

A low-angle, blue-tinted photograph of industrial pipes and scaffolding, creating a sense of height and complexity. The pipes are large and cylindrical, with various fittings and valves. The scaffolding is made of dark metal beams and cross-braces.

**THE DANISH
INSTITUTE FOR
HUMAN RIGHTS**

THE HUMAN RIGHTS
COMPLIANCE ASSESSMENT
TOOL
**SECURITY
ARRANGEMENTS**

CONSULTATION DRAFT JUNE 2015

CONSULTATION DRAFT OF THE HUMAN RIGHTS COMPLIANCE ASSESSMENT TOOL SECURITY ARRANGEMENTS

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INTRODUCTION

Welcome to the Security Arrangements section of the Human Rights Compliance Assessment (HRCA) tool. This section concerns how human rights are respected when it comes to security arrangements.



The sub-categories for this section are:

- Security Management
- Private Security Guards
- Public Security Forces

This section has been through limited review in the latest update process. Most of the questions and indicators have been through an external consultation process prior to the publication of this consultation draft.

DIHR would like to engage with stakeholders on the content and implementation of the HRCA. This includes providing case studies, sending submission on specific components and engaging with us on projects to improve and advance the content of the tool.

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You can also contact us directly: hrib@humanrights.dk

6.1 SECURITY MANAGEMENT

No. 6.1.1	Area Security arrangements	Section Security management
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Question

Does the company undertake a risk assessment prior to setting up its security arrangement?

Yes	No	F/A	N/A

Description

Establishing a security arrangement and implementing the [Voluntary Principles on Security and Human Rights](#) requires the undertaking of a security risk assessment for each location where security arrangements are needed. The Voluntary Principles on Security and Human Rights are a set of principles developed to guide companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. The purpose of the security risk assessment is to provide an overview of the different types of security threats, which will inform the company of the probability of engaging in human rights abuses or violations and the potential severity of these. Furthermore, the risk assessment will form the backdrop for determining the nature and scope of the security arrangement so that it is proportional to the threat. A disproportional security arrangement increases the risk of conflicts which could lead to human rights abuses or violations.

Conducting a quality security risk assessment requires the use of regularly updated and credible information from a broad range of sources, including governments, security firms, local and international human rights organisations, multilateral institutions, other companies, etc. The Voluntary Principles on Security and Human Rights require that an accurate and effective risk assessment covers the following factors:

- Identification of security risks (i.e. political, economic, civil or social factors);
- Potential for violence in the operating environment;
- Human rights records of public security forces, paramilitaries, local and national law enforcement;
- Rule of law in country/region;
- Conflict analysis (i.e. understanding the root causes and nature of conflict(s)); and
- Risk in regard to equipment transfers (e.g. if the company provides equipment and/or other types of support to public and private security personnel).

While some locations will require a comprehensive risk assessment, other locations will require more simple risk assessments. The company should provide tools for its business units/subsidiaries to assist them in evaluating the required level of the risk assessment as well as the actual risk assessment.

Suggested Indicators

- 1 Company policies and procedures require a security risk assessment prior to establishing security arrangements in a new location.

True	False	F/A	N/A

- 2 Company security risk assessments consider the areas required in the Voluntary Principles on Security and Human Rights, including: identification of security risks; potential for violence in the operating environment; human rights records of public security forces, paramilitaries, local and national law enforcement; rule of law in country; conflict analysis and human rights risk in regard to equipment transfers.

True	False	F/A	N/A

- 3 An individual and/or business unit within the company has responsibility for conducting, quality assuring and regularly updating security risk assessments.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); Voluntary Principles on Security and Human Rights: Risk Assessment.

No. 6.1.2	Area Security arrangements	Section Security management
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Question

Does the company ensure the safety and physical security of employees from threats of physical assault, kidnapping and other serious dangers?

Yes	No	F/A	N/A

Description

The company must ensure that company facilities are protected against illegal intruders and other threats to employees. The level of security provided to employees should reflect the dangers and risks in the area of operations. Extra precautions should be taken to protect employees during times when local community disapproval of the company is high, or if other conditions exist which could lead to physical assaults on company employees. In particularly dangerous areas, company protection should also extend to employees travelling to and from the work place.

Security personnel also encounter youth and children in a variety of ways, including as employees' family members. Because of their young age and physical weakness, children are at greater risk of experiencing abuse, intimidation and harassment – and therefore it is crucial for a company to have security arrangements that take children's rights into account.

Suggested Indicators

- 1 A staff member or a department has the responsibility of security risk assessment and prevention, and keeping management informed of risks to employee security. The risk assessment also evaluates any dangers faced by women, young persons, and minorities.

True	False	F/A	N/A

- 2** The company implements a plan to prevent security threats and protect employees against dangers. This could include training, emergency phones, security lights, the use of specially trained guards, and other measures tailored to the nature and severity of risks in the area.

True	False	F/A	N/A

-
- 3** In operations where the relationship with the community or groups in the community is tense, the company develops and implements a community relations plan to address security risks caused by this relationship.

True	False	F/A	N/A

-
- 4** The company posts guards on the premises and controls access to company grounds, in operations where employees are at risk of acts of violence by the public or community members.

True	False	F/A	N/A

-
- 5** In cases of acute security risk based on political instability, natural disasters or other hazards, the company informs employees and suspends operations for as long as necessary until the risk has been eliminated.

True	False	F/A	N/A

- 6 The company has a complaint procedure, which allows for safe reporting of possible workplace grievances and problems.

True	False	F/A	N/A

- 6 The company takes into consideration impacts on children's rights related to the security arrangements.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Article 3; International Covenant on Civil and Political Rights (1966), Article 9 (1); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 16(2); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Article 3; ILO Occupational Safety and health Convention (C155, 1981), Articles 4 and 5

No. 6.1.3	Area Security arrangements	Section Security management
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Question

Does the company monitor its security arrangements and impact on local communities?

Yes	No	F/A	N/A

Description

The company, or appropriate independent third parties, should monitor the conduct of the company's security arrangement and its impact on the local community to ensure consistency with the expectations of the Voluntary Principles on Security and Human Rights and international human rights and humanitarian law.

The monitoring should include an overall assessment of the impact of the security arrangement on project-affected communities and individuals, and consider issues such as: proportionality of the security arrangement to the risks; conflict potential entailed in the security arrangement; and investigations of security incidents where force has been employed. Adjustments and remedial actions should be undertaken if found necessary by the monitoring.

The monitoring should also include consideration of the conduct of security personnel and investigations into any credible allegations of abusive or unlawful acts, as well as procedures for reporting to the relevant local law enforcement authorities, where appropriate. If inappropriate actions have been taken by security personnel, the company must engage with the government and take any necessary and reasonable steps to ensure that remedial measures are taken.

Consultations with members from the local community should constitute an inherent part of the monitoring. Measures should be taken to ensure that monitoring is gender-sensitive and includes attention to vulnerable individuals and groups, for example, ethnic minorities, children or their representatives, the elderly or others, depending on the context of the project.

Suggested Indicators

- 1
- The company has procedures in place for monitoring its security arrangements and impact on the local community, including children. The procedures specify when, how and what to monitor.

True	False	F/A	N/A

-
- 2
- An individual and/or business unit within the company is responsible for monitoring security arrangements.

True	False	F/A	N/A

- 3 The monitoring includes consideration of the following: proportionality of the security arrangement; impact on local tensions/conflict; incidents where force has been used; and credible allegations of abuse and unlawful acts.

True	False	F/A	N/A

-
- 4 Local community members are consulted as part of the monitoring.

True	False	F/A	N/A

-
- 5 Remedial action is undertaken if found necessary by the monitoring.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 11(f) and 22; Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.

No. 6.1.4	Area Security arrangements	Section Security management	
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Question

Does the company consult with relevant stakeholders regarding its security arrangement?

Yes	No	F/A	N/A

Description

Stakeholder engagement and consultation are essential elements of the Voluntary Principles on Security and Human Rights, and the company should engage in regular consultations with a number of different stakeholders regarding its security arrangements.

If the security arrangement involves public security forces, key stakeholders include: the government; government officials from the company's home-country; other companies using security in the same region; public security and local community members. In its consultations with the government and other stakeholders, the company should take all appropriate measures to promote observance of international standards on policing and law enforcement, i.e. the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

Engaging in dialogue with the government on security and human rights issues may in some contexts be a sensitive and challenging task for companies. If this is the case, the company can consider using its home-government as a diplomatic channel for engaging the governments. The company can also consider cooperating with other companies in the area that work with public security, and raise common concerns collectively.

When establishing the security engagement, local community members should be included in consultations and engagement to the extent possible, in order to anticipate, manage and mitigate any potential negative impacts.

Suggested Indicators

- 1 The company has policies and procedures on stakeholder engagement for its security arrangements. These specify who to engage, and outline the principles to be applied to ensure representative and informed stakeholder dialogue.

True	False	F/A	N/A

- 2 The company promotes international standards on policing and law enforcement in its dialogue with the government and other stakeholders.

True	False	F/A	N/A

-
- 3 Local community members are included in engagement regarding security arrangements, as appropriate.

True	False	F/A	N/A

-
- 4 The company holds structured meetings to discuss security arrangements with a wide range of stakeholders, including critical voices and vulnerable individuals and groups.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); Voluntary Principles on Security and Human Rights - Interactions Between Companies and Public Security.

No. 6.1.5	Area Security arrangements	Section Security management	
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Question

Does the company have a process in place to adequately respond to credible allegations of human rights abuses committed by security personnel?

Yes	No	F/A	N/A

Description

Allegations about human rights abuses committed by company security personnel can have serious consequences for the company and should be managed with great care. The company should have a formal process in place (e.g. grievance mechanism) in order to capture allegations. The process should be accessible to all relevant stakeholders, including security forces, staff, and people in the local community. The grievance mechanism should also meet the eight effectiveness criteria outlined in UN Guiding Principle 31.

If an allegation is brought to the attention of the company, the company should have clear procedures in place on how to manage the incident internally, and any serious allegations should be forwarded to the relevant government authority immediately for investigation. Internally, there should be a clear chain of command and the alleged incident should be carefully investigated, and information and documentation recorded and kept. In the investigation, the company must ensure to use credible and reliable information and ensure that the security and safety of sources is protected. The company should have a set of guidelines or criteria that can be used to assess if the incident is credible. If the allegation is found credible by the investigation, the case must be forwarded to appropriate government authorities. The company should monitor the status of the case and press for its proper resolution. When forwarding the incident to authorities, the company should take into account the ability of the local judicial system to handle the allegation in a manner that does not violate the human rights of any of the persons involved. Where appropriate, the company should press for the proper and prompt investigation and that action be taken to prevent any reoccurrence.

Suggested Indicators

- 1 The company has an effective grievance procedure for capturing alleged human rights abuses and violations. All relevant stakeholders, including staff and people in local communities, are informed about the procedure and have access to it.

True	False	F/A	N/A

- 2 The company has policies and procedures on how to manage allegations about human rights abuses and all allegations are carefully investigated and reported.

True	False	F/A	N/A

-
- 3 Credible allegations are forwarded to appropriate host government authorities and the company monitors the status of investigations and their proper and timely resolution.

True	False	F/A	N/A

-
- 4 Where appropriate, the company presses for the prompt and proper investigation and that action be taken to prevent any occurrence.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Code of Conduct for Law Enforcement Officials, Articles 2 and 5; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 11(f), 22, 23, 24, 25, 26; the Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.

No. 6.1.6	Area Security arrangements	Section Security management	
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Question

Does the company use consultative processes and risk assessment to protect its workers against foreseeable dangers in the workplace?

Yes	No	F/A	N/A

Description

Employers are responsible for protecting employees from all foreseeable dangers in the workplace. The actual type and number of safety precautions necessary will differ depending upon the type of operation and unique concerns of the company, as well as the location of operation. Once a danger is identified, the company must act swiftly to remedy the defect and institute a prevention plan to deter future incidents. Reasonable responses could include the increase of lighting on the premises, the installation of video cameras, the installation of property fencing, the increase in the number of unarmed security guards, or in extreme cases, even the suspension of operation for as long as is necessary to remedy the problem.

Suggested Indicators

- 1 Company guidelines allow for or require workers to elect safety representatives, who record any safety concerns raised by the employees and meet regularly with the management to discuss and address such concerns.

True	False	F/A	N/A

- 2 A risk assessment regarding political, security and natural risks to worker security is undertaken and updated regularly.

True	False	F/A	N/A

- 3 All reasonable measures to mitigate risks to worker security based on the risk assessment are taken by the company, including measures to protect women from violence.

True	False	F/A	N/A

-
- 4 In cases of acute security risk based on political instability, natural disasters or other hazards, the company informs employees and suspends operations for as long as necessary until the risk has been eliminated.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (b); ILO Occupational Health Services Convention (C161, 1985), Articles 1 and 5

6.2 PRIVATE SECURITY GUARDS

No. 6.2.1	Area Security arrangements	Section Private security guards
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Question

Does the company have a clause in its contractual agreements with private security personnel and/or providers that commits the contractor to respecting human rights?

Yes	No	F/A	N/A

Description

The company is allowed to use security staff to protect its workers and property and to ensure compliance with disciplinary rules at the workplace as well as at company-provided housing and dining facilities. However, international standards stipulate that private security personnel must have clearly defined mandates preventing them from overstepping their authority and improperly interfering with national law enforcement functions. The company must conduct adequate investigations when hiring potential security personnel or security providers. All engaged private security personnel must have completed training under appropriate certified standards. Generally speaking, private security personnel should only behave in a defensive and preventive manner and attempt to address security-related situations with non-violent means. Security personnel may only employ such measures as defensive force and body searches in specific situations of heightened security threat.

Security cameras or other surveillance devices should be used according to clearly stated policies and with due respect for workers' privacy. The company must have procedures in place to monitor the conduct of its security personnel and the legitimacy of security measures. Furthermore, the company must have an effective grievance mechanism through which workers and community members can lodge complaints, without fear of retribution, concerning coercion, intimidation or abuse by security personnel or other company staff. Such a grievance mechanism should have the authority to take appropriate remedial action.

Although private gun ownership is restricted under national law, Sierra Leone's *National Security and Intelligence Act (2002)* does in principle allow private security companies to hold arms. However, this provision has been overruled by the 1997 UN arms embargo prohibiting the sale of arms to non-state actors. This in turn has curtailed the use of firearms within private security. However, there are exceptions in which private security companies guarding some mines are allowed to be armed.

Suggested Indicators

- 1 The company has a standard clause on respect for human rights that is included in all contractual agreements with security personnel and/or providers, and which specifically refers to: the Voluntary Principles on Security and Human Rights, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms.

True	False	F/A	N/A

- 2 Contracts with private security personnel and/or providers require the investigation of unlawful or abusive behaviour and appropriate disciplinary action and allow for termination of the contract if credible evidence of unlawful and abusive behaviour by private security personnel is found.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Code of Conduct for Law Enforcement Officials (1979), Article 2; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security; ECOWAS Code of Conduct for Armed Forces and Security Services in West Africa; African Charter on Human and Peoples' Rights, (1982) 21 ILM 59.

No. 6.2.2	Area Security arrangements	Section Private security guards	
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Question

Does the company engage with due diligence in investigations of security personnel and/or private security providers before they are hired/contracted?

Yes	No	F/A	N/A

Description

Private security should maintain high levels of technical and professional proficiency, particularly with regard to the local use of force, and should promote the observance of international humanitarian law. The company should not employ individuals credibly implicated in human rights abuses to provide security for the company and should review the background of the private security they intend to employ, both when employing security guards directly or through a contractor. The review of a potential security contractor should include an assessment of past and present services provided to public authorities as well as to private companies and whether these services raise any concern about the private security firm's possible dual role as a private security provider and government contractor. The company should not use private militias or militant groups linked to a certain political faction or party. When selecting a security contractor, the company should – wherever possible - choose one that demonstrates high standards in regard to training programmes of staff, workplace health and safety, policies on the use of force and the protection of human rights.

Whenever appropriate, the company should seek to have security staff that is representative of the local population, both when employing security guards directly or through a contractor.

Suggested Indicators

- 1 Procedures for hiring of security personnel include a screening of the background of applicants to identify any past involvement in human rights violations and/or excessive use of force.

True	False	F/A	N/A

- 2 When selecting private security providers (e.g. through call for tenders), the company takes into account the policies and performance of the provider with regard to standards relating to staff training, workplace health and safety, use of force and protection of human rights.

True	False	F/A	N/A

- 3 Private security personnel/providers hired or contracted by the company do not have known connections to any groups known to violate human rights (including government authorised groups, private militias and political factions).

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 18; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security; ECOWAS Code of Conduct for Armed Forces and Security Services in West Africa; African Charter on Human and Peoples' Rights, (1982) 21 ILM 59.

No. 6.2.3	Area Security arrangements	Section Private security guards	
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Question

Are private security personnel trained to use appropriate levels of force and respect the human rights of others while on duty?

Yes	No	F/A	N/A

Description

Private security personnel must exercise restraint and caution in a manner consistent with applicable international standards and guidance regarding the use of force, including the Voluntary Principles on Security and Human Rights, the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials. Private security personnel must be adequately trained to use appropriate levels of force for the different security situations they encounter. They must only behave in a defensive and preventative manner and security guards must attempt to solve security-related situations with non-violent means before resorting to the use of force. When the use of force is unavoidable, security guards must only use force appropriate for the particular situation. Firearms shall not be used against persons except in self-defence or defence of others against the threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, and only when less extreme means are insufficient to achieve these purposes.

The company should have clear procedures in place for incidents where physical force is being used. The incident should be properly investigated and reported to the local authorities. If necessary, disciplinary action should be undertaken. Medical aid should be provided to injured persons, including offenders.

Private security personnel must also be trained in respecting the human rights of the individuals they encounter while on duty. This not only includes using appropriate levels of force and abstaining from use of excessive force to avoid violations of right to life, liberty and security of person and right to freedom from torture and cruel, inhuman or degrading treatment. It also includes respecting the rights of individuals to exercise their rights to freedom of association and peaceful assembly or other related rights as recognised by international human rights law.

Suggested Indicators

- 1 The company has policy and procedures to ensure that private security personnel are adequately and appropriately trained in the use of force, including on human rights and the Voluntary Principles on Security and Human Rights.

True	False	F/A	N/A

- 2 Appropriately licensed professionals are hired, either by the company or the private security provider, to train security personnel on the proper and safe use of firearms and other security weapons and equipment.

True	False	F/A	N/A

-
- 3 The training programmes include focus on vulnerable individuals and groups, gender-based and sexual violence, real-life scenarios and relevant human rights dilemmas to equip security guards on how to settle conflicts, without using force and through peaceful methods.

True	False	F/A	N/A

-
- 4 All security incidents involving the use of force are investigated thoroughly and detailed records are maintained, including records of independent witness testimony.

True	False	F/A	N/A

-
- 5 The company reports incidents of excessive or arbitrary use of force by private security personnel to the authorities.

True	False	F/A	N/A

- 6 Security personnel are trained to provide all injured persons with medical care, including persons suspected, apprehended or detained by them.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 4, 5, 12, 19 and 20; UN Code of Conduct for Law Enforcement Officials (1979), Article 2, 3, 5 and 6; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security.

No. 6.2.4	Area Security arrangements	Section Private security guards
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Question

Does the company ensure that private security personnel are trained in the bounds of their authority and mandate, and prevent them from exceeding it?

Yes	No	F/A	N/A

Description

Private security forces must be adequately trained to use appropriate levels of force for the different security situations they encounter. The use of force must be avoided, and security guards must attempt to solve security-related situations with non-violent means before resorting to the use of force. When the use of force is unavoidable, security guards must only use that force appropriate for the particular situation. Firearms shall not be used against persons except in self-defence or defence of others against the threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, and only when less extreme means are insufficient to achieve these purposes.

Generally speaking, private security forces must only behave in a defensive and preventative manner, reserving pro-active or aggressive security measures for state authorities.

Suggested Indicators

- 1 Company policy and procedures establish clear divisions between the duties of private security personnel and national law enforcement authorities, and there are appropriate sanctions for violating these.

True	False	F/A	N/A

-
- 2 Appropriately licensed professionals are hired to train security personnel on the proper and safe use of firearms and other security weapons and equipment.

True	False	F/A	N/A

-
- 3 The company makes it clear to private security personnel that law enforcement functions, which are beyond their authority, will not be tolerated and that the company will press for investigation and prosecution if any abuses occur.

True	False	F/A	N/A

-
- 4 Security personnel are required to give a warning before using firearms.

True	False	F/A	N/A

- 5 The company closely supervises security personnel.

True	False	F/A	N/A

-
- 6 All security incidents involving the use of force are investigated thoroughly and detailed records are maintained, including records of independent witness testimony.

True	False	F/A	N/A

-
- 7 When security situations appear to exceed the mandate of private security personnel, the company immediately calls in the local law enforcement.

True	False	F/A	N/A

-
- 8 Security guards are trained to provide all injured persons with medical care, including persons suspected of apprehended or detained by them.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Article 3; International Covenant on Civil and Political Rights (1966), Article 9 (1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 1, 4, 5, 7, 9, 19 and 20; The Voluntary Principles on Security and Human Rights: Interactions - Companies + Private Security

No. 6.2.6	Area Security arrangements	Section Private security guards
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Question

Does the company undertake adequate background checks of security guards and security providers?

Yes	No	F/A	N/A

Human rights implicated

Right to life, liberty and security of person; right to health

Description

The company should not employ individuals with a record of violence or aggression, or who are credibly implicated in human rights abuses to provide security services or take on sensitive positions within the company. To minimise the risk of hiring such individuals, the company should review the background of the private security staff or company it is considering employing. The review should include an assessment of past and present services provided to public authorities as well as to private companies and whether these services raise any concern about the private security firm's possible dual role as a private security provider and government contractor. Sometimes private security guards may in fact be linked to a political movement or party, or be part of a private militia. Employing such guards may give the outward appearance, or have the effect, that the company has allied itself with a political party or movement. Such an action could result in strengthening a particular political faction, or in intimidating a company's employees, particularly with respect to whether or how they choose to take part in government.

Suggested Indicators

- 1 A background check screens individual applicants and security contractors for a record of violence, allegations of involvement with human rights violations including torture, links to particular political parties or factions, and connections to non-governmental or governmental forces suspected of violating human rights.

Verification: Records - procurement, Procedures - procurement, Records - personnel

True	False	F/A	N/A

- 2 Security contractors provide proof to the company that they implement appropriate screening practices in hiring staff, and implement adequate pay and working conditions for the security forces they deploy.

Verification: Procedures - hiring, Records - hiring

True	False	F/A	N/A

- 3 The company does not hire any applicants or use security contractors whose background checks result in positive findings of the factors listed in the previous indicators.

Verification: Records - hiring

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Article 3 and 21; International Covenant on Civil and Political Rights (1966), Article 9 (1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 18; The Voluntary Principles on Security and Human Rights: Interactions - Companies + Private Security

No. 6.2.5	Area Security arrangements	Section Private security guards
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Question

Does the company clearly define the responsibilities of private security personnel, and seek to minimise their exposure to danger by providing sufficient training and protective gear; establishing clear guidelines of responsibility; and giving instructions about when to withdraw from dangerous situations?

Yes	No	F/A	N/A

Description

Private security personnel have the right to personal safety and security, and their exposure to danger should be the minimum required to handle the security situations they are authorised to handle. Security personnel must not be expected to handle situations that are beyond their capabilities, resources, training or strength. Even if private security personnel are trained as well or better than the military or other law enforcement authorities of the state, they must not be used as a substitute for the state's authorised security regime.

Suggested Indicators

- 1 Private security personnel are trained regarding their duties and bounds of authority, and informed about what to do in circumstances when the duties and/or bounds are exceeded.

True	False	F/A	N/A

- 2 Private security personnel are notified in advance of all the dangers and threats associated with their position and regularly updated on the prevailing security situation.

True	False	F/A	N/A

-
- 3 Appropriate security gear and protective devices are provided to all private security personnel, paid for by the company or the private security provider, not personnel themselves.

True	False	F/A	N/A

-
- 4 Security incidents are reported, investigated, and periodically evaluated as a whole to assess the adequacy of policies and procedures for ensuring the safety of security personnel.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement (1990), Articles 2 and 3; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security.

No. 6.2.7	Area Security arrangements	Section Private security guards
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Question

Does the company ensure that security guards do not compel labour from company employees?

Yes	No	F/A	N/A

Description

The company may only employ security staff for legitimate security purposes, not as a means to compel or exact labour from workers. Security staff must never act or behave in a manner that would threaten or compel any employee to perform involuntary labour under the threat of menace, penalty or hardship.

Suggested Indicators

- Guidelines for security staff emphasise that they must never intimidate or threaten employees in an attempt to compel labour, regardless of what individual managers might instruct them.

True	False	F/A	N/A

-
- All security staff are properly trained both in terms of security and regarding the rights of workers.

True	False	F/A	N/A

-
- Reports of abuse by company security staff are fully investigated and security staff and other responsible parties are held accountable.

True	False	F/A	N/A

Verification: Records - complaints, Records – security, Worker perceptions

- 4 Security staff treat employees respectfully and in a non-threatening manner.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (b); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 7, 12, 13 and 14; UN Code of Conduct for Law Enforcement Officials (1979), Articles 2 and 5

6.3 PUBLIC SECURITY FORCES

No. 6.3.1	Area Security arrangements	Section Public security forces
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Question

Does the company encourage the governments to permit transparency regarding the company's security arrangements?

Yes	No	F/A	N/A

Description

Transparency and openness regarding a company's security arrangement reduces the risk of creating tensions with the local community that can evolve into conflict and the risk of complicity in human rights violations. The Voluntary Principles on Security and Human Rights require that companies encourage governments to permit making security arrangements transparent and accessible to the public, subject to any overriding safety and security concerns. This means that the company should promote transparency in its dialogue with the government and take appropriate measures to disclose any relevant information regarding its security arrangements to the public, on the condition that it does not jeopardise the life and safety of any individual or community.

Suggested Indicators

- 1 The company has a policy commitment to transparency of its security arrangements.

True	False	F/A	N/A

- 2 The company encourages the government to permit making security arrangement transparent and accessible to the public.

True	False	F/A	N/A

- 3 The company makes relevant information on the security arrangements available to the public.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); Interactions Between Companies and Public Security and Interactions Between Companies and Public Security.

No. 6.3.2	Area Security arrangements	Section Public security forces
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Question

Does the company promote the Voluntary Principles on Security and Human Rights in its interactions with public security forces?

Yes	No	F/A	N/A

Description

If the company relies on public security forces to protect employees and company property it should take all reasonable measures to ensure that the security arrangement is consistent with international standards and guidance on law enforcement officials and the protection and promotion of human rights. The primary role of public security is to maintain the rule of law and safeguard human rights, and deterring acts that threaten company facilities and staff. The type and number of security forces should be competent, appropriate and proportional to the threat.

The Voluntary Principles on Security and Human Rights encourage companies to engage in dialogue with the government and public security management regarding the impact of security presence on employees and the local community. Dialogue with public security should take place through structured and regular meetings where security and human rights and related work-place safety issues are discussed. The

company should communicate its support for the Voluntary Principles on Security and Human Rights to public security forces, including the company’s expectation that public security forces protecting company operations respect human rights.

This implies that the company should use its influence to promote the following principles: individuals credibly implicated in human rights abuses should not provide security services for the company; law enforcement officials should, to the extent appropriate, apply non-violent means before resorting to the use of force and firearms; type and number of public security forces deployed should be competent, appropriate and proportional to the threat; while on duty, public security forces must respect the rights of individuals to exercise their human rights, including the rights to peaceful assembly, freedom of association, and the right to collective bargaining and other rights recognised by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work. Whenever the use of force and firearms is unavoidable, law enforcement officials must exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. When physical force is used, medical aid should be provided to all injured persons, including offenders.

Suggested Indicators

- 1
- The company communicates its support for the Voluntary Principles on Security and Human Rights to public security forces, including the company’s expectation that public security forces protecting company operations respect human rights.

True	False	F/A	N/A

-
- 2
- The company’s policy on respect for human rights in security arrangements is incorporated into agreements with the government/public security forces.

True	False	F/A	N/A

- 3 The company holds structured meetings with public security forces management to discuss security, human rights and work-place related issues.

True	False	F/A	N/A

-
- 4 Company minutes from meetings with public security forces management demonstrate that regular meetings take place, and that human rights issues related to security arrangements are discussed.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3, 5 and 20; International Covenant on Civil and Political Rights (1966), Articles 6, 7, 21 and 22; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990); UN Code of Conduct for Law Enforcement Officials (1979); Voluntary Principles on Security and Human Rights – Interactions Between Companies and Public Security.

No. 6.3.3	Area Security arrangements	Section Public security forces
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Question

If the company provides equipment to public security forces, does it take all reasonable steps to mitigate any foreseeable negative consequences, including human rights abuses?

Yes	No	F/A	N/A

Description

Providing equipment to public security forces, such as vehicles or other material, can potentially lead to complicity in serious human rights violations if the equipment is used for unintended and improper purposes. If the company provides equipment to public security forces, it should therefore take certain protective measures to mitigate any foreseeable negative consequences. This implies making a clear agreement with the public security forces management on when and in which contexts and locations the equipment can be used; emphasising that the equipment under no circumstances can be used to commit human rights violations; employing disciplinary actions if the agreement is breached; and effectively monitoring the access to and use of company provided equipment. Equipment transfers should never involve military material.

If the company reimburses or compensates the state for expenses related to its use of public security forces, the company should take all reasonable steps to ensure that the compensation takes place in a fair and transparent manner. The terms of compensation, including ways of payment/compensation and misapplication of compensation should be clearly specified in the agreement with the government. Disciplinary actions should be employed if the agreement is breached.

Suggested Indicators

- 1 A risk assessment is carried out prior to providing equipment or other types of support to public security forces to assess the risks associated with the support and/or equipment transfer.

True	False	F/A	N/A

- 2 An agreement with public security forces specifies when, where and by whom company equipment can be used. If the company compensates the government for its use of public security forces, the terms for the compensation are clearly specified in the agreement.

True	False	F/A	N/A

- 3 Agreements include reference to the company's human rights policy and international standards in the area of policing, i.e. the Voluntary Principles on Security and Human Rights, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

True	False	F/A	N/A

- 4 Company provided support and equipment to public security is subject to period control and monitoring. Cases where the equipment and support have been used in an inappropriate manner are immediately and thoroughly investigated.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6 and 7; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Article 11; Un Code of Conduct for Law Enforcement Officials (1979), Article 3.

No. 6.3.4	Area Security arrangements	Section Public security forces	
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Question

Does the company encourage government to implement adequate human rights training to public security forces?

Yes	No	F/A	N/A

Description

While it is not a company responsibility to educate and train public security forces, the company has a clear interest in ensuring that public security forces protecting company assets act in accordance with international guidelines on law enforcement officials and the protection and promotion of human rights when protecting company staff and property. The company should therefore support efforts by governments, civil society and multilateral institutions to provide human rights training and education for public security, including medical aid training, if necessary. The company can assist the government in providing such training to public security forces. If the company facilitates and supports training programs on human rights and humanitarian law for public security forces, the company should: establish if there are existing training programs in human rights, international humanitarian law and rules of engagement for public security providers; establish the willingness of public security providers or the government to participate; identify partners, such as a credible human rights or security organisation; support the training delivery; and follow-up on the effectiveness of training.

Suggested Indicators

- 1 The company actively supports efforts by the government or other institutions to provide human rights training to public security forces, if necessary assisting the government in providing such training.

True	False	F/A	N/A

- 2 Training is based on international principles on law enforcement and human rights, and includes focus on vulnerable groups, gender-based and sexual violence, real-life scenarios and relevant human rights dilemmas to equip security guards in how to settle conflicts, without using force and through peaceful methods.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 4, 5, 19 and 20; UN Code of Conduct for Law Enforcement Officials (1979), Article 3; Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.

No. 6.3.5	Area Security arrangements	Section Public security forces
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Question

Does the company take all possible and necessary measures to avoid involvement or complicity in human rights violations when using public security forces?

Yes	No	F/A	N/A

Description

The company must take all necessary measures to ensure that state security forces, other public law enforcement officials, or linked paramilitary groups providing security for the company respect the right to life, liberty and security of the person. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. The company shall avoid using state security forces that engage in a practice of committing enforced disappearances.

Suggested Indicators

- 1 In its contract with the government for provision of security, the company includes a clause informing that the company has a zero-tolerance policy on human rights violations by security personnel.

True	False	F/A	N/A

-
- 2 The company negotiates the implementation of a screening process for screening state security forces, and excludes inadequately trained security guards, or those who have records of use of excessive force or causing injuries.

True	False	F/A	N/A

-
- 3 When using state security forces to handle particular incidents, the company clearly communicates the importance of using proportionate, authorized, and minimally necessary force.

True	False	F/A	N/A

-
- 4 When using state security forces, the company engages in active dialogue with the affected community and implements measures to monitor the impact on the affected community.

True	False	F/A	N/A

- 5 Any supplies or materials given by the company to state security forces are non-lethal and subject to external auditing.

True	False	F/A	N/A

-
- 6 State security forces used by the company do not commit human rights violations, including unnecessary and excessive use of force and committing enforced disappearances.

True	False	F/A	N/A

Comments:

Basis for assessment:

Question references: Universal Declaration of Human Rights (1948), Article 3; International Covenant on Civil and Political Rights (1966), Article 9 (1); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 16(4); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 1, 2, 4, and 5; The Voluntary Principles on Security and Human Rights: Interactions - Companies + Public Security; International Convention for the Protection of All Persons from Enforced Disappearance (2006), Article 2
