC law is applied in a manner to provides strong oversight over the PSCs	Partially	Only when it comes to ensuring that PSCs do not commit criminal offense or do not breach human rights of clients and third parties.	Only when it comes to ensuring that PSCs mandate is not going to collide with the mandate of other public security institutions.	There legal measures against PSCs or security workers who breaches the law are very strict. Therefore their interest to involve in law breaching

		However when it comes to implementation of labor rights and fair market competition the law does not provide any regulation.		activities have been very minimal. However the capacities of DCSP to provide strict oversight over licensed PSCs and also to inspect and identify the non-licensed operators have been very minimal.
<b>Conceptual</b>				
The availability of security is not limited to those who pay for it on a private basis	Yes	When it comes to human rights this an issue which is primarily regulated by criminal code which means that just like any citizen private security workers are obliged to provide their support or to report to the Police emergency cases which are related to third parties. In such situations they are obliged		Usually the private services are provided based on the areas contracted. Therefore, subject of private security services can be also the third parties. Likewise, the responsibility to report crimes which is foreseen by criminal code applies to Guards too, similarly to any other citizen. Which means that they indirectly are obliged to provide security services beyond the contracted area.
PSCs are performing services that the State would not otherwise provide	Yes	The role of PSCs it to allow citizens have an additional option when it comes to personal safety, safety of clients or their property. Therefore in principle the presence of PSCs increases the safety and respect of	The role of PSCs it to allow citizens have an additional option when it comes to personal safety, safety of clients or their property. Therefore in principle a safer environment is crucial when it comes to fostering the democratization of society.	This is guaranteed by law and is implemented also in the practice

		human rights		
Licencing criteria ensure vetting of personnel and ownership	Yes	Licensing means that neither the PSC staffers nor owners are involved in breaching of human rights	Licensing means that neither the PSC staffers nor owners are involved in breaching the rule of law which is crucial when it comes to democratic criteria	Licensing guaranties that no criminal element is involved in the private security sector. However this is not an easy task to be achieved because very difficult to conclude whether or not behind certain private security companies non-formally stands individuals with suspicious background.
Licencing ensures transparency by demanding record keeping and inspection thereof	Moderately	Principally yes. However, problematic is the fact that DPSC is faced by very limited number of staffers.	Although according to the law this is required, due to the staff limitation that the Division for PSCs it is quite unlikely for them to be able to do so	Principally yes. However, problematic is the fact that DPSC is faced by very limited number of staffers.
Other oversight bodies are instigated and empowered	Very limited	Labor Inspectorate is obliged to oversee the labor right issues within all private and public sector. This means that the PSCs are just one of the legal entities that they are obliged to oversee. However having in mind their limitations in personnel and also the probable informality involved in this institution, the role of this inspectorate is almost inexistent.	Both Labor Inspectorate and procurement mechanisms are constantly accused of being highly corrupted. Therefore, the objectivity of these two institutions is highly questioned. In addition to that, the main mechanisms covering labor and procurement issues of PSCs are not only limited in these sectors. Therefore, it is highly difficult for these mechanisms to guaranty respect of labor rights and equal trade rules in the private security sector.	The lack of proper oversight of labor rights of the private security workers may results on their extensive exposure of dangerous labor environment which may turn them into target by various criminals.
Mechanisms for monitoring and inspection (incl firearms stocks)	Yes	They do take care of human rights of third parties in the sense that if their staffers		Division for Fire Arms which operates under the same Department as Division for

		breach any of the laws they may be suspended or may lose their license automatically.		PSCs, is responsible to inspect the firearms stock. No irregularities have been reported by this Division, which shows that licensed PSCs do obey procedures for possession of firearms.
<b>Operational soundness</b>				
Guards are paid sufficiently to ensure commitment and	No	This is one of the main challenges that Guards in Kosovo are facing. They are very often underpaid. This includes also for the overtime, nightshifts and working during the weekends/holidays.	Contradictory low salaries which goes under the minimal salary guaranteed by the state means that also democratic principles are breached.	Low salaries means that in certain cases basic security workers assigned to protect goods may be triggered to involve in various theft cases. Such cases in Kosovo are not rare and have been mentioned also by Police
PSCs perform functions for which they are appropriately trained	<i>Moderately</i>	<i>In private security schemes, guards are not properly trained, thereby risking excessive violence</i>	They are trained and also they do respect the basic legal and constitutional order	They do not inflict in the tasks which are reserved to the police or other public security institutions.
An effective training regime is either issued or overseen by the state	Moderately	Division for PSCs does not oversee trainings however it does run the licensing exam. This means that DPSC does have a moderate overseeing role when it comes to trainings of PSCs personnel.	Division for PSCs does not oversee trainings however it does run the licensing exam. This means that DPSC does have a moderate overseeing role when it comes to trainings of PSCs personnel.	Division for PSCs does not oversee trainings however it does run the licensing exam. This means that DPSC does have a moderate overseeing role when it comes to trainings of PSCs personnel.
Communication between PSCs and public security is done in a manner that makes aligns tasks and improves efficiency. Their respective roles and responsibilities are enshrined in	No	PSCs workers are only contacted as random witnesses of the incident or as the perpetrators. There is no established communication between PSCs and public state	There is no established communication between PSCs and public state institutions which would contribute in strengthening communication between these security institutions for the benefit of	There is a very limited communication between PSCs and Police. Usually the PSCs workers are only invited as witnesses of the incidents. The Police does not conduct

law.		institutions which would contribute in preventing HR related cases.	better public order and rule of law.	regular consultative/informative meetings with PSCs. This shows that Police sees PSCs as outcasts.
Companies are not sufficiently aware of the requirements for their operations	Moderately	Especially basic security trainings are very brief and requirement criteria's are very low. Therefore the possibility that they might not be aware of their role is very high also when it comes to role of law.	Especially basic security trainings are very brief and requirement criteria's are very low. Therefore the possibility that they might not be aware of their role by exceeding their competences is very high.	This can be shown also by the Albi Mall incident elaborated on the Case Studies. However, incidents like these do not appear that often. This shows that PSC workers are mainly aware of their responsibilities.
<b>Use of Force &amp; firearms</b>				
Use of force training is part of the obligatory training	Yes	However especially training for basic security services is very short. Therefore, the possibility of PSC workers getting the license without being aware of their obligations related to HR is very high.	However especially training for basic security services is very short. Therefore, the possibility of PSC workers getting the license without being aware of their obligations related to HR which is fundamentally important when it comes to democratic criteria is very high.	During the basic security trainings the use of force is taught only theoretically.
Use of force rules are clearly set out in laws or by-laws	Yes	They are foreseen in the criminal code. In the case of the PSC workers same rules that applies for every citizen during applies also for them.	They are foreseen in the criminal code. In the case of the PSC workers same rules that applies for every citizen during applies also for them.	They are foreseen in the criminal code. In the case of the PSC workers same rules that applies for every citizen during applies also for them.
Weapons are subject to licenses and monitored	Yes	This is a task of DPSC and Division for Licensing of Fire Arms. It worth mentioning that the process of licensing is very strict. Likewise, also monitoring is at the	This is a task of DPSC and Division for Licensing of Fire Arms. It worth mentioning that the process of licensing is very strict. Likewise, also monitoring is at the satisfactory level considering that no incident which	This is a task of DPSC and Division for Licensing of Fire Arms. It worth mentioning that the process of licensing is very strict. Likewise, also monitoring is at the

		satisfactory level considering that no incident which involves the use of licensed firearms have occurred.	involves the use of licensed firearms have occurred.	satisfactory level considering that no incident which involves the use of licensed firearms have occurred.
Weapons management rules cover how weapons are storage and marked	Yes			
<b>Transparency</b>				
Affiliations with political parties are made public	No	It the PSCs which are considered to be affiliated with governmental political powers or with certain senior public officials which are most tolerated when it comes to violation of labor rights	Usually the oversight mechanism such as Labor Inspectorate and procurement authorities are much more tolerant with the PSCs which are considered to be affiliated with governmental political powers or with certain senior public officials. This contradicts key democratic principles which Kosovo aspires which is equality when it comes to the respect of law.	All PSCs are very careful when it comes to the security providing component of the field that they are involved. Therefore, although a negative practice, the assumed affiliation with certain political party by certain PSC so far did not impacted directly the level of security.
Management of PSCs	No	They are obliged to report to the Police for any incident that occurs. However they are not legally obliged to maintain transparency to the public.	They are obliged to report to the Police for any incident that occurs. However they are not legally obliged to maintain transparency to the public.	They are obliged to report to the Police for any incident that occurs. However they are not legally obliged to maintain transparency to the public.
<b>Procurement</b>				
Bids are all made public, unless there is an exception by law	Yes, but this does not guarantee regularity in the procurement process	Due to their narrow dogmatic approach even in the cases when offer do not fulfil legal norms such as workhour price as regulated by regulation on minimal salaries, the procurement authorities still	Procurement Authorities have excluded themselves from any responsibility which goes beyond dogmatic interpretation of Law on Public Procurement. This is can be considered very paradoxical considering that every public	Due to the irregularities during the procurement process usually who earn tenders tend to avoid strict implementation of requirements. This means that they usually reduce

		approve those contract. Their main principle in which they base their decision is the lower offer price.	institution is obliged to consider and obey entire legislation of Kosovo.	number of personnel which are supposed to protect resulting on the decrease of quality of their services.
Exceptions to the tender process are applied restrictively	Probably not.		Usually, it is a single company who does get majority of the public tenders in the country. However, when the governmental powers changes, usually a new company takes control of market in the public sector.	
The winners of bids are made public	Yes	However, this does not guaranties protection of labor rights of PSC employees. Neither the labor inspectorate nor the procurement authorities considers illegality of the offer when it comes to payment of staff as bases to disqualify bids. Therefore, technically it is procurement irregularities made through publically announced winning bids where the discrimination of labor rights starts.	Yes, but without ensuring the legality of the bid.	Yes.
The best value for money criteria is used over just lowest price	No.	Lower price criteria rules most of the times. This directly affects the labor law. Whereas the Procurement authorities have ruled themselves out when it comes to imposing the labor rights elements as disqualifying criteria for the	Lower price criteria rules most of the times. This directly affects the labor law. Whereas the Procurement authorities have ruled themselves out when it comes to imposing the labor rights elements as disqualifying criteria for the bid proposals.	Cheap offers, means lower quality of security services. Albi Mall case is clear example of the potential consequences which may derive as a result of manipulation of quality criteria in favor of value for

		bid proposals.		money principle.