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**Commission on Crime Prevention
and Criminal Justice****Twenty-second session**

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**World crime trends and emerging issues and responses in
the field of crime prevention and criminal justice****Comments and proposals for amendments to the text of the
Abu Dhabi draft preliminary recommendations on the
oversight and regulation of civilian private security
services and on their contribution to crime prevention and
community safety, as received from responding
Member States**

With reference to report E/CN.15/2013/20, which summarizes and provides a synthesis of responses of Member States to the Abu Dhabi draft preliminary recommendations, as requested by the Commission in its resolution 21/1, this conference room paper offers an overview of the comments and proposals for amendments to the text of the recommendations in tracked-change format for ease of reference.

A. Defining civilian private security services

1. 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~~ *[deletion suggested by Singapore]* crime-related risks. Services with expressly or implicitly offensive mandates are not included in the category of civilian private security services;

* E/CN.15/2013/1.



[Comment by the Philippines: civilian private security services are also providing security for persons of political importance during election periods, in tandem with police escorts]

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

[Comment by Ecuador on 1 (b): non-legal entities such as communities can also organize itself and provide security and contribute to crime prevention and community safety. A comment to the same effect was made by the Dominican Republic]

(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~~ licensed *[change suggested by Canada]*, regulated and supervised by the State;

[Comment by Singapore on 1 (d): suggest to delete paragraph]

(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.

2. 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.

[Comment by Australia on 2: private security services on commercial ships should be primarily dealt with through the International Maritime Organization]

[Comment by Belgium on 2: there is a need for balanced regulations with regard to the issue of CPSS on board commercial ships that takes into account the need to ensure the safety of crew and passengers when public authorities alone are not able to do so]

[Comment by Panama on 2: regulation on CPSS on board commercial ships has to take into account the concept of security provided pursuant to relevant treaties and conventions]

3. 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.

[Comment by Mexico and Ecuador on 3: the concept "private military companies" does not exist in these countries]

4. 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

5. 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~~ under any applicable laws or regulations of the State respecting the use, control, or prohibition of weapons and specialized security installations, arms, ammunition and related equipment (such as firearms, batons, and restraints) [*changes suggested by Canada*] 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, even if those powers are based on legal authority available to any citizen [*suggested by the United States of America*];

(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 and clarifies criminal liability for unlawful acts [*suggested by the United States of America*];

(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.

6. 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;

[*Comment by Canada on 6 (c): suggest to mention the Guiding Principles for Business and Human Rights (as endorsed by the Human Rights Council in June 2011)*]

(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;

(e) Require providers of civilian security services to report all criminal activity encountered to police authorities;

(f) Require providers of civilian security services to report all use of force incidents to the appropriate oversight authority. [additional paragraphs suggested by the United States of America]

7. 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 employees engaged in the work of employees of civilian private security services ~~are~~ remunerated in accordance with ~~set salary levels~~ relevant labour laws. [changes suggested by Canada]

[alternative proposal:]

(b) Ensuring that the work of employees of civilian private security services is remunerated in accordance with ~~set salary levels~~ applicable laws. [changes suggested by the United States of America]

[Comment by Panama: in order for this provision to be effective other specialist authorities on the subject should be involved, within the legal framework on private security of each Member State]

[Comment by the Philippines on 7 (a) and (b): to further enhance the effectiveness of CPSS, the establishment of a standard conduct of periodic mandatory physical examination and evaluation of private security personnel is recommended]

8. 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 individual personnel conduct and performance to ensure ~~they~~ each employee continues to meet the above standards. [changes suggested by the United States of America]

9. 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.

10. 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;

[Comment by United States of America on 10 (a): contracts with government or with private entities, both?]

(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;

[Comment by Panama on 10 (b): include participation of users of 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

11. 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;

[Comment by Mexico: include a recommendation to establish means of appeal against administrative decisions as far as they affect the legal rights of individuals]

[Comment by Panama and Togo on 11 (c): no need to utilize an impartial body other than the criminal justice system]

(d) Publicizing the existence of those provisions;

(e) Ensuring that serious cases are prosecuted under the criminal justice system.

[Comment by Canada on 11: suggest to mention the Guiding Principles for Business and Human Rights (as endorsed by the Human Rights Council in June 2011)]

[Comment by Togo on 11 (e): Togo suggested reformulating the French version of this paragraph]

12. States may also consider ~~developing~~ promoting *[change suggested by Ecuador]* standards on the provision of civilian private security services and encouraging the development of codes of conduct by private industry.

13. 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.

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

[Comment by Togo on 14: Togo suggested reformulating the French version of this paragraph]

Training of civilian private security services

15. 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 applicable [*suggested by Canada*] national and international human rights standards and norms;
- (c) Basic standard operating procedures on firearms and ~~non-lethal~~ [*change suggested by the United States of America*] 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;
- (g) A requirement for periodic in-service or refresher training to update and reinforce basic training. [*suggested by the United States of America*]

16. 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.

17. 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.

[Comment by United States of America on 17 (b): language should be more precise]

18. 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.

[Comment by Ecuador on 18: professional training and accreditation programmes for security personnel must be led by or have active input from the State through its specialized bodies (i.e. the National Police in the case of Ecuador)]

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

19. 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~~can have an important ~~complementary~~ role *[changes suggested by Canada]* 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.

20. 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.

[Comments by Burkina Faso on 20: suggestion to enhance cooperation between public and private security services including:

- *Involvement of private security services in community policing*
- *Create a special section or unit in each CPSS that is responsible for collecting and analysing information*
- *Provide rewards to security personnel and services that perform well*
- *Support (by the State) CPSS in training their personnel]*

[Comment by Ecuador on 20: the links between public and private security services must be strengthened beginning with training and arms control]

21. 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.

[Comment by Ecuador on 21: the connections between private and public security must be strengthened by means of regular and secure sharing of specific

information, confidentiality protection laws and standards and codes on the use of information]

[Comment by Panama on 21: include a recommendation to create a lead agency from among private and public security bodies, which would organize, supervise, coordinate or carry out action required to implement each of the proposals in this section]

[Comment by the Philippines on 21: States may consider supporting civilian private security services with training and education on public safety services and crime prevention to enhance coordination between public and private security services]

[Comment by the United States of America on 21: the “duty” referred to in the paragraph should be defined, see also suggested additions to paragraph 6]