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Report on the meeting of the Expert Group on Civilian Private Security Services held in Vienna from 12 to 14 October 2011

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I. Introduction

1. The Commission on Crime Prevention and Criminal Justice, in its resolution 18/2, entitled “Civilian private security services: their role, oversight and contribution to crime prevention and community safety”, noted the importance of effective oversight of civilian private security services by competent State authorities to ensure that they were not compromised or misused by criminal elements, including organized criminal groups. Also in the resolution, the Commission invited Governments to examine the role played on their territory by civilian private security services, assessing, where applicable and consistent with their national laws and administrative policies, the contribution of such services to crime prevention and community safety, and to determine whether national legislation provides adequate oversight. In addition, the Commission decided to establish an open-ended intergovernmental expert group, inviting experts from academia and the private sector to become members of that group, to study the role of civilian private security services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent State authorities. With a view to preparing the organization of the expert group, a planning meeting, attended by experts in their individual capacity, was organized by the United Nations Office on Drugs and Crime (UNODC), with the financial support of the Government of the United Arab Emirates, in Abu Dhabi on 10 and 11 May 2010.

2. Pursuant to Commission on Crime Prevention and Criminal Justice resolution 18/2, a meeting of the Expert Group on Civilian Private Security Services was held in Vienna from 12 to 14 October 2011, thanks to a further financial contribution from the Government of the United Arab Emirates.

II. Draft preliminary recommendations

3. The Expert Group approved the draft preliminary recommendations presented below and decided that they should be brought to the attention of the Commission at its twenty-first session, in 2012.

A. Defining civilian private security services

4. States may consider defining civilian private security services. While there is currently no commonly accepted definition of civilian private security services, the following criteria are considered indicative of such services:

(a) Civilian private security services provide security-related services with the overall objective of protecting or securing people, goods, sites, locations, events, processes and information from predominantly crime-related risks. Services with expressly or implicitly offensive mandates are not included in the category of civilian private security services;

(b) Civilian private security services are legal entities or individuals supplying services for payment;

(c) Civilian private security services are private entities or individuals, not public entities. They may include commercial firms and non-profit organizations, as well as individuals;

(d) Civilian private security services are officially accredited, regulated and supervised by the State;

(e) Services provided by civilian private security services may be preventive, may support public law enforcement agencies and, where permitted, may be complementary to public law enforcement agencies.

5. It should be noted that private security companies providing protection services on commercial ships may meet the above-mentioned criteria of civilian private security services, provided their primary function is protective, not offensive.

6. Private military companies and private military and security companies are excluded from the scope of the definition, even if part of their operations may fall within the scope of civilian private security services.

7. Although civilian private security services provide services in private prison and detention facilities in various countries, this is considered to be an area requiring specific attention and guidance and is therefore beyond the scope of the present draft preliminary recommendations.

B. Oversight and regulation of civilian private security services

8. States may consider reviewing, evaluating and revising existing regulation on civilian private security services and, where no regulation exists, enacting specific comprehensive legislation for the regulation of civilian private security services that:

(a) Defines civilian private security services;

(b) Defines the activities and responsibilities of civilian private security services, including their obligations to maintain a register that transparently and efficiently provides for the control of installations, arms, ammunition and related equipment and to ensure that this information is made available to the competent authorities;

(c) Defines any associated powers of providers and personnel of civilian private security services;

(d) Defines activities that providers and personnel of civilian private security services are prohibited from undertaking, strictly limits the use of force and establishes a system to enforce sanctions for infractions;

(e) Ensures that effective regulating mechanisms or bodies are established to oversee the conduct of civilian private security services within national borders, including the oversight of certification and training;

(f) Includes the regular review and evaluation of the effectiveness of the regulations and the introduction of reforms to address any weaknesses;

(g) Includes a code of conduct for personnel of civilian private security services.

9. States may also consider establishing standards of operations for civilian private security service providers that:

(a) Set the minimum standards of eligibility for those who provide civilian private security services, including due diligence checks on owners of such services to prevent criminal control of civilian private security services;

(b) Set the minimum standards for all spheres of operations and administration of civilian private security service providers;

(c) Ensure compliance among civilian private security service providers with all national laws and regulations, including applicable international laws, national labour laws, practices and regulations relating to the personnel they employ, relevant health and safety rules, and respect for the human rights of all persons;

(d) Provide for appropriate licensing regulations for civilian private security services, including provisions for various categories of licence where appropriate. In particular, the regulations may cover the need to ensure that adequate licence documentation is issued to personnel of civilian private security services and that the documentation is time-limited and contains at least a photograph and other relevant identification information.

10. States may further consider ensuring appropriate working conditions conducive to maximizing the effectiveness of personnel of civilian private security services that should include:

(a) Ensuring that all licensed civilian private security services provide employees with a working and training environment in which minimum standards of health and safety are maintained;

(b) Ensuring that the work of employees of civilian private security services is remunerated in accordance with set salary levels.

11. States may consider establishing minimum standards for the recruitment and selection criteria for personnel of civilian private security services that cover:

(a) Standards of education and literacy and language skills;

(b) Standards of character, including criminal records (and previous convictions) not appropriate for personnel working in the civilian private security service sector;

(c) Standards of training and competence for all functions of personnel in civilian private security services;

(d) The regular review of personnel of civilian private security services to ensure they continue to meet the above standards.

12. They may also consider encouraging relevant non-governmental organizations to play a part in the oversight of civilian private security services, by:

(a) Identifying and preventing any abuses perpetrated by personnel and providers of civilian private security services;

(b) Raising awareness of the standards with which personnel and providers of civilian private security services should comply.

13. In considering the applicability of the United Nations Convention against Corruption, in particular articles 12 (private sector), 21 (bribery in the private sector) and 22 (embezzlement of property in the private sector), to civilian private security services, States may:

(a) Ensure that contracts with civilian private security services contain specific no-bribery rules, and sanctions for non-compliance with such rules;

(b) Appoint an appropriate corruption investigation body or similar external monitor to ensure the transparency of contracts between public security organs and civilian private security services;

(c) Ensure that all training programmes of civilian private security services include topics such as avoiding bribery, corruption and other unlawful practices, and ethical business behaviour;

(d) Ensure that the codes of conduct for civilian private security services strictly prohibit bribery, embezzlement, corruption and other unlawful practices, including unethical business practices;

(e) Issue clear guidelines, to be updated periodically, to private security operators about the appropriate responses to make when offered a bribe, gift or hospitality;

(f) Issue clear guidelines on appropriate behaviour for persons in a public security organ directly involved with a civilian private security service body regarding having financial interests or any personal involvement in that body;

(g) Issue clear guidelines on the resolution of conflicts of interest in general;

(h) Ensure that appropriate post-separation regulations are created for employees of public security organs and civilian private security service bodies;

(i) Ensure that public security organs have adequate safeguards to prevent the abuse of procurement processes, such as through the unauthorized single source procurement (i.e. procurement without due bidding processes) of civilian private security services;

(j) Ensure that public security organs appoint civilian private security service bodies according to transparent and fair tender and other procedures;

(k) Ensure that civilian private security service operators are strictly prohibited from embezzling any property, funds or items of value entrusted to them or obtained by them by virtue of their position;

(l) Ensure that appropriate regulations exist in States where law enforcement personnel are permitted to work as personnel for civilian private security services when off duty.

Complaints, inspections and sanctions

14. Without prejudice to the normal criminal justice system procedures, States may consider subjecting civilian private security services and their personnel to

procedures relating to the receipt and investigation of complaints against them. To that end, they may consider:

- (a) Establishing mechanisms for the receipt and impartial investigation of complaints by any person against personnel and providers of civilian private security services;
- (b) Defining the type of complaints to be subject to such mechanisms;
- (c) Utilizing an impartial body to determine guilt and penalties for the most serious complaints and create an appropriate appeals process;
- (d) Publicizing the existence of those provisions;
- (e) Ensuring that serious cases are prosecuted under the criminal justice system.

15. States may also consider developing standards on the provision of civilian private security services and encouraging the development of codes of conduct by private industry.

16. States may further consider ensuring that civilian private security service providers are subject to regular inspections to maximize compliance, and allocating adequate resources for that purpose.

17. States may consider specifying appropriate penalties for transgressions and breaches of regulations on civilian private security services and for non-compliance with such regulations.

Training of civilian private security services

18. Where States decide to adopt standards on the training of personnel of civilian private security services, the following elements may be included in such standards:

- (a) Specific guidance on the topics to be covered;
- (b) Guidance on the subjects that should be completed by all personnel as a minimum. Those subjects could include:
 - (i) The role of civilian private security services and their contribution to crime prevention and community safety;
 - (ii) The relevant legislation relating to powers of arrest, evidence and the use of force;
 - (iii) Communication skills relating to oral and written reports;
 - (iv) Conflict resolution and de-escalation skills;
 - (v) Customer and client service skills;
 - (vi) Emergency procedures for natural disasters, accidents and other emergencies;
 - (vii) Human rights and adherence to national and international human rights standards and norms;

(c) Basic standard operating procedures on firearms and non-lethal weapons operation and minimum training standards (including refresher courses) for personnel who use firearms and other weapons;

(d) A set of training standards for each sphere that all levels of personnel of civilian private security services might operate in;

(e) Guidance on appropriate assessment and evaluation methodologies to measure the competencies of personnel;

(f) A requirement that all personnel undergo appropriate basic training before any other training is undertaken.

19. States may consider developing a mechanism for the certification of persons and entities providing training to personnel of civilian private security services that:

(a) Ensures that training institutions are properly qualified and equipped to provide the training;

(b) Grants licences to operate as a provider of such training.

20. States may also consider encouraging the specialization and professionalism of the personnel of civilian private security services through the development of an adequate mechanism for such personnel to obtain professional qualifications. The mechanism should:

(a) Provide personnel with adequate certification or licensing from competent bodies that indicates the specific security services such personnel are allowed to provide;

(b) Ensure that the training of personnel is updated periodically.

21. States may further consider encouraging the development of ongoing professional programmes relevant to civilian private security services. These could be:

(a) Developed in consultation with the regulating authority, law enforcement community, professional and trade associations, non-governmental organizations and clients;

(b) Offered to personnel working at all levels of civilian private security services;

(c) Accredited by competent bodies where appropriate;

(d) Used as a basis for continuing professional development and career progression.

C. Contribution of civilian private security services to crime prevention and community safety

22. States may consider the following principles as underpinning the contribution of civilian private security services to crime prevention and community safety:

(a) All levels of government should play a lead role in the development of crime prevention programmes and in enhancing community safety;

(b) Civilian private security services should have an important complementary role in crime prevention and community safety;

(c) Civilian private security services should be subject to Government regulation and programmes that improve standards to enhance the contribution of such services to crime prevention and community safety.

23. States may also consider prioritizing the development of cooperation between the public and private security sectors. Such cooperation should recognize the central role of Governments in the regulation of civilian private security services and be in line with the Guidelines for the Prevention of Crime and other United Nations standards and norms in crime prevention and criminal justice. In this regard, States may:

(a) Encourage partnerships between civilian private security services and public security organs;

(b) Provide funding for research into collaboration between civilian private security services and the public security sector and for the evaluation of such cooperation;

(c) Establish and encourage specific training programmes, focusing on cooperation and collaboration;

(d) Establish an appropriate body or mechanism to oversee the implementation of cooperation and collaboration between State security organs and civilian private security services.

24. In general, civilian private security services have a duty to convey information to law enforcement authorities. States that decide to share information with civilian private security services as a means of enhancing crime prevention and community safety may consider:

(a) Specifying the different types of information and level of access to such information by the State and civilian private security services and what may be collected;

(b) Strengthening information-sharing between civilian private security services and public security organs;

(c) Establishing secure networks for information-sharing;

(d) Enacting laws that protect information provided by civilian private security services;

(e) Developing coordination between all levels of public security organs for the sharing of information with civilian private security services;

(f) Including rules concerning the ethical and lawful use of information in any code of conduct for civilian private security service operators.

III. Organization of the meeting

A. Opening of the meeting

25. The meeting of the Expert Group on Civilian Private Security Services was held in Vienna from 12 to 14 October 2011. The meeting was opened by the Officer-in-Charge of the Division for Operations of UNODC, on behalf of the Executive Director.

B. Attendance

26. The meeting was attended by 131 experts.

27. The following 50 States were represented at the meeting: Afghanistan, Algeria, Argentina, Belgium, Brazil, Canada, China, Colombia, Côte d'Ivoire, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Guatemala, India, Iran (Islamic Republic of), Iraq, Italy, Jordan, Lebanon, Madagascar, Malaysia, Mali, Mexico, Morocco, Netherlands, Norway, Panama, Peru, Philippines, Russian Federation, Saudi Arabia, Serbia, Slovakia, Spain, South Africa, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Zimbabwe.

28. Palestine, an entity having received a standing invitation from the General Assembly to participate as an observer in the sessions and work of all international conferences convened under its auspices, was also represented.

29. The Organization for Security and Cooperation in Europe was represented.

30. The International Centre for the Prevention of Crime, an institute of the United Nations crime prevention and criminal justice programme network, was represented.

31. The Academic Council on the United Nations System, a non-governmental organization in consultative status with the Economic and Social Council, was represented.

32. Five experts from academia attended the meeting.

33. Twelve experts from the private sector attended the meeting.

C. Election of officers

34. At its 1st meeting, on 12 October, the Expert Group elected the following officers:

Chair: Eugenio María Curia (Argentina)

Vice-Chair: Kozikode Muralidharan (India)

Rapporteur: Joseph Kgoelenya (South Africa)

D. Adoption of the agenda

35. At its 1st meeting, on 12 October, the Expert Group adopted the following agenda (UNODC/CCPCJ/EG.5/2011/1).

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Election of officers;
 - (c) Adoption of the agenda and organization of work.
 2. Discussion on civilian private security services: their role, oversight and contribution to crime prevention and community safety.
 3. Conclusions and recommendations.
 4. Adoption of the report on the meeting.
 5. Closing of the meeting.
36. The Expert Group agreed to base its discussions on the following topics:
- (a) Oversight and regulation of civilian private security services;
 - (b) Complaints, inspections and sanctions;
 - (c) Civilian private security services contribution to crime prevention and community safety;
 - (d) Training of civilian private security services.

IV. Summary of deliberations

37. In his introductory remarks, the Chair, recalling Commission on Crime Prevention and Criminal Justice resolution 18/2, emphasized that the focus of the meeting should be on security and not on defence. Therefore, mercenaries and paramilitaries, as well as military operations carried out by private security services, were considered to be beyond the scope of the meeting. He noted that the Expert Group should focus on general principles relating to civilian private security services and that participants should draw on experiences in their countries.

38. The Expert Group had before it a conference room paper setting out issues relating to the role of civilian private security services, their monitoring and oversight, to facilitate its deliberations (UNODC/CCPCJ/EG.5/2011/CRP.1).

39. At the 1st and 2nd meetings, on 12 October, the meeting began with a round of general comments on civilian private security services. Speakers emphasized the need to understand, regulate and professionalize civilian private security services and to address, in particular, issues relating to the oversight of such services by the State in order to prevent their infiltration by criminal elements. Speakers welcomed the opportunity to discuss issues related to civilian private security services at the international level and acknowledged the need to develop international guidelines and principles to regulate them. Some speakers also underlined the need to develop good practices in that area.

40. Speakers noted that the situation and level of operation of civilian private security services varied between countries. There was therefore a need for in-depth analysis of the various roles civilian private security services could play in crime prevention and community safety, and problems that might arise as a result of the presence of such services in different societies. The central and vital role of criminal justice authorities with regard to civilian private security services was emphasized. It was noted that all civilian private security services must operate in accordance with national laws and regulations.

41. The fact that civilian private security services were increasingly providing support to crime prevention efforts and the fight against crime in several countries was acknowledged, and the reasons for the growing demand for security were explained. It was noted that, in many cases, the growth of civilian private security services had not been followed by increased State capacity to regulate and oversee them. The increasingly international nature of the civilian private security services in some cases was also noted, as was the fact that high numbers of staff were crossing borders to provide such services.

42. Speakers informed the Expert Group of their domestic legislation and regulatory mechanisms and of partnerships existing in their countries between the public security sector and civilian private security services. Several speakers emphasized the importance of having a clear understanding of the respective roles of the public and private security sectors.

43. Examples of the role played by civilian private security services in the promotion of community safety were provided. Reference was made to the important contribution of civilian private security services to national economies through the employment of high numbers of personnel.

44. Other issues that speakers deemed important and wanted the Expert Group to address included the use of firearms and other equipment by civilian private security services; the risk firearms presented in terms of human rights violations and corruption; and issues relating to labour regulation and fair compensation. It was noted that accountability on the part of civilian private security services for human rights violations and maximizing the remedies for aggrieved individuals or groups should also be addressed.

45. Turning to the detailed consideration of the issues at hand, the Expert Group discussed the definition of civilian private security services and the various elements that should be taken into account when establishing such a definition. The distinction between offensive and preventive mandates was emphasized, and the concept of crime-related risks versus other safety risks was discussed.

46. With regard to issues related to oversight and regulation, speakers noted that State authorities should be able to identify who ultimately controlled companies providing civilian private security services. Control over such companies provided criminals with access to weapons, money-laundering opportunities and with employees who could be used to undertake criminal activities. Therefore, a mechanism should be available that would check civilian private security services, both those involving non-nationals and those involving local persons, to prevent and detect criminal control of such services.

47. The issues of ensuring appropriate salaries for employees of civilian private security services and preventing the use of under-qualified personnel who would accept low salaries were raised. Minimum standards regarding wages and conditions of services should be established.

48. The issue of appointing appropriate monitors for the contractual process was discussed, as was the possibility of having three types of monitors: contractual arbitrators, ombudsmen (independent statutory or non-statutory officials responsible for listening to complaints, investigating them and making recommendations to resolve them), and anti-corruption bodies set up pursuant to the United Nations Convention against Corruption. The establishment of a statutory body for the regulation of private security services was mentioned as another way to monitor such services.

49. With regard to post-separation regulations, speakers noted that it could constitute a serious conflict of interest if State employees worked for civilian private security services alongside their main employment.

50. Participants discussed mechanisms that should be in place to deal with employees of civilian private security services who had committed a crime during their employment or had been convicted prior to seeking employment with such services.

51. A discussion was held on the need to protect informants, including whistle-blowers, when dealing with complaints, inspections and sanctions. The nature — judicial or otherwise — of the body recommended to be established at the national level to determine guilt and penalties was also discussed. The issue of companies operating without licences was raised; it was noted that the appropriate administrative or judicial process should be applied in those circumstances.

52. At its 3rd and 4th meetings, on 13 October, the Expert Group proceeded with the consideration of issues related to the contribution of civilian private security services to crime prevention and community safety, as well as training for providers of such services.

53. Speakers noted that the role of civilian private security services differed from country to country and that, while acknowledging the potential for such services to provide support to public security services, the Expert Group should not aim at specifying the functions of civilian private security services, as it would be difficult to reflect all national situations. It was also emphasized that, while civilian private security services provided support to public security services, they were subordinate to State security control. The issue of public-private partnerships was discussed; it was noted that each State should determine the level at which cooperation and partnerships should take place.

54. Speakers emphasized that, in countries where civilian private security services played a minor role, the creation of a specific body responsible for the oversight of cooperation and collaboration might not be justified, as long as effective and appropriate regulations, including an oversight mechanism, were in place.

55. The issue of information-sharing between public and private security services was discussed at length. Speakers emphasized that civilian private security services and public security actors could not be placed on equal footing when it came to information-sharing. They pointed to the fact that public security services were not

obliged to share information with civilian private security services and were often not in a position to do so. In particular, sensitive or confidential information held by public security services was not available for sharing with civilian private security services. However, it was acknowledged that the police could decide to share specific and tailored information with civilian private security services in certain situations, for example, in order to prevent a crime from being committed.

56. Several speakers stressed that, in general, civilian private security services had a duty to convey information to law enforcement authorities. It was noted that, by sharing information to which they had access through their functions, such services were able to play an important role in crime prevention. Speakers noted that the State should determine the extent of, and proper channels for, the exchange of information, as well as the kind of information to be exchanged, taking into account applicable laws.

57. Speakers underlined the importance of proper training for civilian private security services and the need to develop effective models and standards that could be used and adjusted to meet local requirements. It was noted that the planning of training activities should take into account the various types of activities carried out by civilian private security services and the competences needed for such activities, which would differ depending on the functions of the service. It was emphasized that training programmes should be competence-based. States should define the minimum skills required, as well as the purpose and objectives of the training. The impact of the training should be regularly assessed by checking whether civilian private security services staff had acquired the appropriate skills. The centres delivering training to such services should be licensed for that purpose.

58. Speakers identified the following issues that could be taken into account in future discussions on civilian private security services:

- (a) Liability of civilian private security services, in particular third-party liability;
- (b) Licence-issuing authority (clarification on the types of organs that should be authorized to issue licences to civilian private security services);
- (c) Accountability of civilian private security services in connection with human rights violations;
- (d) Maximum remedies for victims of misconduct perpetrated by civilian private security services;
- (e) International cooperation on issues related to civilian private security services (including training);
- (f) International registry with information on civilian private security services (including blacklists);
- (g) Enhancing the role of professional bodies within the civilian private security service sector;
- (h) Accountability of subcontractors;
- (i) Acquisition, traceability, disposal and storage of weapons (weapons management).

V. Adoption of the report and closure of the meeting

59. At its 5th meeting, the Expert Group adopted its report, which contained the draft preliminary recommendations.
