



Economic and Social Council

Distr.: General
20 January 2011

Original: English

Commission on Crime Prevention and Criminal Justice

Twentieth session

Vienna, 11-15 April 2011

Item 6 of the provisional agenda*

**World crime trends and emerging issues and responses in
the field of crime prevention and criminal justice**

Civilian private security services: their oversight and their role in and contribution to crime prevention and community safety

Note by the Secretariat

Summary

In its resolution 18/2, the Commission on Crime Prevention and Criminal Justice invited Governments (a) 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; (b) to determine whether national legislation provided adequate oversight; and (c) to share their experiences in that regard with other Member States and the United Nations Office on Drugs and Crime. In most of the reporting States, there seems to be an adequate legal oversight of private security services with a responsible department for authorization and also for oversight and surveillance. A few States, however, reported their legal oversight over civilian private security services to be deficient. The present document concludes that the role of civilian private security services is still subsidiary in most of the responding States, while primary responsibility for public order, safety and security rests with the States. The document also contains information regarding the decision of the Commission to establish an expert group to study the role of private security services and their contribution to crime prevention and community safety.

* E/CN.15/2011/1.



Contents

	<i>Page</i>
I. Introduction	3
II. Role played by civilian private security services at the national level	4
III. Contribution of civilian private security services to crime prevention and community safety.	6
A. Crime prevention	6
B. Community safety	8
C. Cooperation with the police	8
IV. National legislation on adequate oversight of the civilian private policing	10
A. General situation	10
B. Authorization	11
C. Powers, limitations and obligations	12
D. Responsibility for authorization and supervision	14
E. Sanctions	15
F. Evaluation of legal oversight	15
V. Conclusion	16

I. Introduction

1. In its resolution 18/2, entitled “Civilian private security services: their role, oversight and contribution to crime prevention and community safety”, the Commission on Crime Prevention and Criminal Justice 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, and invited Governments: (a) to examine the role played on their territory by such 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 (b) to determine whether national legislation provided adequate oversight. In the same resolution, the Commission decided to establish an ad hoc open-ended intergovernmental expert group to study the role of such services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent States authorities. The Commission requested the United Nations Office on Drugs and Crime (UNODC) to prepare a report on the implementation of the resolution for consideration at its twentieth session.

2. In a note verbale dated 22 June 2010, the Secretary-General requested Member States to provide relevant information on: (a) the role played on their territory by civilian private security services; (b) the contribution of such services to crime prevention and community safety; and (c) whether national legislation provides adequate oversight of civilian private policing.

3. By 1 December 2010, the following 43 States had responded: Algeria, Argentina, Azerbaijan, Bahrain, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Guatemala, Hungary, India, Jamaica, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Monaco, Norway, Oman, Paraguay, Philippines, Portugal, Republic of Korea, Russian Federation, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey and United Arab Emirates.

4. In its resolution 18/2, the Commission decided to establish an expert group, inviting experts from academia and the private sector to become members of that group in accordance with the rules and regulations of the Economic and Social Council, 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, and invited Member States and other donors to provide extrabudgetary contributions in accordance with the rules and procedures of the United Nations.

5. With the financial support of the Government of the United Arab Emirates, a planning meeting, attended by experts in their personal capacity, was organized by UNODC in Abu Dhabi on 10 and 11 May 2010, to start preparatory work to meet the above-mentioned mandate.¹

¹ The report on the planning meeting will be made available to the Commission as a conference room paper (E/CN.15/2011/CRP.2).

6. The meeting of the expert group to be established pursuant to Commission resolution 18/2, which was originally to be held in Vienna in December 2010, has been tentatively scheduled for October 2011.

II. Role played by civilian private security services at the national level

7. Most responding States reported the existence of civilian private security services on their territories.

8. It was reported that the main role and tasks performed by those civilian private security services included tasks involving the physical and electronic surveillance and protection of natural and juridical persons and goods and the transport of goods mandated by private persons. Several States² mentioned investigation or private detective services as being part of their tasks. Furthermore, a number of States³ indicated that private security services performed the tasks of securing order, dealing with crowd security at public events, such as fairs and sport events, and a few States⁴ also mentioned the tasks of airport and public transport security. Some States⁵ mentioned the existence of internal security services of private entities, as a part of civilian private security services. Moreover, Hungary reported that two kinds of civilian private security services existed on its territory: property protection firms; and Citizens on Patrol, a non-profit organization.

9. All States reported that civilian private security services were contracted for and performed work solely in private areas or in private areas accessible to the public. However, in Bosnia and Herzegovina,⁶ the Libyan Arab Jamahiriya, Liechtenstein, Monaco, Sweden, Switzerland and the United Arab Emirates, private security services were also contracted by public authorities as follows:

(a) In the Libyan Arab Jamahiriya, there was a specific department for this purpose and it was responsible for contracting private security firms in order to maintain public security and prevent and control crime;

(b) Monaco did not, a priori, legally provide for the possibility of authorities contracting civilian private security services, but authorization could be given;

(c) Sweden reported that besides the usual civilian private security services, a system of appointing private guards by the police existed. The private guards' mandate was to assist police in maintaining public order. Those security officers appointed by the police were trained by the military in order to help with the surveillance of certain buildings, areas or other objects, to protect them against sabotage, terrorism, espionage and robbery;

² Argentina, Bosnia and Herzegovina (only the Republika Srpska and the district of Brcko), Canada, Colombia, Cyprus, Czech Republic, Ecuador, El Salvador, Guatemala, Philippines and Russian Federation.

³ Canada, Cyprus, Germany, Hungary, Jamaica, Japan, Liechtenstein, Monaco and Switzerland.

⁴ Canada, Cyprus, Germany, Jamaica, Japan, Sweden and Switzerland.

⁵ Bosnia and Herzegovina (only the Federation of Bosnia and Herzegovina), Canada, Monaco and Norway.

⁶ Only in the Federation of Bosnia and Herzegovina; it is prohibited in the Republika Srpska and the district of Brcko.

(d) Switzerland and the United Arab Emirates employed civilian private security firms for the protection of infrastructure, in particular embassies, while Swiss municipalities regularly hired private firms for a variety of tasks, especially for public transport security.

10. Regarding the general powers of civilian private security services in terms of their role on their respective territory, several States reported⁷ that civilian private security firms and their employees did not have any greater criminal law enforcement powers than private citizens, and they had less power than State police. Like private citizens, they thus possessed the general right to stop a person, had the power to intervene (in some cases even arrest) when someone was found committing an indictable offence, to use force in legitimate self-defence or to use as much force as was reasonably necessary to prevent the commission of an offence that would cause serious injury to a person or property. Furthermore, several States⁸ reported that civilian private security services in the execution of their tasks were authorized to ask for the identification of persons and search them if they wanted to enter the premises or attend an event. Many reporting States⁹ noted that the general role and function of private security services were to assist in providing public safety and such services had a preventive and/or deterrent effect on crime.

11. The following States reported that the demand for and supply of private security services were steadily or even strongly increasing:

(a) Argentina, Chile, India, Portugal, Thailand and the United Arab Emirates noted that there had been considerable growth in demand for private security services and thus an increase in supply;

(b) Jamaica stated that the demand and need for personal security by citizens had grown significantly;

(c) Canada pointed out that private security services were quite prevalent and the number of private security employees and also the number of enterprises had steadily increased over the past decade;

(d) The Czech Republic observed that there was not only an increase in the number of business entities providing private security services and the number of people they employed, but also an increase in the turnover of the staff that such services employ;

(e) El Salvador reported that it had experienced a proliferation of private security entities after the end of the conflict in 1992, most of which were comprised of elements of military rank, other security bodies and a small number of persons that had been fighting for the Salvadorian guerrilla;

(f) Liechtenstein observed that there had been a rise in the use of private security services not only by private employers, but also by municipalities;

⁷ Bosnia and Herzegovina, Canada, Hungary, Jordan, Liechtenstein, Monaco, Norway, Switzerland and Turkey.

⁸ Belgium, Canada, Croatia, Finland and Hungary.

⁹ Argentina, Bolivia (Plurinational State of), Colombia, Croatia, Ecuador, Germany, Guatemala, Hungary, Jamaica, Liechtenstein, Spain and Turkey.

(g) The United Arab Emirates observed that the role of civilian private police was similar in many respects to that in European countries, Canada, the United States of America and Asian countries, as the private sector had become more professionalized, it had started to take over or share certain functions of the public police which had historically been solely in the domain of the public police, such as the guarding of embassies, essential national infrastructure and dealing with traffic accidents, management and investigations, thus allowing the public police to focus on matters of higher priority.

12. Several States¹⁰ explicitly indicated that, despite the fact that the role of civilian private security services in crime prevention and the maintenance of public safety was growing, their role remained subsidiary to the public security forces in providing public safety. The provision of public order, safety and security, including crime prevention, was reported as the primary responsibility of the State.

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

13. The majority of the States reported very positively on the impact of civilian private security services and their contribution to crime prevention and community safety, but some of them stressed that the implications of the use of private security services could sometimes be negative due to the malfunctioning of those services.¹¹

A. Crime prevention

14. Most States¹² reported that the significance of private security services in crime prevention ranged from general to vital. The following States reported that that role was more than contributory:

(a) Cyprus noted that the collaboration between civilian private security services and the police had led not only to prevention but also to significant results in the active suppression of crime;

(b) Liechtenstein reported that civilian private security had not only a role in crime prevention, but also an indirect role in combating crime;

(c) Norway and Turkey noted that crime prevention was the main task of civilian private security services;

(d) The Republic of Korea reported that, as security services were getting more complex and diverse, they provided security on behalf of police in key national establishments and business locations;

¹⁰ Argentina, Bosnia and Herzegovina, Chile, Czech Republic, Germany, India, Jordan, Norway, Portugal, Spain, Switzerland, Thailand and Turkey.

¹¹ Ecuador, El Salvador, Oman and Thailand.

¹² Argentina, Bahrain, Bolivia (Plurinational State of), Canada, Colombia, Croatia, Cyprus, Czech Republic, Egypt, El Salvador, Germany, Guatemala, Hungary, Jamaica, Liechtenstein, Monaco, Norway, Philippines, Portugal, Republic of Korea, Spain, Sweden, Switzerland, Thailand, Turkey and United Arab Emirates.

(e) The Russian Federation reported on a number of successful operations concluded by its authorities, in collaboration with private security services, to counter criminal activities.

15. However, some States also pointed out that there were adverse effects:

(a) El Salvador acknowledged that civilian private security services had indeed a preventive function concerning minor crime, but they did not constitute a barrier regarding major crime. On the contrary, it was reported that such services became victims of major crime or accomplices to such crime;

(b) Ecuador noted that its law stipulated that civilian private security services should prevent crime and collaborate with the police, but it found that the private security services companies largely did not comply with national regulations since they operated as profit-making entities and were not mainly concerned about contributing to crime prevention.

16. Canada, Portugal and Switzerland stated that it was difficult to qualify and quantify the contribution of civilian private security services to crime prevention (and public safety) but it was noted that in view of the tasks they performed (in Canada and Switzerland), their rising numbers and the increased amount of money invested in that sector (in Portugal), it could be assumed that those private security services implicitly contributed to crime prevention. Switzerland noted that even though it could not qualify and quantify exactly the contribution of civilian private security services to crime prevention and community safety, it felt they were contributing to the sense of security of the population.

17. Regarding the question in which way civilian private security services have contributed to crime prevention, the nature of their activities and tasks and their cooperation with the police were viewed as the most important elements. Many of the responding States¹³ viewed the main contribution of such services to crime prevention to be showing presence and visibility. This meant that civilian private security services were perceived to contribute to crime prevention because of their tasks, which ranged from the protection of goods and persons, through patrolling streets and communities, to the exercise of broad assignments of surveillance by electronic means. In this way, they were regarded as preventing crime, and their presence also had a deterrent effect on criminal activities, in particular owing to the fact that persons in such services wore uniforms and were thus particularly visible.

18. In this context, the United Arab Emirates added that the increased presence of uniformed security helped to deter crime and their additional training in specific skills (e.g. powers of arrest, evidence-gathering and report-writing) also supported crime reduction. A considerable number of States¹⁴ found assisting the police and especially informing the police of criminal activities as the main contribution of such services to crime prevention; several States¹⁵ also mentioned the importance of civilian private security services in the collection of evidence.

¹³ Argentina, Canada, Croatia, Cyprus, Czech Republic, El Salvador, Germany, Jamaica, Liechtenstein, Philippines, Sweden, Switzerland, Thailand and United Arab Emirates.

¹⁴ Azerbaijan, Belgium, Bolivia (Plurinational State of), Colombia, Cyprus, Guatemala, Hungary, India, Jamaica, Liechtenstein, Norway, Philippines, Spain and Thailand.

¹⁵ Azerbaijan, Colombia, Cyprus, Jamaica, Philippines, Spain, Thailand and United Arab Emirates.

B. Community safety

19. Some States¹⁶ noted a significant contribution of civilian private security services to community safety, highlighting their tasks and activities and their role in informing the police.

20. Some States reported positive effects of civilian private security services to community safety on their territory:

(a) Argentina noted that civilian private security services contributed to community safety as part of public security forces;

(b) Colombia stated that civilian private security services constituted an invaluable benefit to citizens safety;

(c) Jamaica informed that the presence of private security firms provided an environment not only for a safer community but also for a more stable economy and more effective delivery of private and social services to communities;

(d) Germany noted in particular the lasting improvement that the deployment of civilian private security had made in the area of public transport security, where security had improved in terms of passenger's subjective feelings of safety (especially for elderly passengers and women) and it had been proved that cases of bodily injury and harassment had diminished, as well as damage caused by vandalism and graffiti.

21. In its reply, the Czech Republic pointed out that civilian private security services made important contributions to community safety but not for the whole community. Ecuador did not consider private security services to be contributing to community safety at all; on the contrary, it considered that private security services actually even tended to undermine community safety with their poor professional practices (e.g. working without the necessary weapon licences).

C. Cooperation with the police

22. The cooperation of the civilian private security services with the police was regarded as very important in contributing to crime prevention and/or community safety. Many States¹⁷ declared the cooperation of civilian private security services with the police as being one of their main contributions to crime prevention and/or public safety. The Russian Federation reported that, on the basis of its relevant national legislation of 1992, those services cooperated with the relevant State authorities in the detection and prevention of crime. Several States¹⁸ reported that civilian private security services were obliged to cooperate with and/or assist the

¹⁶ Argentina, Azerbaijan, Bolivia (Plurinational State of), Colombia, Czech Republic, Guatemala, Hungary, India, Jamaica, Liechtenstein, Monaco, Norway, Philippines, Spain, Sweden and Thailand.

¹⁷ Argentina, Bahrain, Belgium, Bolivia (Plurinational State of), Canada, Colombia, Cyprus, Ecuador, Finland, Germany, Guatemala, Hungary, India, Jamaica, Liechtenstein, Monaco, Norway, Philippines, Spain, Thailand and United Arab Emirates.

¹⁸ Argentina, Azerbaijan, Bahrain, Belgium, Bolivia (Plurinational State of), Colombia, Finland, Guatemala, Hungary, India, Jamaica, Philippines and Spain.

police in various other forms (passing on information of criminal activities, helping with evidence).

23. Argentina mentioned that private security service officers had to follow the instructions of the police, while in Guatemala they could be required to assist the police in maintaining public order. Hungary reported that civilian private security services were responsible for harmonizing their activities with the police. The Philippines reported that in cases involving disasters or calamities, the State or local authorities could muster or incorporate civilian private security services into their own activities. Furthermore, Spain reported that all citizens were obliged to cooperate with the police and that civilian private security services had a special obligation to cooperate with and assist the police and to follow the instructions of the police. Spain also reported that collaboration between private security services and the police had increased in recent times.

24. A number of States¹⁹ mentioned that civilian private security services not only assisted the police in crime prevention and public safety activities but also were allowed to apprehend perpetrators. Depending on the State, the exact powers of the civilian private security services ranged from custody and apprehension to temporary restriction of movement. Belgium, Canada, Liechtenstein and Switzerland pointed out that private security guards were only allowed to use a minimum amount of force in order to stop a person from committing a crime and/or apprehend the person. In Hungary, only licensed security guards were allowed to take a person into custody if necessary, while Citizens on Patrol, a non-profit organization, did not have the authority to do so.

25. The following States mentioned the contribution of civilian private security services in supporting the police in their work:

(a) Germany reported about the general contribution that civilian private security services provided to police by supporting them in observation tasks and patrol activities;

(b) Switzerland reported that in certain situations, the municipalities contracted civilian private security firms to patrol city districts or to direct traffic in areas affected by road construction so that they could free the police from those tasks;

(c) Turkey reported that the main task of civilian private security firms was solely crime prevention. Therefore, the activities of private security services helped to reduce the work of public security services in the area of crime prevention and helped them concentrate more on fighting crime;

(d) The United Arab Emirates added that training, examining and licensing the private sector could be far more cost-effective than funding a public police force of a similar size.

26. A few States reported that they had special mechanisms for cooperation involving the police and civilian private security services. In Colombia, as part of the strategy on crime prevention, the Government had created the “network of citizen support and solidarity”, to prevent crime, to ensure secure information

¹⁹ Argentina, Belgium, Canada, Croatia, Finland, Hungary, Liechtenstein and Switzerland.

exchange and to be used as a tool for interaction and communication between police and private security services; national private security firms were requested to liaise with the network. Germany reported that at the state level, there were specific cooperation agreements between police and private security services on the basis of which private firms supported the police in their observation and patrol activities; in addition, there were also security partnerships concerning, for example, local public transport and long-distance national transport, as well as ad hoc cooperation regarding, for example, large-scale events. Hungary pointed out that there was special cooperation between the State and the non-profit organization Citizens on Patrol, which cooperated with the local authorities, the police, the national directorate general for disaster management, the customs and financial authorities and the deputy State secretariat for nature conservation and environmental protection. Finally, Thailand stated that it considered civilian private security services to be a part of the community policing network, a strategy of the Royal Thai Police for crime prevention and suppression.

IV. National legislation on adequate oversight of the civilian private policing

A. General situation

27. Several States reported that they had in place²⁰ or had amended²¹ their legal regulation on private security services; others replied that they had new relevant legal projects²² or amendments under way, while others indicated the need²³ for a new regulation. Among the States that had amended their laws or regulations on private security services, Norway noted that the purpose of its amendment, which would enter into force in 2011, was to ensure legal safeguards for people coming into contact with civilian private security services and to ensure their high standards and sufficient public control. The Federation of Bosnia and Herzegovina amended its law in 2008 in order to expand the range of potential customers to agencies, including authorities at the Federation, cantonal, city and municipality levels and the protection of facilities used by political parties.

28. Some of the States²⁴ that indicated that they had amended or were planning to amend their national legislation specified that this was because of the increased or increasing presence of private security services and firms on their territory. Argentina, Chile, the Czech Republic and Guatemala reported that, in view of the increased demand for private security services, it was deemed necessary to have private security services with able and well-trained personnel and, to that end, the legislation needed to be updated. Canada reported that several provinces were amending or were envisaging to amend the relevant legislation and that there had been efforts to harmonize the standards and information sharing among provinces. Ecuador indicated that civilian private security services sometimes could have a

²⁰ Argentina, Canada, Chile, Croatia, Norway, Philippines, Switzerland and Turkey.

²¹ Bosnia and Herzegovina, Croatia, Norway and Philippines.

²² Argentina, Canada, Chile, Guatemala and Thailand.

²³ Czech Republic, Ecuador, Guatemala, Switzerland and Thailand.

²⁴ Argentina, Canada, Chile, Czech Republic and Guatemala.

negative effect on crime prevention and public safety owing to shortcomings in the current law; it reported that the national law would either be amended or replaced by a new one containing provisions that would allow for effective monitoring of the various areas in which private security companies operated.

B. Authorization

29. Regarding the issue of regulation of civilian private security services, it should be noted that in the vast majority of the responding countries private security services, and their employees, needed some kind of authorization from the Government in order to be allowed to perform their activities.

30. The exact requirements for the issuing of a licence or authorization varied. Most States required a type of authorization or licence not only for the private security firm but also for their employees. Generally, the States²⁵ that provided this information explained that they required authorization not only for the applicant (either the natural person, i.e. director or boards of directors, or the legal entity) but also for its employees. India required the issuing of a licence for operators of private security services and foresaw specific requirements for the employees. Norway responded that it only required authorization for the owners of private security services or the members of the board of directors.

31. Several of the responding States reported about the requirements needed for the issuing of a licence²⁶ which included: (a) nationality;²⁷ (b) minimum age;²⁸ (c) full legal capacity;²⁹ (d) clean criminal record;³⁰ (e) professional formation/experience or education qualification;³¹ (f) not being personnel of public security forces;³² (g) not having been discharged from public security forces for dishonest behaviour;³³ (h) physical and psychological fitness;³⁴ (i) training courses;³⁵ (j) no record of consumption of drugs³⁶ or abuse of alcohol;³⁷

²⁵ Argentina, Azerbaijan, Belgium, Bolivia (Plurinational State of), Cyprus, Czech Republic, Finland, Germany, Guatemala, Liechtenstein, Monaco, Oman, Philippines, Spain, Sweden, Turkey and United Arab Emirates.

²⁶ Argentina, Bahrain, Belgium, Bolivia (Plurinational State of), Cyprus, Czech Republic, Ecuador, Finland, Germany, Guatemala, India, Jamaica, Liechtenstein, Monaco, Oman, Philippines, Spain, Sweden, Turkey and United Arab Emirates.

²⁷ Argentina, India and the Philippines required that natural persons in the activity of civilian private security services must be of their respective nationality. Belgium and Cyprus required that they be citizens of a member State of the European Union.

²⁸ Argentina, Belgium, Cyprus, Czech Republic, Finland and Philippines. (The Philippines required that private security guards be not older than 50 years of age and that directors of private security services be at least 25 years old.)

²⁹ Argentina and Czech Republic.

³⁰ Argentina, Belgium, Czech Republic, India, Liechtenstein, Monaco and Philippines.

³¹ Argentina, Belgium, Czech Republic, Germany, Guatemala, India and Philippines.

³² Argentina, Belgium and Cyprus.

³³ Argentina, Cyprus and India.

³⁴ Argentina, Cyprus, India and Philippines.

³⁵ Argentina, Cyprus, Ecuador, India, Jamaica, Spain and Turkey.

³⁶ Cyprus and Philippines.

³⁷ Philippines.

(k) personal reliability and morality;³⁸ and (l) not being involved in arms trade or fabrication.³⁹

32. As regards legal entities, the following additional requirements were reported: (a) directors/managers must fulfil the requirements foreseen for natural persons;⁴⁰ and (b) private security firms must be ordinary societies,⁴¹ provide licensed personnel,⁴² possess sufficient assets⁴³ and provide assurance for civil liability for employees and the firm.⁴⁴ The Philippines reported on a specific additional requirement related to the legal limitation of numbers of employees per agency: no more than 1,000 employees in Manila, no more than 500 in other cities and first-class municipalities and no more than 200 in non-first-class municipalities.

C. Powers, limitations and obligations

33. Several States also gave information on the powers, the limitations of powers and the obligations of civilian private security services according to their respective legislation.

34. In general, private security guards and agencies in the exercise of their activity had been given the powers: (a) to examine and check persons, means of transportation and personal goods in order to detect dangerous objects that could endanger the event, person or building for which they were providing security;⁴⁵ (b) to employ instruments capable of detecting weapons and explosives;⁴⁶ (c) to request the identification of persons under certain circumstances;⁴⁷ (d) to use minimum necessary physical force if the situation required it;⁴⁸ (e) to arrest someone, if necessary;⁴⁹ (f) to use dogs;⁵⁰ (g) to carry firearms;⁵¹ (h) to wear

³⁸ Finland, Germany, Guatemala, India, Liechtenstein, Monaco and Philippines.

³⁹ Belgium and Cyprus.

⁴⁰ Argentina.

⁴¹ Argentina.

⁴² Plurinational State of Bolivia.

⁴³ Finland.

⁴⁴ Argentina, Belgium, Canada, Finland, Germany, Monaco, Philippines.

⁴⁵ Belgium, Croatia, Finland and Hungary.

⁴⁶ Hungary.

⁴⁷ Belgium, Croatia, Hungary.

⁴⁸ Belgium, Canada, Croatia, Finland and Hungary.

⁴⁹ Argentina, Belgium, Canada, Croatia, Finland, Hungary, Liechtenstein and Switzerland.

⁵⁰ Croatia, Finland and Hungary.

⁵¹ Argentina, Belgium, Canada, Chile, Colombia, Croatia, El Salvador, Finland, Monaco, India and the Philippines allow private security services to carry firearms under certain conditions or limitations depending on task and location. Canada and Finland pointed out that their use is strictly limited to strong necessity. Hungary reported that private security guards may keep chemical devices and rubber truncheons, and only use them in self-defence.

uniforms;⁵² and (i) to conduct services for a political party or provide security for their premises and facilities.⁵³

35. Analysis of the replies received indicated that private security guards and agencies were forbidden: (a) to intervene in political or labour union conflicts or activities;⁵⁴ (b) to intercept communications or acquire information by technical means or entering buildings beyond the object of surveillance;⁵⁵ (c) to conceal from law enforcement agencies information concerning offences committed or being planned;⁵⁶ (d) to make video or audio recordings, take photographs or film on sites for which security was being provided without the written permission of the relevant officials of the legal entity concerned and that of the proprietor or legal owner of the site;⁵⁷ (e) to take beyond the boundaries of the site for which security was being provided special equipment issued by the private security company or by the security unit of the legal entity concerned for official use;⁵⁸ (f) to act in a way that might harm the rights and freedoms, life, health, reputation, dignity, property or lawful interests of natural persons;⁵⁹ (g) to communicate information on their clients;⁶⁰ (h) to acquire information on the political opinions of their clients during the exercise of their activity;⁶¹ (i) to make unauthorized use of uniforms;⁶² and (j) to use emblems or other insignia.⁶³

36. The obligations that private security guards and agencies had to fulfil included keeping records of the firearms used and their proprietors;⁶⁴ informing the Ministry of the Interior and the prosecution agencies without delay of any incident in which physical force or special equipment had been used;⁶⁵ keeping a list of all staff members of the private security agency and of the activities in which the staff had intervened;⁶⁶ wearing identification;⁶⁷ and wearing uniforms.⁶⁸

⁵² Private security service personnel are allowed to wear uniforms in Canada and Colombia. In Argentina, Belgium, Finland, India, Liechtenstein and the Philippines it is allowed under the condition that they be chosen in a way not to induce third parties to take the private security services for public forces. In Belgium and Liechtenstein the uniforms need to have previously been approved of by the respective ministry.

⁵³ In the Federation of Bosnia and Herzegovina (but not in the Republika Srpska and the district of Brcko), it is explicitly allowed to provide services for political parties.

⁵⁴ Argentina, Belgium.

⁵⁵ Argentina.

⁵⁶ Azerbaijan.

⁵⁷ Azerbaijan.

⁵⁸ Azerbaijan.

⁵⁹ Azerbaijan.

⁶⁰ Azerbaijan and Belgium.

⁶¹ Argentina and Belgium.

⁶² Azerbaijan and India.

⁶³ Azerbaijan.

⁶⁴ Belgium.

⁶⁵ Azerbaijan.

⁶⁶ Cyprus.

⁶⁷ Argentina and Finland; in Belgium, private security guards needed to wear their credentials as identification in certain specific tasks or tasks where they might be confused with public forces; and in India, every private security guard needed to wear a photo identity card.

⁶⁸ In Belgium, private security guards were obliged to wear uniforms in certain situations. Finland's regulation foresaw that private security guards should wear uniforms that must be distinguishable from those worn by public security forces.

D. Responsibility for authorization and supervision

37. Regarding the question of adequate legal oversight of civilian private security services, there was the question of which authority had the responsibility of control and supervision. In general, the organ responsible for issuing an authorization was within the Ministry of the Interior,⁶⁹ commercial ministries or departments,⁷⁰ specific departments for that sector⁷¹ or the police.⁷² The distribution of the responsibility of authorization to the different offices and departments was nearly equal among the countries.

38. In three countries the situation was different. In Monaco, the Minister of State authorized private security firms; in Sweden the appointed guards were authorized by the police, while the security guards were authorized by the county administrative board; and in Chile, the customs service was responsible.

39. The administrative oversight of civilian private security services (i.e. their registration and authorization) rested with the Ministry of the Interior and specific departments for this sector or commercial departments of the public administration. On the other hand, the enforcement of the regulation (i.e. the supervision and control of private security services) usually rested with the police:

(a) The police were responsible for the enforcement of the law by supervising, monitoring and controlling private security services in Bolivia (Plurinational State of), Bosnia and Herzegovina (additional inspectorial supervision was conducted by authorized persons within the Ministry of Internal Affairs), Finland, Guatemala, Japan, Monaco, the Philippines and Portugal;

(b) In Belgium, Croatia, India and Turkey, the Ministry of the Interior assumed those tasks;

(c) In Jamaica and the Libyan Arab Jamahiriya, the specific department responsible for private security services was also responsible for the enforcement of the law and, thus, the monitoring of the private security services;

(d) In Liechtenstein, the responsibility was with the Office of Economic Affairs, supported by the police as far as the verification of reliability was concerned;

(e) In the Russian Federation, the supervision of these services rested with the Attorney-General's Office.

⁶⁹ Argentina (assisted by the National Register of Arms), Azerbaijan, Bahrain, Belgium, Croatia, Finland, India, Portugal, Republic of Korea, Russian Federation, Spain, Turkey and United Arab Emirates.

⁷⁰ Canada (at the provincial level), Czech Republic, Germany, Liechtenstein, Norway and Thailand.

⁷¹ Bolivia (Plurinational State of) (National Department of Control of Private Security Firms), Colombia (Superintendencia Supervigilancia), Ecuador (Department for Monitoring and Oversight of Private Security Organizations), Jamaica (Private Security Regulation Authority) and Libyan Arab Jamahiriya (Public Administration of the Local Popular Security).

⁷² Bosnia and Herzegovina, Cyprus, El Salvador, Guatemala, Japan, Oman (Inspector-General of the Police and Customs) and Philippines.

E. Sanctions

40. Most States reported that, in order to enforce the legal regulations, they implemented a system of sanctions that allowed them to penalize transgressions and breaches of the regulations in force. Many States were familiar with the practice of imposing fines in cases involving infractions of the law in force⁷³ and several States reported that they also used the sanction of either revoking or suspending (temporarily or permanently) the authorization or licence.⁷⁴

41. A few States indicated that they also used the penalty of imprisonment for certain infractions,⁷⁵ while Spain and Portugal mentioned having implemented a system of sanctions for enforcing regulations on private security services without specifying their nature. Chile reported that a system of sanctions would be introduced with a new draft law on private security services. Croatia mentioned that emphasis was put on the work of inspection and that many indictments had been carried out for illegal pursuit of private security services.

F. Evaluation of legal oversight

42. Regarding the question of legal oversight on civilian private security services, several States⁷⁶ reported they had developed specific legal regulations of these services.

43. Regarding the evaluation of the level of legal oversight, only a few States expressly provided information. The following States reported that their legislation provided sufficient or adequate oversight:

(a) Argentina reported that the current law was considered to be sufficient, but it added that a new law currently under consideration would ensure better quality and performance;

(b) In Liechtenstein, the legislation provided adequate rules in different commercial acts and the criminal code and also guaranteed appropriate oversight;

(c) Norwegian amended legislation of 2009 was intended to ensure legal safeguards for persons in contact with security company personnel, the maintenance of high standards, the efficient control of such activities and the prevention of security services contrary to that act and provided adequate oversight of civilian private security services;

(d) In Spain, regulations served the purpose of ensuring that civilian private security services conducted themselves in conformity with their objectives or their functions related to crime prevention and the protection of persons and goods;

⁷³ Argentina, Belgium, Croatia, Cyprus, Czech Republic, El Salvador, Finland, Liechtenstein, Monaco, Philippines and Turkey.

⁷⁴ Argentina, Belgium, Bolivia (Plurinational State of), India, Japan, Liechtenstein, Philippines, Sweden and Turkey.

⁷⁵ Cyprus, India, Philippines and Turkey.

⁷⁶ Bolivia (Plurinational State of), Bosnia and Herzegovina, Croatia, Cyprus, El Salvador, Hungary, India, Liechtenstein, Monaco, Norway and Portugal.

(e) Turkey reported that its legislation contained detailed provisions on authorization, supervision, enforcement and oversight.

44. The following States reported that the adequacy of the current legal oversight regarding private security services was unclear, due to certain shortcomings or lack of legislation:

(a) The Czech Republic stated that the situation regarding the legal adequacy of oversight was not clear since civilian private security services were a form of business activity, regulated by the trade-licensing act. Thus, the oversight of private security services was mainly the responsibility of the trade-licensing offices. Those offices, however, sometimes lacked the required expertise. This drawback was partially compensated by the police. Therefore, there was growing concern that it would be advisable to regulate civilian private security services properly in a separate law;

(b) Ecuador reported that because of shortcomings in the existing law, there was no adequate legal oversight. Even though the current legislation allowed the monitoring of civilian private security services, there were shortcomings and the law in force needed to be replaced or revised;

(c) Thailand indicated that there was no adequate legal oversight in its legislation, because there was no sufficient or specific regulation. However, legal reform was in progress. A bill had been approved in 2007 by the Cabinet and would be considered by the Office of Council of State before being passed on to the Parliament.

45. Bosnia and Herzegovina reported that there were different regulations in its federal entities that created inequity between the different civilian private security services in the respective federal entities and resulted in the private security sector being outside of any control of the State institutions. Canada mentioned that the Government did not have jurisdiction in the area of civilian private security services and that the provinces had legal oversight; it indicated that recently there had been efforts to agree on information-sharing and harmonization of standards. A similar situation was reported in Switzerland, where oversight of civilian private security services rested mainly with the authorities at the cantonal level and there had been discussions on harmonizing the existing cantonal legislations.

V. Conclusion

46. Civilian private security services played a significant role on the territory of several States. In most of the responding States however, that role could still be considered subsidiary to the public security forces, which took up the main role in providing security.

47. Civilian private security services were considered to make important contributions, in particular with regard to crime prevention and community safety. Their surveillance and protection and their cooperation with the police were appraised to be beneficial. However, a few States also reported serious adverse effects of such services.

48. Most of the reporting States seemed to provide an adequate legal oversight of private security services, having assigned a responsible department for authorization and for oversight and surveillance and having established a system of sanctions for the enforcement of regulations. However, a few States reported their legal oversight over civilian private security services to be deficient: new legal regulation had already been proposed or there was awareness of the need for amendments.

49. In general, it appears that there is increasing evidence that private civilian security policing in several countries has been found to be a useful supplementary service. In its resolution 18/2, the Commission decided to establish an expert 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. That decision constituted a timely call for advancing the thinking of the international community in this important area.

50. In light of the information provided in this document, the Commission on Crime Prevention and Criminal Justice may wish to consider the following:

(a) Continuing to accord high priority to the issue of civilian private security services: their role, oversight and contribution to crime prevention and community safety;

(b) Inviting Member States:

(i) To take into consideration the recommendations of the planning meeting held in Abu Dhabi on 10 and 11 May 2010, in particular those related to the issues of eligibility criteria, development of standards for the provision of civilian private security services, regulation and oversight and training;

(ii) To continue sharing their experiences with regard to the role of civilian private security services on their territory and their contribution to crime prevention and community safety, as well as issues relating to their oversight by competent national authorities;

(iii) To participate in the deliberations of the expert group to be established pursuant to Commission resolution 18/2.