

PRIVATE SECURITY GOVERNANCE CHALLENGES

and the relevance of
**INTERNATIONAL
NORMS** and
BEST PRACTICES

A GUIDE FOR CIVIL
SOCIETY AND MEDIA
NIGERIA

Private Security
Governance
Observatory



DCAF Geneva Centre
for Security Sector
Governance

About the Observatory | www.observatoire-securite-privee.org

The Private Security Governance Observatory is a network of African civil society organisations (CSOs) that seeks to share knowledge and reinforce their organisational capacity to promote good governance of the private sector.

Civil society organisations play a fundamental role in building democracies based on respect for the rule of law, meeting people’s needs and demonstrating accountability and transparency to the population. As the private security industry grows in importance around the world, it is essential that engaged and capable CSOs are actively involved in ensuring good governance in this sector. However, the lack of information on the private security industry, the absence of adequate mechanisms to monitor their activities as well as weak national policy frameworks are factors that may limit the ability of CSOs to strengthen accountability of the sector.

For CSOs to play a more effective role in promoting good private security governance, they need to exchange experiences, challenges, and good practices. By raising awareness among its members, the Observatory fosters the exchange of ideas, experiences, information, and good practices. It provides tailor-made tools to support the role of CSOs in improving the oversight and accountability of the private security sector.

The Observatory was initiated in 2014 and grew organically out of the interest and commitment of its members, building a network based on trust-building, local ownership, and member engagement. DCAF is a strategic partner to the Observatory providing strategic level, administrative and expert support to ensure the consolidation and further development of this initiative.

About AfriLaw | www.afrilaw.org

African Law Foundation (AfriLaw) is non-profit and non-governmental law, justice and development organisation with the corporate headquarter at Enugu, Enugu State of Nigeria. Its mission is to advance the rule of law, human rights and justice for peaceful, secured, inclusive and sustainable development of African society.

AfriLaw was founded in July 2012 after the African Regional Conference on Community-Based Paralegal Programme held in Kampala, Uganda and organized by the Global Rights Uganda and Namati: Innovations for Legal Empowerment, USA in 2012 which was attended by the AfriLaw Founder/Director.

About DCAF | www.dcaf.ch

Since 2000, DCAF - Geneva Centre for Security Sector Governance has facilitated, driven and shaped security sector reform (SSR) policy and programming around the world. DCAF assists partner states in developing laws, institutions, policies, and practices to improve the governance of their security sector through inclusive and participatory reforms based on international norms and good practices. DCAF creates innovative knowledge products, promotes norms and good practices, and provides legal and policy advice. The Centre also supports capacity building of state, civil society, and private sector stakeholders by providing access to independent expertise and information on Security Sector Governance and Reform (SSG/R).

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Private Security Governance Challenges

and the relevance of International
Norms and Best Practices

NIGERIA

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Introduction

OBJECTIVE & PURPOSE

The private security industry has grown exponentially in many countries in the last quarter of century and is oftentimes larger than police, military and prison services combined. Despite its weight in the security, economic and social sectors of countries, there is a general lack of information and data on the size and numbers of private security companies (PSCs) and employees as well as on the exact nature of their operations and activities.

In many contexts, national legal frameworks and policies do not effectively regulate the industry and there is a lack of oversight. This leads to an increased risk of human rights abuses, such as sexual harassment, exploitation and abuse and excessive use of force.

Civil society plays a fundamental role in promoting a better understanding of private security, also ensuring that violations are reported, and that applicable national laws and policies address all relevant issues. CSOs and media who are conscious of their role covering such topics are important in holding governments and private security providers to account for their actions and policies and can build the necessary bridges between key stakeholders (including governments, private industry actors as well as affected individuals/communities and the public at large) to create the conditions for sustainable change to improve private security governance.¹

This publication was developed to empower a strong and informed civil society and media: it is made by civil society organisations and media, for civil society organisations and media, with two aims:

- 1** It provides updated information on the various challenges linked with private security companies' activities in Nigeria, with detailed overview for each of the six geographical regions of the country.
- 2** It provides guidance to CSOs and media on international norms and best practices. The guide draws on the three main source of international norms and good practices for the good governance of PSCs, namely the International Code of Conduct for Private Security Service Providers (the Code), the Montreux Document on Private Military and Security Companies and the Voluntary Principles on Security and Human Rights (VPs). These documents articulate important principles for private security companies based on human rights and international humanitarian law, including the prohibition of torture, human trafficking, and rules on the use of force. It serves as a useful reference to ensure good private security governance and therefore to prevent and address human rights abuses by private security companies.

¹ See chapter 1.2. What is the role of civil society and the media in good private security governance?

CONTENT OF THIS GUIDE

The content and structure of this guide is greatly inspired by the Practical Guide for Civil Society - Collecting, Documenting and Reporting on Private Security” which was developed jointly by DCAF - Geneva Centre for Security Sector Governance, and the International Code of Conduct Association (ICoCA). The practical guide is available here: bit.ly/3jyQKTK.

The guide comprises three chapters, that can be read and used individually or together, to increase civil society organisations and media representatives’ understanding of private security, the applicable international standards, and what roles they themselves could play in ensuring a more responsible private security industry. The chapters are composed as follows:

CHAPTER 1: Civil society, Media, and private security governance

In this first chapter, CSOs and Media representatives will find the necessary core definitions such as: what is private security? Why is its good governance important? And what role can civil society and media play to improve it?

CHAPTER 2: International frameworks

International frameworks and the good practices can help CSOs and media representatives work with governments, industry actors and other relevant actors in improving private security governance, providing them with a benchmark for comparison and serving as a guide and leverage for CSOs and media representatives activities in raising awareness and contributing to national policies.

Therefore, this second chapter introduces the main international frameworks providing norms and good practices applicable to private security, namely the Guiding Principles on Business and Human Rights (UNGPs), the Montreux Document on Private Military and Security Companies (MD), the International Code of Conduct (ICoC), and the Voluntary Principles on Security and Human Rights (VPs).

CHAPTER 3: Private security governance challenges and the relevance of international norms and practices in Nigeria

Based on the above-mentioned international frameworks, the third chapter has identified the fifteen most common private security challenges. For each of these challenges, the guide provides CSOs and media representatives with an analysis conveying each Nigeria regions’ specific private security governance challenges and experiences and articulates the relevance of international norms and good practices to address such challenges.

Each challenge is presented with the following structure:

The **Challenge** is identified

The **orange boxes** give a practical example illustrating what this challenge could translate to in real life

Text boxes provide an overview of what the leading international initiatives, namely the Montreux Document, the International Code of Conduct (the Code), and the Voluntary Principles (VPs), propose as standards and good practices for the said challenge. Even where the related international initiative does not directly address CSOs and media representatives, their norms and good practices provide guidance that can directly support CSOs and media representatives in their key roles – as discussed in Chapter 1.

In the final part titled “**In Nigeria**”, experts from the 6 regions of Nigeria have compiled and analysed the local situation for each of the challenges identified, giving an overview of the activities and challenges around private security companies operations and governance in each zone. The analysis by the experts is not intended to be exhaustive but reflects experiences and perspectives from the region.



1

Civil Society, Media and Private Security Governance

1.1 WHAT IS PRIVATE SECURITY?

Defining private security is both simple, and complex. An inclusive definition has been adopted, with small nuances, by international initiatives²: a private security company (PSC) is any Company whose business activities include the provision of Security Services, irrespective of how such Company describes itself. The definition of “Security Services” is much more complex and needs to be carefully evaluated against the specific context – for example the national framework in which PSCs operate.

In the last 20 years, there has been a world-wide increase in the number of private security companies. The role of PSCs is especially visible where there is insufficient provision of security services by the State, or when natural disasters or armed violence make it necessary to strengthen security measures.

\$244
BILLION

Market value of the private security industry per year

20+
MILLION

Number of private security workers worldwide

50%

Of the world’s population live in countries where private security workers outnumber public police officers

² Such as the ICoC and the Montreux Document

WHAT TYPE OF SERVICES DO PRIVATE SECURITY COMPANIES PROVIDE?

Private security companies offer a wide range of services and have become an important component of national and international security landscapes. If their classical mandate typically included activities such as the guarding of facilities (such as malls, airports, or banks), the guarding of private properties, body-guarding services or cash transport, PSCs are increasingly taking over more complex tasks, often complementing insufficient capacities of public security forces. This includes for example the provision of security to extractive companies, training services, support in prevention and counter-terrorism efforts, intelligence services, risk analysis or cyber security.

WHAT TYPE OF CLIENTS DO THEY HAVE?

The main categories of PSCs clients are:

- Individuals
- States
- Corporations, in particular multinational corporations such as extractive industries, agricultural companies, shipping companies, banks, or airports.
- Non-governmental and international organisations such as the United Nations.

PRIVATE SECURITY IN NIGERIA

One of the critical underlying causes of fragility and instability in Nigeria is the lack of oversight and accountability of the security sector. With respect to private security, this prevents the sector from fully contributing to the national security landscape; instead, weak governance lets human rights abuses go unchecked and citizens develop a fundamental mistrust of these actors.

The demand for private security services has strongly increased in Nigeria, resulting in a growth of registered private security companies by close to 40% in the past five years. PSCs are often considered as a force multiplier for public security forces; however, they only partially contribute to wider stability. Research suggests that the current regulatory framework is inadequate to address the evolving nature of private security. The governance of the industry therefore needs to be reviewed and strengthened considering international norms and good practices.³

For more detailed information about the private security sector in Nigeria, refer to the “Baseline Study on Private Security Governance in Nigeria”, developed by the African Law Foundation (AFRILAW) in 2019.

3 See AFRILAW (2019) Baseline Study on Private Security Governance in Nigeria, observatoire-securite-privee.org/sites/default/files/kcfinder/Baseline%20Study_Nigeria_Final.pdf

MOST COMMON CHALLENGES

The sensitive nature of the private security industry, together with its rapid evolution accounts for many challenges. Hereafter are the most common ones:

A lack of capacity to monitor the industry, its evolving and diverse



LACK OF AVAILABLE DATA & INFORMATION

nature, untransparent practices and exponential growth may be reasons for a lack of official data on the private security sector in many states, i.e. numbers, size, services, activities, etc.

The lack of data results in low levels of awareness in many societies about the nature of private security services, how these are regulated and how they differ from public security. Also, there is often no effective democratic oversight of private security. This makes it challenging to know about the prevalence of human rights abuses and formulate strategies to prevent them.

A low level of awareness within domestic human rights constituencies, the increased privatisation of security, along with the withdrawal of the state in a number of areas, lead to the fact that human rights abuses or other misconduct go unreported.



MIX BETWEEN PUBLIC AND PRIVATE SECURITY

In many contexts, private security guards seem to execute the same services as public security officers. They could be performing a summary search of individuals, conducting investigations on specific criminal and/or civil cases, ask for individuals' identity papers etc. In addition, public and private security often work together in mixed teams. For example, armed police cooperate with private security teams- this is especially the case in countries where private security companies are prohibited from carrying firearms. "Rapid intervention teams" are manned by both private security guards and police and stand ready in case of emergency. Corporate transports can be escorted by units manned by both police and private security. In some countries, private security companies provide training to police units. Additionally, they can switch between public and private: often public security personnel are hired for private security shifts in their free time to augment their salary. As a result, citizens may struggle in distinguishing between the type of actor they are encountering and the competences they have. For public and private security there are different rules regarding use of force, searching or arresting people, etc. Mixed public-private teams make it also challenging to determine who controls and commands and ultimately who is responsible and accountable for misconduct.



LACK OF OVERSIGHT

With the constant evolution of the private security industry, the need for effective regulation has increased. Many states lack adequate national legal frameworks and resources to regulate and oversee the private security industry and thus to prevent/address human rights abuses or other misconduct by companies or their personnel. Often states do not have laws in place regulating private security services specifically, including on the use of firearms, storage of ammunition, working conditions and training. Authorities in charge of the licensing of private security companies are in many cases located in the Ministries of Interior and have often limited expertise and resources to monitor the industry.



COMPLEX BUSINESS RELATIONSHIPS

The private security industry operates both at the international and national levels. The sector is constituted by both multinationals operating in multiple sites all over the world and small local businesses. For example, some private security companies have over 100'000 employees serving clients across countries. Sometimes, these international PSCs work through subsidiaries, companies which have a distinct legal entity for the purpose of taxation, regulation, or liability but they are owned/controlled by the parent company. Often international PSCs rely on subcontractors, local PSCs in-country, to deliver the service. Local PSCs may just operate in that specific area or have offices across the country. For international clients, a combination of international and local PSCs could be considered as the optimum solution. This in principle ensures respect for international standards as well as local embeddedness. However, these setups can make it difficult to establish accountability and responsibility as there is often a lack of transparency in the relationships between private security companies and their subcontractors. The difficult question to address for civil society is to establish accountability and responsibility when private security companies' headquarters are abroad or when a company subcontracts the services to another company.

PRIVATE SECURITY AND HUMAN RIGHTS

Due to the challenges and complexity outlined above, the private security industry poses specific risks for the protection of human rights.

Where there is limited oversight and weak legal frameworks, it is not always clear how PSCs can be held accountable for human rights abuses.



EXAMPLES OF IMPACT ON HUMAN RIGHTS

Right to Life

A security guard on a property shot and killed a young man who was picking mangos from a tree. While the guard stated he believed the young man was trying to enter the property, the use of force must only be used for self-defence and in cases of threat to life to others.

Freedom of Movement and Unlawful Detention

A security guard forbids a person to access their home.

Freedom from Torture or Other Cruel, Inhuman and Degrading Punishment

A security company holds an apprehended person for two days without providing food or water.

Right to an Effective Remedy

A security guard protecting a residential neighbourhood fired his weapon at alleged thieves. A stray bullet hit a three-year old boy nearby, leaving him paralyzed. His parents complained to the company but have not received any response.

Right to Health

A security company does not provide its staff protective clothing and material to protect them from being infected by COVID-19.

Right to Privacy

A security company reads and monitors all correspondence of its employees.

1.2 WHAT IS THE ROLE OF CIVIL SOCIETY AND THE MEDIA IN GOOD PRIVATE SECURITY GOVERNANCE?

Civil society organisations and the media have a key role to play in addressing challenges linked to private security and to mitigate related human rights risks, and in ensuring a democratic oversight of the work of the security sector. CSOs and media can for example act as a partner of state oversight actors, by challenging information and analysis, providing support in ensuring accountability by assisting alleged victims of private security, working with private security to support human rights compliance through capacity-building etc. Reporting on the private security sector can create public and political pressure to halt bad behavior and trigger reforms that protect the system and the public from future abuses. CSOs and media who are conscious of their role covering such thematic are important in holding governments and private security providers to account for their actions and policies.



Examples of

CSO AND MEDIA ACTIVITIES IN PRIVATE SECURITY SECTOR GOVERNANCE

1

CSO & MEDIA ROLE

PROMOTE A BETTER UNDERSTANDING OF THE PRIVATE SECURITY INDUSTRY



COLLECT information about the size, services, regulation, human rights violations, and other relevant data by developing in-depth contextual analyses.

REPORT on the delivery, management, and oversight of security services, determining how to promote good private security governance effectively and sustainably.

Reporting on the private security sector that is accurate, fair, and independent can reinforce democratic accountability and contributes to better security provision. Timely and reliable information to the public on the roles, responsibilities and mandates of private security sector actors help the public to better understand their own rights and responsibilities. Mutual understanding based on a free flow of information can foster dialogue between private security providers, authorities, and the public, which may also translate into broader confidence building.⁴

⁴ See more information about security sector reporting in the *Toolkit for Security Sector Reporting, Media, Journalism and Security Sector Reform*, by Fairlie Chappuis, 2021

2

CSO & MEDIA ROLE

SUPPORTING PRIVATE SECURITY GOVERNANCE NATIONALLY



RAISE AWARENESS among clients about their responsibilities and duty to contract responsible private security services.

RAISE AWARENESS about the regulatory framework and international standards, expected behavior of private security companies and challenges among communities and other stakeholders.

PROMOTE dialogue between different stakeholders such as CSOs, PSCs and their clients, and government actors.

ADVOCATE/LOBBY at the local and national level to strengthen private security regulation and ensure accountability of private security.



3

CSO & MEDIA ROLE

SUPPORTING PRIVATE SECURITY GOVERNANCE GLOBALLY

PARTICIPATE IN INITIATIVES aiming to strengthen private security governance at national, continental (such as the Private Security Governance Observatory at www.observatoire-secureite-privee.org/en) or global level (such as the International Code of Conduct Association at www.icoca.ch).

4

CSO & MEDIA ROLE

BUILDING CAPACITY AND SHARING EXPERTISE

Provide **CAPACITY-BUILDING** on human rights to PSCs.

SUPPORT PSCs in vetting personnel.

SUPPORT PSCs in carrying out human rights risk and impact assessments.

SUPPORT THE REGULATOR through expertise and/or provision of information gathered in monitoring.

Photo credit: CECIDE



A CSO in Guinea - CECIDE - developed videos to raise awareness on the role of private security in times of COVID-19 in Guinea.



The International Code of Conduct Association - ICoCA:

ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect human rights and humanitarian law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers (the “Code”).





2

International frameworks

WHAT ARE THE NORMS AND GOOD PRACTICES APPLICABLE TO PRIVATE SECURITY?

There are a multiplicity of laws, rules, principles, and standards private security companies are expected to respect. Private security accountability as well as remedies/redress in case of alleged violations will notably depend on the:

1. Country in which the PSC operates (“territorial state”)
2. The country of the PSC’s headquarters (“home state”)
3. The country contracting the private security company (“contracting state”)

There are a range of voluntary international norms and good practices which apply to private security companies. The most relevant ones are described in this chapter.

WHAT IS THEIR RELEVANCE FOR CSOS AND MEDIA?

International frameworks and the good practices they propose can help CSOs work with governments, industry actors and other relevant actors in improving private security governance. These international frameworks provide CSOs with a benchmark for comparison to identify potential gaps in national PSCs legislation and can serve as a guide for CSO activities in raising awareness and contributing to national policies. The principles entailed in these international frameworks can help CSOs in their interactions with businesses, to encourage them to provide security services in a responsible manner that respects the rule of law and the human rights of all individuals and at the same time protects the interests of their clients.

2.1 UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS (UNGPs)

As the enforcement of human rights is primarily a state duty, their enforceability with the corporate sector has been subject to debate in the international arena for many years. As a response, in 2011 the UN Human Rights Council adopted the UN Guiding Principles on Business and Human Rights (UNGPs).⁵ These Guiding Principles provide the first global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. They clearly state that while states are the main subject of human rights' law, the corporate sector has a duty to respect human rights.

“Quite simply, because of the types of services that private security companies provide, they are in a position to violate human rights in numerous different ways. For example, PSC personnel may carry weapons which impacts on the right to life or they may be involved in detaining individuals which impacts on the right to liberty as well as the right to be free from torture and inhuman and degrading treatment. They may also be linked to negative human rights impacts through their government clients as well as their business relationships. In addition, the increasing privatisation and outsourcing of security by states means that the security industry is expanding rapidly into new spheres of operation, this in turn means that the risk of human rights violations increases. The difficulty is that there is limited oversight of PSCs in relation to human rights.”⁶

5 www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

6 Mcleod Sorcha in *Whose responsibility? Reflections on accountability of private security in Southeast Europe*, Franziska Klopfer and Nelleke van Amstel (Eds.), DCAF, 2017.

The United Nations Guiding Principles (UNGPs) Include **THREE PILLARS** Outlining How States and Businesses Should Implement the Framework:

1

STATE DUTY TO PROTECT HUMAN RIGHTS

States have the responsibility to respect, protect and fulfil international human rights law obligations within their jurisdiction. This includes the duty to protect against human rights abuse by third parties, including business enterprises.

2

THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Businesses must act with due diligence to avoid infringing on the rights of others and to address any negative impacts for individuals and communities. This includes for example conducting human rights impact assessments.

3

ACCESS TO REMEDY FOR VICTIMS OF BUSINESS-RELATED ABUSE

Access to remedy for victims of business-related abuses: This includes both the state and corporate responsibility to provide access to remedy. As part of their duty to protect individuals within their jurisdiction from business-related human rights abuse, states must ensure that when such abuses occur under their jurisdiction those affected have access to an effective remedy through judicial, administrative, and legislative means.

When a private security company has infringed the human rights of an individual, this individual should have access to a mechanism provided by the state in order to access an effective remedy for the violation incurred. The corporate responsibility includes preventing and remediating any infringement of rights linked to their actions through for example a company grievance mechanism or a mechanism developed jointly with communities. Having effective grievance mechanisms in place is crucial in upholding the state's duty to protect and the corporate responsibility to respect. The UNGPs dictate that such mechanisms should be legitimate, accessible, predictable, rights-compatible, equitable, and transparent.



2.2 Montreux Document on Private Military and Security Companies (MD)

Adopted in 2008, the Montreux Document is the first document of international significance to reaffirm the existing obligations of states under international law, in particular international humanitarian law (IHL) and human rights law, relating to the activities of private military and security companies (PMSCs). It also lists good practices designed to help states take national measures to implement these obligations. The Montreux Document seeks to provide guidance based on existing international law; it is therefore not a legally binding treaty and does not create new legal obligations.

The result of an international process launched by the Government of Switzerland and the International Committee of the Red Cross (ICRC), the Montreux Document provides a blueprint for governments to regulate PMSCs more effectively and strengthens security sector governance. While the Document is addressed primarily to states, the good practices may be useful for other actors such as international organisations, civil society, companies that contract PMSCs, and PMSCs themselves. It contains two parts:

1. Part one of the Document recalls the pertinent legal obligations of states regarding PMSCs.
2. Part two contains a description of good practices which aim to provide guidance and assistance to states in regulating PMSCs.

The Montreux Document highlights the responsibilities of three principal types of states: Contracting states (countries that hire PMSCs), Territorial states (countries on whose territory PMSCs operate), and Home states (countries in which PMSCs are headquartered or based). Its content is structured around 7 distinct key challenges for regulating PMSCs.





2.3 The International Code of Conduct for Private Security Service Providers (The Code)

The Code is the only international instrument drafted with the participation of private security companies and addressing private security companies directly.

It was negotiated among private security companies (PSCs), governments, civil society organisations and other experts in 2010 with a view to bring together in one document existing minimum standards applying to PSCs operating in complex environments and based on human rights and international humanitarian law. Over 700 PSCs subscribed voluntarily to this Code in 2010.

Today, the signatory status does not exist anymore, and PSCs can apply for membership on a voluntary basis with the International Code of Conduct Association (ICoCA). The ICoCA is the body overseeing the implementation of the Code and based in Geneva, Switzerland. The Association is governed by three groups of Members, namely private security companies, civil society organisations and governments.

The Code sets forth international principles specifically for PSCs operating in complex environments. These principles are based on human rights and international humanitarian law.

The Code contains two sets of principles that address:

- 1. How private security personnel should behave;**
- 2. How private security companies should be managed and governed.**

Conduct of Personnel		
Use of Force	Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment	Slavery
Detention	Sexual Exploitation and Abuse or Gender-based Violence	Child Labour
Apprehending Persons	Human Trafficking	
Management and Governance		
Identification and Registering	Selection and Vetting of Subcontractors	Incident Reporting
Selection and Vetting of Personnel	Management of Weapons and Material of War	Company Grievance Mechanisms
Training of Personnel	Safe and Healthy Working Environment	Meeting Liabilities

THE INTERNATIONAL CODE OF CONDUCT ASSOCIATION'S GRIEVANCE MECHANISM

The Association receives and processes complaints of alleged violations of the International Code of Conduct by its Member & Affiliate Companies. Where a complainant seeks support, the ICoCA facilitates access to fair and accessible grievance procedures that may offer an effective remedy, including through providing the complainant with access to ICoCA's own good offices. For Member & Affiliate Companies, the Association provides guidance on establishing and maintaining fair and accessible grievance procedures in compliance with the Code.



Grievance Mechanism

- 1 ICoCA Secretariat to review complaint received and check if a violation by an ICoCA member/affiliate company of the Code is alleged.
- 2 Request more information from submitter if needed.
- 3 If conditions are met and with consent of submitter and alleged victim, ICoCA will contact the member company.
- 4 Based on information collected will make recommendations to ICoCA member/affiliate.
- 5 Different options will be offered for resolution of case: mediation, good offices, referral, etc.
- 6 ICoCA will monitor implementation of corrective measures by member companies and affiliates.
- 7 If company does not cooperate in good faith, possibility for ICoCA to suspend/terminate membership/affiliation.

WHO CAN SUBMIT COMPLAINT?

Anyone

CONCERN WHO/WHAT?

Complaint concerning private security company which is either **ICoCA member or affiliate**.

Alleging a **violation of the International Code of Conduct** for Private Security Service Providers that has occurred or is about to occur.

HOW?

Through complaint form on the ICoCA website: www.icoca.ch

E-mail to secretariat@icoca.ch

Call or send an **instant message** by Viber, WhatsApp (+41 79 440 34 14) or Skype (ICoCA Secretariat)

2.4 Voluntary Principles on Security and Human Rights (VPs)

The Voluntary Principles on Security and Human Rights (VPs) are a set of good practices specifically designed to guide companies - clients of security providers - in ensuring respect for human rights. The VPs support companies in maintaining the safety and security of their operations in a way that ensures respect for human rights and fundamental freedoms. More specifically, the VPs provide 3 sets of good practices:

- The VPs provide guidance on carrying out a **human rights risk assessment** to ensure that human rights are respected whenever security providers are active on company facilities and premises.
- The VPs support companies in structuring human rights-compliant arrangements with **public security providers**, when these are assigned to work on company operations.
- The VPs help companies put in place processes and policies to ensure that any contracted **private security providers** respect human rights.

The VPs are intended to support companies, especially those involved in natural resources extraction in complex environments to effectively manage the risks associated with their projects. In addressing PSCs, the VPs recommend that the contracted private security providers have a high level of technical and professional competence, particularly with regard to the use of force and firearms. In addition, the VPs recommend that companies using private security providers include these principles in the contractual arrangements contained in agreements with private security providers and ensure that private security personnel are adequately trained.

[The Voluntarily Principles Initiative \(VPI\)](#) is the multistakeholder initiative that supports implementation of the VPs; it is composed of governments, civil society and companies.

The VPI provides a platform for mutual learning, joint problem solving and a framework for building the capacity of local multistakeholder working groups to support more effective VPs implementation. The VPI currently counts 10 government members, 33 companies, 16 CSOs and 9 observers.

THE VPs WORKING GROUP IN NIGERIA

Private industries in Nigeria are key clients for private security companies. In 2017, Nigeria inaugurated the VPs Working Group (NWG), comprising government ministries, embassies, CSOs and companies to work together in a multistakeholder setting to strengthen VPs implementation and advance the level of awareness and support of Nigerian companies for the VPs. The NWG is currently co-Chaired by Leadership Initiative for Transformation and Empowerment (LITE-Africa) and the Swiss Embassy to Nigeria. The NWG focuses on 3 main activities:

- **Training and capacity building:** The NWG supports various programmes and courses on the VPs for public and private security actors. The NWG also builds capacities of CSOs on using the VPs in their advocacy and monitoring efforts.
- **Outreach and engagement of key stakeholders:** The NWG seeks to foster awareness of the VPs and to promote the NWG as a forum for constructive dialogue among different key stakeholders. In one important activity, the NWG engaged focal officers within relevant Nigerian Government institutions; representatives from the Ministry of Mines and Steel Development, Justice, Nigeria Delta Affairs, Police Affairs, Petroleum Resources, as well as the Nigeria National Petroleum Corporation were identified as critical stakeholders for advocacy engagement related to the VPSHR. An important outcome was identifying focal officers from each ministry to attend NWG meetings and champion the implementation of the VPs.

Research on challenges in security and human rights to support identifying needs of communities for further VPs interventions: In 2019, the Co-Chair of the NWG developed a [national baseline assessment](#) that explores the current status of implementation of the VPs in Nigeria and identifies gaps, pathways and recommendations for strengthening implementation.



3

Private security governance challenges and the relevance of international norms and practices in Nigeria

This chapter is structured around the main private security governance challenges identified as follow:

1. Use of Force
2. Detention and Arrest
3. Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment
4. Human Trafficking, Slavery, child Labour
5. Sexual Exploitation and Abuse and Gender-Based Violence
6. Authority responsible for the PSCs Industry
7. Identification, Authorization, Licensing, and registrations
8. Selection and Vetting of Personnel
9. Training of Personnel
10. Selection and Vetting of (Sub)-Contractors
11. Management of Weapons and Material of War
12. Safe and healthy working environment
13. Incident reporting
14. Accountability and Effective Remedy
15. Meeting liabilities

For each of these challenges, this chapter first gives a brief overview of the standards and good practices proposed by the leading international initiatives, namely the Montreux Document, the International Code of Conduct (the Code), and the Voluntary Principles (VPs).

Following this overview of the international norms and good practices, experts from the 6 regions of Nigeria have compiled and analysed each of the challenges identified, giving an overview of the issues around private security companies operations and governance in each zone. This analysis conveys each regions' specific private security governance challenges as well as articulating the relevance of international norms and good practices to address such challenges. The analysis by experts is not exhaustive but reflects experiences and perspectives from the regions.

Each challenge is presented with the following structure:



PRESENTATION OF THE CIVIL SOCIETY EXPERTS

In September 2020, in the framework of the project “Strengthening Private Security Regulation and Oversight”⁷, a series of six Private Security Governance Forums, one in each regions of Nigeria, were organised by The CSO African Law Foundation Ltd (AFRILAW), in collaboration with the Private Security Governance Observatory and in partnership with the Nigeria Security and Civil Defense Corps (NSCDC) and the Association of Licensed Private Security Practitioners of Nigeria (ALPSPN). These Forums addressed challenges and opportunities in private security and ways to strengthen it.

Six experts with specific experiences and/or expertise with security sector stakeholders, including private security regulation and oversight, were selected, representing each of Nigeria’s six regions. These experts were mandated to compile and crystallize the local discussion, with the aim to bring it to the national level. The testimonies of the experts were presented in Abuja during a roundtable on the Montreux Document and the International Code of Conduct. The aim of the discussion was to encourage Nigerian government membership in the two initiatives, and the champions illustrated with their perspective the need for better monitoring of PSC and how the initiatives could help. The CSOs experts:

Name	Representing	Organisation
Saviour Akpan	South South	Comppart Foundation
Reuben Linda	South East	Prawa
Mbami Illiya Sabka	North East	Prison Inmate Development Initiative (Pidi)
Abba Bello Ahmed	North West	Centre For Human Rights and Social Advacement (Cefsan)
Fikih Maroh Ubaro	North Central	Cleen Foundation
Felicitas Aigbogun-Brai	South West	Right Enforcement & Public Law Centre (Replace)

7 This project is supported by the German Federal Foreign Office.

Presentation of the media experts

In addition, to ensure that the specific point of view, knowledge, and needs from media actors are represented, four media representatives were selected to give their insights and to share their experience and knowledge related to each of the identified challenges.

The four media experts are:

Name	Representing	Organisation
Ignatius Okpara	South East	African Examiner Online Newspapers
Lekan Otufodunrin	South West	Media Career Development Network/ The Nation
Kelachi Nwaucha	South South	Independent Monitor, Newspaper
Samuel Luka	North East	Daily Times Newspaper

In addition to the in-depth analysis provided by the six civil society representatives and the four media representatives, the draft publication was shared with all civil society and media representatives who participated to the Private Security Governance Forums. Two virtual feedback sessions were organised in September 2021 to gather additional comments, inputs, and experiences. The virtual feedback sessions were attended by 47 civil society and media representatives: we would like to thank all the participants for their key inputs, reflected in this publication.

1 USE OF FORCE

Practical example

Community members have organized a protest in front of a mining site; they carry tree branches and seem very angry. A small group of protestants try to force entry into the site. Private security guards assigned to the mining site pushed them back using sticks.

What do international norms and good practices say about Use of Force?



The Code

The use of force by private security guards is strictly restricted to the defence of her/himself and to defend others and the property they protect against an imminent threat.

A guard must always try to de-escalate the situation and use force proportionate to the threat. Security guards have to respect the following principles:

- Use force only when strictly necessary;
- Use of force needs to be proportionate to the threat;
- Use of force needs to be appropriate to the situation.

Montreux Document

The Montreux Document emphasizes that States need to define precisely what equipment, weapons and firearms (if any) PMSCs may use. In addition, States shall have in place appropriate rules on the use of force and firearms by PMSCs and their personnel, such as:

- using force and firearms only when necessary in self-defence or defence of third persons.
- immediately reporting to and cooperation with competent authorities in the case of use of force and firearms. This shall also be included in contracts with PMSCs.

The PMSC's internal organisation and regulations on the use of force and firearms must be taken into account by Governments when granting an authorisation.

The VPs

The VPs stress that private security should act consistently with the law and international guidelines. They should have policies regarding appropriate conduct and the use of force and should maintain high levels of technical and professional proficiency, particularly with regard to the local use of force and firearms.

The VPs also refer to the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, as well as emerging best practices developed by Companies, civil society, and governments. These represent international minimum standards. More specific guidance can be found in the Use of Force Guidance Tool developed by DCAF (see link below).

IN NIGERIA

More specific guidance and information on the Use of Force can be found on in the DCAF Use of Force Guidance Tool: bit.ly/3vP4Kgr and in the corresponding the e-learning module: bit.ly/3b9DGyU

Are there any cases of private security companies using force in your region? What sort of weapons/material do they use?

In most regions, PSCs were reported to use force in their activities. It was noted that the use of force by PSC personnel is regulated by the Nigeria Security and Civil Defence Corp (NSCDC), and that their functions are clearly spelt out.

Nevertheless, the worsening of the security situations in some regions of the country are resulting in increased threats to the safety and security of people as well as to PSC personnel, raising questions about how the private security industry should engage with the public in their operations, and whether the current guidelines on the use of force by PSC personnel is adequate. It was also noted that cases of use of force by PSCs are rarely reported and that there are no existing official records keeping track of these cases.

In Nigeria, the ownership of small arms and light weapons by private individuals are still illegal without a proper license: there is no legislation authorising the use of firearms by PSCs or PSC personnel. In most regions, PSCs were reported to carry other type of weapons and material, including knives, sticks, whips (Koboko), trained dogs, whistles and torch lights, machetes, or daggers. Several regions also mentioned the use of some types of firearms by PSC personnel, such as hunting guns, used in particular during night watches.

In the **North West region**, it was reported that “a small percentage of

PSCs only are carrying arms in their operations; that include local weapons such as swords, specially made knives sometimes big sticks and hunting guns. There are arguments between communities and authorities whether these actors should be allowed to carry arms or not, but it is very clear that PSCs are not aware of whether there is any law that allow them the use of weapons or not.”

Do they usually respect the good practices on the use of force?

If some regions did not report specific problems linked to the respect of good practices on the use of force, others mentioned that PSCs often used force “unnecessarily and inappropriately” in the course of their mandate.

In the **South South region**, it was mentioned that even the regulatory authority cannot always guarantee that those they regulate can provide or respect best practice models.

Are there any cases of abuse in terms of the use of force by PSCs? Please be specific and give details

Here again, the reports amongst regions showed some disparities. Some regions had not witnessed any cases of use of force abuses by PSCs. Some regions mentioned that the lack of monitoring made it difficult to identify cases of abuse by PSCs.

Media representatives also mentioned that in some cases, abuses would be reported directly to the company’s management, who plead with victims to settle without taking the matters to the police or court. In some instances, when the media try to follow up the victims may no longer be interested in pursuing the case, having reached an agreement with the company.

The **North East region** mentioned that lots of cases of abuse in terms of use of force by PSCs had been reported. Most of the cases relate to accusation of torture⁸ on suspects, which would seem to be a common practice for some PSCs. Several cases have been reported where a suspect in the custody of a PSCs had been left with fractures or wounds requiring immediate medical attention. Most PSCs in the region would use force in their operations – usually evoking self-defence.

It was also mentioned that the excessive use of force by PSCs is much more widespread in and around extractive industry, often the source of conflict between the extractive operators and the communities. Here again, cases of abuse would be rarely reported.

Media representatives have reported that some use of force abuses would not be reported on, as there is a lack of awareness on the exact role of PSCs and a widespread distrust of both public and private security, discouraging victims from filing complaints by fear of reprisal.

8 See also challenge 3 below addressing the prohibition of torture or other cruel, inhuman, or degrading treatment or punishment

2 DETENTION AND APPREHENSION OF PERSONS

Practical example

A private security guard discovers an intruder on the mine site he is assigned to. The intruder is in the process of stealing equipment. The guard locks the person into an office until the police arrives to transfer the person to the police station. Because of the mine's remote location, the police will only arrive in 3 to 4 days.

What do international norms and good practices say about Detention and Apprehension of Persons?



The Code

Detention

Private security guards are only allowed to detain persons if state authorities have asked them to do so and the details are regulated in a contract. For example, they can decide to outsource the protection of prisons or the guarding, transport or questioning of prisoners to private security companies. Otherwise detention by private security guards is prohibited.

In situations, where the state has delegated the authority to detain individuals to private security companies, these are required to properly train guards detaining individuals in the applicable national and international law.

Most importantly, guards must treat all detained persons humanely at all times.

Apprehending persons

Private security guards are not allowed to take or hold any persons except in self-defence or to defend others such as clients or property under their protection.

In such situations the following principles apply:

- A guard must treat the person held humanely and consistent with national and international law.
- At the earliest opportunity the guard must hand over the person to a Competent Authority such as for example the police.
- The PSC then needs to report this incident to the company, Embassy or other client who contracted them without delay.

Montreux Document

The Montreux Document requires States to determine which services may or may not be carried out on their territory by PMSCs or their personnel; in determining which services may not be carried out, States must take into account factors such as whether a particular service could cause PMSC personnel to become involved in direct participation in hostilities.

Clarity in the definition of roles and responsibilities between public and private security providers is particularly important when it comes to the use of force, apprehension, and detention.

The VPs

The VPs stress that private security should act in a lawful manner. The VPs also discuss that private security should only provide preventative and defensive services and not engage in activities exclusively the responsibility of state military or law enforcement authorities.

IN NIGERIA

Are there any cases of private security or private military and security companies detaining and/or apprehending persons in your region?

Detention and apprehension by PSCs have been witnessed in almost all regions. In some regions, it was specified that detention and/or apprehension by PSCs were only happening in case no public security would be around, and that the suspect would be handed over to public security as soon as possible. Some regions nevertheless reported cases where PSCs would apprehend and detain persons without handing them over to the police. It was reported that PSCs would in some case formally invite media representatives to witness the handover of criminal suspects apprehended by their personnel to the police. Nevertheless, it was mentioned that most of these occurrences would not be reported and would not appear in the press.

Are they authorized to detain individuals in your region? If so what is the common procedure?

The law does not authorise PSCs to detain persons.

Nevertheless, the Administration of Justice Act (2015) as well as the Section 12 of the Criminal Procedure Act (1990), provides for a 'citizen arrest' right, whereby any citizen may apprehend a person who commits a criminal offense in their presence or a person who they reasonably suspect of having committed a crime, and hand that person over to the Police. Under the same law, property owners are entitled to arrest those found damaging their private property and can allow people working for them to arrest anyone damaging their property.

Most respondents mentioned that in cases where PSCs would detain an individual, the individual would usually be handed over to a public security official within 24 hours, as is required by law.

Are there any cases of abuse in apprehending and detaining individuals? Please be specific and provide details.

If no specific case was reported, **North Central** and **North East region** mentioned that many interviewees had witnessed private security companies in the region involved in torture, and inhuman treatments of citizens⁹, and that detention by PSCs would sometimes be linked to abuses, due to PSCs lack of capacity and professionalism, inadequate skills, and poor knowledge of national and international laws regarding detaining or apprehension of a suspect.

It was also mentioned that citizens are not aware of what PSCs are legally allowed and not allowed to do, and that a wide sensitization campaign of the public on PSCs activities and mandate would be needed.

⁹ See also challenge 3 below addressing the prohibition of torture or other cruel, inhuman, or degrading treatment or punishment

3 PROHIBITION OF TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Practical example

A security guard works in a prison. A prisoner shouts and swears at the guard. To silence the prisoner, the guard beats him up. Another guard observes the beating.

What do international norms and good practices say about Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment?



The Code

Private security personnel are prohibited in any circumstance to torture individuals, to punish them or treat them in any way which is degrading or inhuman.

Guards are required to report any observations or suspicions of such treatment to the company.

Companies have to report such acts to their clients and to Competent Authorities. Competent Authorities may include the following:

- in the country where the acts took place,
- the country of nationality of the victim,
- the country of nationality of the perpetrator.

For more information on the Prohibition of Torture bit.ly/3m9l60i

Montreux Document

The Montreux Document underlines that States are required to exercise criminal accountability for all international crimes. “International crimes” are all offences for which international law, most often on the basis of a specific treaty, demands criminalization. Examples of international crimes are war crimes in general and offences not necessarily related to armed conflicts, such as torture or genocide.

IN NIGERIA

Have there been any cases of private security companies suspected of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment?

Most respondents answered that cases of such abuses by PSCs had already occurred or were occurring in their regions. In South East region, PSCs deployed around extractive companies have been sometimes reported as bullying community members.

It was mentioned that PSCs would sometimes use torture or other cruel, inhuman, or degrading treatment to obtain a confession from a suspect over an allegation of commission of an offence. It was mentioned that PSC personnel, often having very low level of education and training, may lack the knowledge as well as social and moral capacity to handle suspects without resorting to physical abuse.

Are there any cases of private security companies being litigated and/or convicted for such behaviour?

All Respondents stated that they had not heard or come across cases of PSCs being litigated in court for a case of torture or other cruel, inhuman, or degrading treatment.

4 HUMAN TRAFFICKING, SLAVERY, CHILD LABOUR

Practical example

A security guard works in a prison. A prisoner shouts and swears at the guard. To silence the prisoner, the guard beats him up. Another guard observes the beating.

What do international norms and good practices say about Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment?



The Code

Private security personnel are not allowed to engage in or be complicit in trafficking of persons, slavery, or child labour.

Human trafficking includes for example slavery or recruitment of a person forcing her/him to provide sexual services or work under inhuman conditions unpaid.

Guards are required to report any observations or suspicions of such acts to the company or a Competent Authority.

Montreux Document

The Montreux Document underlines that States are required to exercise criminal accountability for all international crimes. “International crimes” are all offences for which international law, most often based on a specific treaty, demands criminalization. Examples of international crimes are war crimes in general and offences not necessarily related to armed conflicts, such as torture or genocide, human trafficking, slavery, or child labour.

IN NIGERIA

Have there been any alleged and/or confirmed cases of private security companies suspected of such abuses? Are there any risks of such abuses linked to private security companies occurring in your region?

No PSCs has been reported to be linked to human trafficking, slavery of child labour case. It was nevertheless noted that there is a lack of information or reliable data on the activities of PSCs, and that some companies remain unregistered, and therefore, unmonitored.

Respondents in all regions also deemed the risk of such abuses being committed by PSCs to be rather low but mentioned that close monitoring by the regulatory authority is necessary to ensure PSCs do not commit such abuse. Specific attention should be paid to unregistered PSCs.

5 SEXUAL EXPLOITATION AND ABUSE OR GENDER-BASED VIOLENCE

Practical example

A private security guard and his five colleagues (all male) guard a company compound. People know that there are jobs at the company, but it is hard to get inside to meet the right people. The guard is approached by a woman to let her in so she can approach the manager. The guard suggests that he will let her pass if she offers him a sexual favour in return. He organizes where to meet with her.

What do international norms and good practices say about Sexual Exploitation and Abuse or Gender-Based Violence?



The Code

Private security personnel are not allowed to:

- engage in sexual exploitation or gender-based violence.
- benefit from sexual exploitation or gender-based violence.

Such behaviour includes for example sexual harassment of a colleague, using prostitution, rape.

Guards are required to report any observations or suspicions of such behaviour to the company.

Where such behaviour took place, the company is required to offer assistance to the harmed individual such as medical aid, psychological support, or other help they might need.

Montreux Document

When granting authorisation to a PMSC and/or when selecting a PMSC for a security service, States shall consider, within available means, the past conduct of the PMSC and its personnel, which includes ensuring that the PMSC has: a) no reliably attested record of involvement sexual offences.

IN NIGERIA

What is the gender balance in the private security companies' sector in your region?

Throughout the country, PSCs personnel are mainly male: in North Central region, the ration was found to be of about 70% male employees to 30% female employees, while in North East region the ration was reported to be close to 100% male employees.

In the **South West** region, it was noted that most recruitment opportunities by PSCs would be advertised in the media or more informally in the public space and would usually not entail any restriction on gender. It was noted that the gender disparity in the security sector work force would be linked to traditional and cultural perceptions of the role of woman.

The current private security regulation (The Private Guard Companies Act) does not entail a gender policy and does not refer to the 2006 Nigeria's National Gender Policy (NGP).

Have there been any alleged and/or confirmed cases of private security companies suspected of such abuses? Are there any risks of such abuses linked to private security companies in your region?

Only one case of sexual exploitation and abuse or gender-based violence linked to PSCs was reported in 2020¹⁰. The lack of recent and reliable information and data around the industry was mentioned once again. Nevertheless, media representatives mentioned that most cases of abuse are not reported or pursued by victims for fear of losing their jobs. It was also pointed out that there is no awareness raising campaign against gender-based violence and discrimination around the private security sector, and that it would be necessary for the media to focus on this issue through investigative reporting.

It was noted that PSCs, potentially holding positions of power in the line of their duty, can present a potential risk of such abuse and should be specifically sensitised and trained on gender issues. It was also mentioned that a more gender equal recruitment within PSCs should be promoted.

¹⁰ www.vanguardngr.com/2020/06/two-security-guards-arrested-for-molesting-13-year-old-girl-in-kano/

6 AUTHORITY RESPONSIBLE FOR THE PRIVATE SECURITY INDUSTRY

Montreux Document

State shall create a designated PMSC Authority, specifically tasked with and designed for the regulation, oversight and monitoring of the PMSC sector and establish systematic, diligent, and institutionalised monitoring mechanisms within the PMSC Authority. The legislation needs to contain an obligation that companies report regularly to the Authority on personnel data, equipment, weapons and firearms and on incidents. The Authority should further have the power and capacity to carry out inspections, including access to the company's premises and inspection of documents.

In addition, States need to ensure adequate independence is attributed to the regulatory authority to prevent risks of political interference and corruption and that the authority is provided with sufficient funding and qualified personnel.

IN NIGERIA

How do the authorities monitor private security companies in your region?

The Nigeria Security and Civil Defence Corps Act (2003, as amended in 2007) empowers the PGC Department of the Nigerian Security and Civil Defence Corps (NSCDC) to licence, supervise and monitor the activities of private guard companies in Nigeria.

The Nigeria Security and Civil Defence Corps (NSCDC) is a para-military agency of the Federal Government of Nigeria established in 1967 to provide measures against threat and any form of attack or disaster against the nation and its citizenry.

The NSCDC enforces the Private Guard Companies Regulation 2018, that provides sanctions to ensure adequate and appropriate enforcement and compliance with its regulations by the private security companies operating in Nigeria.¹¹

To ensure effective monitoring of private security company activities in Nigeria, private security companies are required to submit a monthly report of their activities to the nearest offices of the NSCDC and to the

11 The Private Guard Companies Act, Article 21 (1)

national headquarters. All private security companies are also required to submit to NSCDC on a yearly basis the address of each employee of the company or other place of business in which it carries out its business.

More challenges arise with unlicensed PSCs, as well as with other form of security providers, such as vigilante groups, that are not monitored nor controlled by any regulatory authorities.

7 AUTHORISATION, LICENSING AND REGISTRATIONS

Practical example

A security guard driving a company car in the line of duty is involved in a traffic accident. While a third person is injured, the security guard is unharmed and drives on. The injured persons in the other car see how a white car continues driving with a driver in uniform and a logo on his arm.

What do international norms and good practices say about Authorisation, Licensing and Registrations?



The Code

All private security personnel should be identifiable with their name and the company they are working for, for example through the company logo on their uniform.

The following should be registered and licensed with the relevant national authorities:

- Vehicles
- Hazardous materials such as ammunition, chemicals, etc.

Montreux Document

Identification

States should require, if consistent with force protection requirements and safety of the assigned mission, that the personnel of the PMSC be personally identifiable whenever they are carrying out activities in discharge of their responsibilities under a contract. Identification should:

- a be visible from a distance where mission and context allow, or consist of a non-transferable identification card that is shown upon demand;
- b allow for a clear distinction between a PMSC's personnel and the public authorities in the State where the PMSC operates.

Authorization, Licensing and Registration of PMSCs

States should develop an authorisation system, requiring each PMSC to obtain a specific authorisation/license in order to operate.

States need to consider whether licenses should be granted for specific limited and renewable periods and/or for specific services, require membership in good standing with the ICoCA as a prerequisite for obtaining an authorisation or license (or other similar globally recognised multi-stakeholder association), ensure transparency with regards to the granting of authorisations or licenses.

This may include public disclosure of authorisation regulation and procedures, publication of overviews of incident reports or complaints, and granting oversight to parliamentary bodies/committees including by providing annual reports.

States shall further create clear criteria for a PMSC to obtain an authorisation. At a minimum, companies should provide the following when applying for a authorisation/license:

- Records of past conduct – for the company, its management and its personnel; Personnel and property records;
- Mandatory training – in particular in IHL and IHRL, and generally in human rights; Records of financial and economic reliability;
- Records documenting lawful acquisition and use of equipment – including weapons and firearms;
- Evidence of safe and healthy working conditions and provisions for the welfare of personnel.

States should set out conditions and administrative processes for the denial, suspension or revocation of authorisation/ license, require membership in good standing with the ICoCA as a prerequisite for renewing an authorisation or license (or other similar globally recognised multi-stakeholder association), provide a fair and transparent appeals process in case of denial, suspension of an authorisation/license. And stipulate the limited period of the authorisation/license and define the terms and conditions for renewal.

Finally, States should establish mandatory registration of PMSC and personnel records and maintain a national register, compiling updated relevant information about PMSCs operating in the country or exporting their services. The information should include at a minimum:

- All PMSCs that have been authorised or licensed;
- Records of past conduct, trainings, and firearms licenses of managers and personnel;
- Durations and details of contracts;
- Registered equipment, including firearms, ammunition and vehicles.

This may include public disclosure of authorisation regulation and procedures, publication of overviews of incident reports or complaints, and granting oversight to parliamentary bodies/committees including by providing annual reports.

States shall further create clear criteria for a PMSC to obtain an authorisation. At a minimum, companies should provide the following when applying for a authorisation/license:

- Records of past conduct – for the company, its management and its personnel; Personnel and property records;
- Mandatory training – in particular in IHL and IHRL, and generally in human rights; Records of financial and economic reliability;
- Records documenting lawful acquisition and use of equipment – including weapons and firearms;
- Evidence of safe and healthy working conditions and provisions for the welfare of personnel.

States should set out conditions and administrative processes for the denial, suspension or revocation of authorisation/license, require membership in good standing with the ICoCA as a prerequisite for renewing an authorisation or license (or other similar globally recognised multi-stakeholder association), provide a fair and transparent appeals process in case of denial, suspension of an authorisation/license. And stipulate the limited period of the authorisation/license and define the terms and conditions for renewal.

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- All PMSCs that have been authorised or licensed;
- Records of past conduct, trainings, and firearms licenses of managers and personnel;
- Durations and details of contracts;
- Registered equipment, including firearms, ammunition and vehicles.

The VPs

Private security should observe the policies of the contracting Company regarding ethical conduct and human rights; the law and professional standards of the country in which they operate; emerging best practices developed by industry, civil society, and governments; and promote the observance of international humanitarian law.

IN NIGERIA

How are private security companies identifiable in your region; do they wear uniforms? How does one differentiate between private security companies and public security?

PSCs across Nigeria are wearing clearly identifiable uniforms, in most cases including a uniform of a different colour than public security officials and including a visible badge or tag stating the company's name and/or logo. When registering with the NSCDC, PSCs must also submit their uniform design, to ensure it cannot be mistaken for a public security outfit. Under the Private Guard Companies Act, any PSCs uniform, cap, badge, accoutrement or other identification mark must be approved for use by the Minister in writing (art. 16.1): the approval will not be granted if any of the articles has any resemblance to a similar article used by the Nigeria Police Force, the Nigerian Prisons Service, the Armed Forces of the Federation, Customs Preventive Service or any other uniformed service in Nigeria (art. 16.2).

It was also mentioned that one of the major differences between private and public security lies in the equipment they carry: PSCs do not carry firearms, but only other type of equipment such as detectors, sticks, walky-talky and other (see Challenge 1. Use of Force).

Do private security companies usually have authorisations/licenses to operate in your region?

There is a legal requirement that any PSC be registered and the NSCDC holds a clear mandate to grant the licenses, and to close private security company operating without a licence (Nigeria Security and Civil Defence Corps Act (2003, as amended in 2007).

Nevertheless, it was reported in several regions that there are still a considerable number of PSCs operating without a license. In **North East**, it was noted that registered PSCs would typically operate for clients such as banks, the government itself or other institutions, while unregistered one would much rather operate locally, as vigilante or similar tasks. These informal companies typically employ members of the local community that did not undergo any specific training. Such operations are tolerated by local authorities who lacks capacities to intervene. These local, unregistered PSCs also respond to security needs that public security does not have the capacity to fill.

The registration fee for a PSC, as well as the request to have a minimal capital base was reported as being too high: only larger PSCs would be able to comply, forcing smaller PSCs to remain unregistered – and often operating with extremely low standards, affecting the image and reputation of the industry altogether.

8 SELECTION AND VETTING OF PERSONNEL

Practical example

A private security company operates in an area where different tribes are fighting each other. The company would like to hire a local to provide guarding services. The company would like to check that the person it hires has not committed any crimes.

What do international norms and good practices say about Selection and Vetting of Personnel?



The Code

Private security companies should select their personnel carefully. When hiring personnel, companies must check the following:

- The candidate's identity;
- That the candidate providing security services is not under 18 years of age;
- The candidate's education history;
- The employment history of a candidate;
- That the candidate has no crime history;
- That the candidate has no history of abusing human rights;
- That the candidate has sufficient physical fitness to perform the assigned duties;
- That the candidate has sufficient mental fitness to perform the assigned duties;
- In case of previous military experience, that the candidate has not been dishonourably discharged;
- That the candidate has the requisite qualifications as defined by the contract.

Companies must ask candidates applying for a position with a private security company to authorise access to prior employment and government records.

Companies should keep passports, or other identification documents of their personnel for the shortest period of time reasonable.

Once the person is hired, a company is required to assess her/his performance on a regular basis for example through tests and training.

No tolerance for discrimination! When PSCs hire and assess their personnel they should not discriminate on grounds of race, colour, sex, religion, social origin, social status, indigenous status, disability, or sexual orientation.

All policies, employment material such as the Code, contract terms and conditions need to be clearly communicated to personnel and be available in written form and in a language they can understand.

PSCs need to keep employment records and reports on past and present personnel for a period of 7 years.

Montreux Document

When granting authorisation to PMSCs, States shall take into account, within available means, the past conduct of the PMSC and its personnel, which includes ensuring that the PMSC has conducted comprehensive inquiries within applicable law regarding the extent to which any of its personnel, particularly those who are required to carry weapons as part of their duties, have a reliably attested record of not having been involved in serious crime or have not been dishonourably discharged from armed or security forces; and PMSC personal has not previously had an operating license revoked for misconduct.

The VPs

Private security should (a) not employ individuals credibly implicated in human rights abuses to provide security services [...].

To the extent practicable, agreements between Companies and private security should require investigation of unlawful or abusive behaviour and appropriate disciplinary action. Agreements should also permit termination of the relationship by Companies where there is credible evidence of unlawful or abusive behaviour by private security personnel.

Where appropriate, Companies should seek to employ private security providers that are representative of the local population.

Companies should review the background of private security personnel

they intend to employ, particularly with regard to the use of excessive force. Such reviews should include an assessment of previous service.

Companies should consult with other Companies, home country officials, host country officials, and civil society regarding experiences with private security. Where appropriate and lawful, Companies should facilitate the exchange of information about unlawful activity and abuses committed by private security providers.

IN NIGERIA

How are employees of private security companies recruited? What type of background check is performed in your region?

According to the current regulation (The Private Guard Companies Act), all PSCs employees should be approved by the licensing authority; the approval process requires an application in written. Nevertheless, the answers diverged largely from one region to another, which seem to point to very uneven recruitment processes across the country, that does not match national regulation nor international good practices.

In **North Central region**, 70% of the interviewees stated that recruitment processes by PSCs were transparent, including a formal application, thorough interview, background checks, assessment of guarantor's credibility, and visit to the potential employee's family home. Nevertheless, the remaining 30% of the interviewees disagreed, stating that recruitment in PSCs were mainly based on personal contacts and distilled of any form of credibility.

In **North East region**, it was mentioned that recruitment processes by PSCs would vary and would often be carried out without adequate diligence. It was mentioned that the personnel recruited would have little to no academic qualifications and would present higher chances to have been involved in criminal activities.

In **North West region**, it was stated that all employees are profiled; all information are properly documented by the company and guarantors are required in the recruitment process. These measures are taken to inspire confidence of clients.

In **South South region**, it was mentioned that recruitment processes were not transparent. The respondent found that new cartels were created of people who helped introducing young professionals to private security jobs in the city, charging them commissions in return.

9 TRAINING OF PERSONNEL

Practical example

A private security company hires new staff to escort an NGO providing humanitarian aid to villages in the area. The guards hired have no previous experience and are armed with sticks.

What do international norms and good practices say about Training of Personnel?



The Code

PSCs are required to train their personnel when they start their job and then on a regular basis.

The training should include the following:

- An explanation of company commitment to comply with the highest standards of conduct and professionalism;
- An explanation of the principles of the Code;
- How to assess risks and prevent and mitigate harm to personnel and the local population;
- Hostile environment training;
- An overview of the national and international law applicable to the conduct of personnel;
- Training on the Rules for the Use of Force;
- An explanation of how to report incidents that occurred while guards were operating;
- Training on how to use the company grievance mechanism;
- Communication of the disciplinary measures for violations of the company procedures.

For those who carry weapons, PSCs need to provide training which is specific to the weapons they carry. Personnel are only authorised to carry weapons if the company has verified their skills specific to the type and model of weapon they carry and provided training.

Montreux Document

States shall ensure that legislation includes requirements for mandatory human rights and IHL training tailored for both managers and personnel, as a prerequisite for PMSCs gaining authorisations to operate. A national entity shall be tasked with the design and oversight of mandatory training for PMSC managers and personnel.

States need to ensure requirements of regular refresher training in legislation and define mandatory additional training for specific activities carried out by PMSCs, in particular those taking place in complex environments and those bringing actors of different cultural backgrounds together. This could include sensitivity or gender training.

States shall set minimum training requirements for PMSC personnel who are allowed to carry weapons and firearms in the course of their duties. The minimum requirement should at least entail training in regard to technical use of equipment, weapons or firearms; situations in which it is permissible to use weapons or firearms; specific weapons management training.

The VPs

Private security should (a) not employ individuals credibly implicated in human rights abuses to provide security services [...].

To the extent practicable, agreements between Companies and private security should require investigation of unlawful or abusive behaviour and appropriate disciplinary action. Agreements should also permit termination of the relationship by Companies where there is credible evidence of unlawful or abusive behaviour by private security personnel.

Where appropriate, Companies should seek to employ private security providers that are representative of the local population.

Companies should review the background of private security personnel they intend to employ, particularly with regard to the use of excessive force. Such reviews should include an assessment of previous service.

Companies should consult with other Companies, home country officials, host country officials, and civil society regarding experiences with private security. Where appropriate and lawful, Companies should facilitate the exchange of information about unlawful activity and abuses committed by private security providers.

The **Voluntary Principles Smartphone Application** can be very useful: the app makes information on the VPs easily accessible and brings together training tools on how to ensure security arrangements respect human rights. The app was developed by the Nigerian CSO and member of the VPs national working group PRAWA. The app is available for download on [here](https://play.google.com/store/apps/details?id=com.coderscage.voluntaryprinciples&hl=de_CH&gl=US). (play.google.com/store/apps/details?id=com.coderscage.voluntaryprinciples&hl=de_CH&gl=US)

IN NIGERIA

How are private security companies employees trained? What is the content of training they receive in your region, how frequently is training delivered to employees? Are employees trained in human rights law, the use of force and in the use of the respective weapons or firearms?

The Private Guard Companies Act stipulates that PSCs employees must “be trained and certified by the NSCDC, or such other institution whose curriculum has been accredited by the NSCDC to provide security training, and no private security employee shall be posted to fieldwork until he/she has first obtained the training and been certified”.

Unfortunately, PSCs personnel from different regions have complained that they received an hour or two of training at the start of their employment – with no follow up, before being posted in the field.

The training received, usually carried out by the PSC itself, were described as unprofessional and there was no mention about specific training on the use of force or the respect for human rights. During the research in the **South South** region, no training manual could be found either.

In some regions, better practices were found; it was mentioned that staff are sometimes trained upon employment, then retrained monthly and quarterly. It was mentioned that civil society organisations would sometimes also train local security guards on human rights protection as well as the use of force.

10 SELECTION AND VETTING OF (SUB)-CONTRACTORS

Practical example

A client asks an international private security company to put security measures in place at short notice. The company does not have enough personnel to execute the contract in the required timeframe. It decides to contract a local security company to help them out.

What do international norms and good practices say about the Selection and Vetting of (Sub)-Contractors?



The Code

If private security companies decide to subcontract services, they have to do so carefully and assess how they respect the Code on a regular basis.

A company needs to make sure that a subcontractor carrying out security services operates in accordance with the principles of the Code. If a subcontractor is not operating up to standard, a PSC needs to take measures to remedy that.

Montreux Document

Prior to awarding any PMSC contract, States shall identify the needs and analyse the risks linked to the requested services (such as the need to carry weapons or particular knowledge or training requirements).

States need to adopt a specific and systematic vetting process for the selection and contracting of PMSCs. Criteria and standards of the vetting process for the selection and contracting of PMSCs should mirror those for the authorisation of a PMSC. At a minimum, the process should include requirements for the following:

- Records of past conduct – for the company, its management and its personnel;
- Personnel and property records;
- Required training – in particular on IHL and human rights;

- Records of financial / economic stability;
- Documentation of the lawful acquisition and use of equipment – including weapons and firearms;
- Requirement that companies develop internal company policies that implement international standards;
- Requirement of safe and healthy working conditions for personnel (See, e.g., ICoC Art 64).

IN NIGERIA

Are there any examples of sub-contracting in your region? What does the typical private security contract include? Are there any references to human rights and IHL in such contracts?

Little information is known about sub-contracting and related selection and vetting processes; sub-contracting does not seem to be a common practice for PSCs. It was mentioned that at least in the South West region, typical contracts do not entail references to human rights or international human rights law.

11 MANAGEMENT OF WEAPONS

Practical example

A private security company has a warehouse next to a market place in a village. In this warehouse the company stores various ammunitions, weapons and other explosive material, piled up and mixed with each other. The warehouse guard smokes a cigarette.

What do international norms and good practices say about the Management of Weapons?



The Code

Private security guards can carry a range of different weapons, for example a baton, or be accompanied by dogs. In some countries they are allowed to carry firearms. This is regulated by national law.

PSCs are required to obtain and maintain authorisations for the possession and use of weapons, ammunitions and other hazardous materials.

Companies are prohibited from possessing illegal weapons, ammunitions or other hazardous materials or to engage in illegal transfers.

Companies are required to put in place measures which ensure that:

- Weapons and ammunitions are stored securely;
- Weapons and ammunitions are controlled regularly;
- It is recorded to whom and when weapons are issued;
- Ammunition is identified and accounted for;
- Weapons and ammunitions are disposed verifiably and properly.

Montreux Document

- States must define precisely what equipment, weapons and firearms (if any) PMSCs may use.
- States need to require companies to obtain specific licenses and permits for the use of weapons and firearms. Each PMSC must keep a register listing all weapons and firearms as well as their status (including acquisition, storage and transfer). PMSC personnel needs to store weapons and firearms when not being used.

- States shall set clear requirements for the acquisition of weapons and firearms and prohibit the illegal acquisition, possession and trafficking in firearms and ammunitions and require mandatory reports of any weapons-related incidents to the national authority. Although designed for public security providers, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials can provide guidance on management of weapons which may also be useful for PMSCs.

IN NIGERIA

How are weapons stored, controlled, issued, accounted for, and disposed in your region? Were there any incidents/accidents/abuses related to the management of weapons in your region?

PSCs in Nigeria are not allowed to carry firearms, and no regions reported abuses or incidents related to the management of weapons. As mentioned in challenge 1, “Use of force”, PSCs were reported to carry other type of weapons and material, including knives, sticks, whips (Koboko), trained dogs, whistles and torch lights, machetes, or daggers.

In the **North East region**, it was mentioned that PSCs employees would not be provided weapons by the company but would nevertheless procure some in their personal capacity. It was not specified whether these personnel weapons would be used in the line of their duty, or how the company would ensure a proper use and management of these personal weapons.

According to the The Private Guard Companies Act, PSCs should request the services of the armed squad of the NSCDC for assignment where the use of firearms would be necessary. It was mentioned that the protocol for PSCs to make such a request, including the approval of the Inspector General of Police, is cumbersome and would not enable sufficiently swift responses whenever the need arise, potentially placing PSCs operatives in vulnerable positions.

12 SAFE AND HEALTHY WORKING ENVIRONMENT

Practical example

A private security company protects a refugee camp close to a border. The nearest village from the camps is several hours of driving away; the climate is hot. The area along the border is known to have landmines.

What do international norms and good practices say about Safe and Healthy Working Environment?



The Code

PSCs are required to ensure that reasonable precautions are taken to protect relevant staff in high-risk or life-threatening operations.

This includes:

- Assessing the risks of injury to personnel and the local population;
- Provide adequate training to personnel;
- Provide adequate protective equipment, weapons and ammunition;
- Provide medical support;
- Other measures addressing psychological health, deters work-place violence, misconduct, alcohol and drug abuse, sexual harassment and other improper behaviour.
- Companies should not tolerate harassment and abuse of co-workers

Montreux Document

To receive authorisation, PMSCs must provide evidence of safe and healthy working conditions and provisions for the welfare of personnel.

IN NIGERIA

How are the working conditions of private security in your region? Please elaborate.

The working conditions of PSC personnel was listed as a major challenge in almost all regions. The work exposes employees to stressful and dangerous environments, the working conditions are not able to provide for the adequate mitigation of risks, and in most cases does not offer safe and healthy working conditions. In the South West regions. The main problems around working conditions were listed as follows:

- Long hours of work
- Stressful environment (high crime rate, inadequate training, inadequate support from the police and other law enforcement agencies)
- Inadequate training, no refresher courses
- Poor salary
- Lack of welfare package
- Lack of pensions, retirement and other gratuity schemes
- Inadequate kits and uniforms
- Nonobservance of holidays and statutory annual leave

The Private Guard Companies Act requires that the minimum salary for PSCs employees shall be either 60% of the contract sum, or the national minimum wage, whichever is higher. PSCs employees in **North East region** nevertheless stated that “We are not aware of the contract sum. So, we cannot ascertain which is higher. We are paid less than the national minimum wage, which is N30,000. We are aware of the national minimum wage, but there is nothing we can do to implement it. Besides, the little we receive is not paid as and when due, and we have no insurance, no leave allowances, nothing. We are forced to engage in extra income activities in order to make ends meet; some of us are carpenters, electricians, or labourers.”

These appalling working conditions also result in a lack of motivation and loyalty of employees, leading to very high turnover in the sector, and creating in its turn additional risks: tired and insufficiently trained personnel are more likely to commit errors in their line of duty while frustrated employees may be more likely to commit abuse. It was also noted that PSCs employees are often forbidden by their company to join any labour union to address their concerns, in violation of the law.

13 INCIDENT REPORTING

Practical example

Private security company personnel are involved in a fight at an event where they were mandated to provide crowd control.

What do international norms and good practices say about Incident Reporting?



The Code

PSCs need to document and investigate any incident involving the use of weapons, escalation of force, damage to equipment, injury to persons, attacks criminal acts, traffic accidents or incidents involving other security forces.

The information to be investigated and documented needs to include the following:

- Time and location of the incident;
- Identity and nationality of any persons involved including their addresses and other contact details;
- Injuries/damage sustained;
- Circumstances leading up to the incident; and
- Any measures taken by the Signatory Company in response to it.

Companies are then required to write a report and share it with their clients and if required by law also with Competent Authorities.

Montreux Document

States must require PMSCs to immediately report serious incidents to the regulatory authority.

The VPs

In case where physical force is used, private security should properly investigate and report the incident to the Company. Private security should refer the matter to local authorities and/or take disciplinary action where appropriate. Where force is used, medical aid should be provided to injured persons, including to offenders.

IN NIGERIA

Are private security companies required to report incidents to the authority/client in your region? Do they? Please describe the process.

PSCs are required to send a periodic security risk assessment report and a report of their operations as well as to prepare and submit a monthly report of their activities to the nearest offices of the NSCDC. In some region, it was even mentioned that PSCs had to submit weekly report of their activities.

Any incident must also be reported to the NSCDC, who must keep a record of all incidents. There was nevertheless no information on the process for the reporting, nor regarding how the NSCDC would respond to incident reports.

Media representatives mentioned that PSCs lack designated spokespersons or trained public relations officers who could answer questions of journalists in case of an incident. It was mentioned that this significantly hindered the access to correct and timely information. It was also reported that the lack of adequate training of PSCs personnel also hindered access of media representatives to information; as an example, PSCs personnel deployed at public events would sometimes adopt an aggressive behaviour towards journalists, arbitrarily restricting their access to said event. This was pointed out as a major difference between the relationship with public security agencies, which do benefit from departments specifically in charge of communication.

Similarly, information related to private security is often classified and access is rarely allowed for reporters. The relationship between reporters and PSCs has been described as hostile, and it was mentioned that the sector lacks synergies to be able to work together with the media, and not to only see it as an enemy.

Additionally, it was mentioned that reporting on security matters, including on private security, is a sensitive and complex topic that requires journalists to be well trained, including on the legal implications of PSC activities.

14 INCIDENT REPORTING

Practical example

Private security company personnel are involved in a fight at an event where they were mandated to provide crowd control.

What do international norms and good practices say about Accountability and Effective Remedy?



The Code

Every company should be able to receive complaints from its own employees as well as the public. For people to know about it, what they need to do and how it works, a company needs to make it known.

As a minimum, companies are required to have a description on their website on how people can submit any concerns or complaints they may have. They should have the following on their websites:

- Company contact details;
- Who can submit a complaint;
- How complaints can be submitted and in which languages;
- An indicative timeline for processing the complaint;
- That the Company intends to protect complainants from any retaliation for making such reports in good faith.

Ideally this information is available through a link on their first site of the website.

Complainants should also have a choice of different communication options through which they can submit a complaint. Some companies have feedback boxes, posters or a phone number on their car through which people can reach them. Sometimes companies or their clients have dedicated staff members who are in touch with community elders and listen to any concerns people may have.

When companies receive complaints, they are required to acknowledge receipt of the complaint, investigate the complaint properly and inform the complainant about next steps and all necessary information.

When complainants meet with company staff in charge of the complaint, they should be allowed to bring a friend, colleague or family member with them for their support.

A company also needs to make sure that complainants are protected from any further harm.

Companies are required to find a solution for the complaint which is fair and compensates the complainant adequately for the damage received.

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States shall define appropriate sanctions for violations of national and international law; ensure that PMSCs respect applicable national and international laws and standards as specifically related to labour law, immigration law, and tax law; design an enforcement mechanism with enough power to provide for effective and systematic sanctions. This mechanism is linked closely to the development of an effective monitoring mechanism and could include linkages with existing corporate and individual sanction regimes to address criminal and civil accountability mechanisms.

States should develop provisions defining clearly and comprehensively the liability of PMSCs and their personnel for any misconduct; require companies to have civil liability insurance for risks related to the activities of the PMSC; and put in place a fair appeal system for the company to be able to be heard or to contest the alleged violations and imposed sanctions.

States shall establish mechanisms for remedies to victims that provide at a minimum:

- Equal and effective access to justice;
- Adequate, effective and prompt reparation for harm suffered;
- Access to relevant information concerning violations and remedial mechanisms.

In addition, States shall ensure the procedure is accessible to victims and not hindered by external factors such as high cost, time or unwillingness of prosecutors and that there is a clear separation between the State armed forces and private contractors and actively avoid jurisdictional gaps.

The VPs

Companies should consult and monitor private security providers to ensure they fulfil their obligation to provide security in a manner consistent with the principles outlined in the VPs.

IN NIGERIA

Please describe available accountability mechanisms in case of abuse by private security companies in your region, whether company grievance mechanisms (clients/PSCs), justice system, etc.

There are no specific accountability mechanisms for abuses by PSCs or their personnel. The NSCDC can receive complaints by personnel about their working conditions, but do not have a system to receive external complaints in case of abuse. It was also reported that the public globally has very poor knowledge of what are the available complaints mechanisms, and most individuals do not know that the NSCDC is the regulatory authority for PSCs.

Answers diverged from region to region on the availability of accountability mechanisms.

- In **North Central region**, 80% of the Respondents interviewed affirmed that PSCs have internal grievance mechanisms, ensuring that employees and external stakeholders are provided with a platform to report grievances within a short period of time. The other 20% of the Respondents interviewed, however, stated that they are not aware of these accountability mechanisms.
- In **North East region, South South region and South West region**, no specific accountability mechanism was reported, apart from the legal process as defined by law. Civil society organisations also play a great role in tracking and monitoring their activities of private security organisations in the region.
- **North West region** reported that PSCs operate with an “open door policy” to the public, where individuals or clients can make their complaints to the company directly. Some companies have feedback mechanism such as boxes, posters, or a phone number (displayed on their cars and other public places) through which people can reach them, or dedicated staff, usually members of community, to act as the interface between the communities and the companies.
- In the **South East region**, most PSCs were reported to deploy a supervisor along other staff to each location of operation. In case of abuse or incident, complaint can be made in written or orally directly to the supervisor, who will then bring the issue to the management of the company for further action.

Media representatives mentioned that, as the watch dog of the society, they have a key role to play in improving the accountability of the private security sector. This role could be achieved by bringing up shortcomings, violations, and incidents to the public space, opening a space for discussion, and raising awareness.

15 MEETING LIABILITIES

Practical example

A private security company operates without any insurance in place. If the company causes any damage to property or people it might need to pay a large sum of money to remedy the damage. The company is worried that it might not be able to cover potential damage. It therefore decides to create its own fund into which it regularly pays a certain amount of money.

What do international norms and good practices say about Meeting Liabilities?



The Code

Companies need to ensure that they have sufficient financial capacity in place to at all times be able to meet commercial liabilities for damages to any person or property.

This might be insurance coverage, customer commitments, self-insurance or any other alternative arrangements.

Montreux Document

When granting authorisations, States shall take into account the financial and economic capacity of the PMSC, including for liabilities that it may incur.

IN NIGERIA

Do private security companies have the capacity to meet liabilities in your region?

While responses diverged depending on the region, it globally seemed that PSCs are not capable of meeting liabilities. It was pointed out in the **North East region** that often times PSCs do not even manage to pay their employee's salaries in due time, and do not have the necessary financial capacities to at all times be able to meet commercial liabilities for damages to any person or property. A general lack of information and records regarding past cases of compensation or damages paid by PSCs has also been noted.

OTHER USEFUL TOOLS

Complementary to this publication, we recommend having a look at the following thematic tools and other useful content:

- Baseline Study on Private Security Governance in Nigeria, African Law Foundation (AFRILAW), 2019. bit.ly/3BaR4xl
- The role of civil society organisations in promoting good governance of the private security sector, DCAF, 2018. bit.ly/3b9cMr0
- Report of the National Baseline Assessment: Promoting Voluntary Principles on Security and Human Rights in Nigeria, Lite Africa, 2020 bit.ly/3bbJiZD
- Toolkit for security sector reporting – Media, Journalism and Security Sector Reform, Fairlie Chappuis, 2021 bit.ly/2ZfDIYS
- Gender and Private Security Regulation, Anna Marie Burdzy & Lorraine Serrano, 2019. bit.ly/3Ef1xK5
- Regulating the use of force by private security providers: Basic principles and requirement for state regulatory frameworks on the use of force by private security providers, DCAF, 2019. bit.ly/3Ein84v
- And the related interactive e-learning module: bit.ly/3b9DGyU
- Reporting Business and Human Rights: A Handbook for Journalists, Communicators and Campaigners, UNDP, 2021, bit.ly/3GjAz5M

● Conclusion

This practical guide's primary focus is to support Nigeria's civil society organisations and media representatives seeking to work on private security governance and oversight. This guide specifically addresses CSOs and media that seek to increase their understanding of private security, the applicable international standards, and what roles they themselves could play in ensuring a more responsible private security industry.

The private security industry is not well-known, despite the industry's growing importance across the globe. The development of this guide responds to a call by key stakeholders such as regulators, clients, civil society organisations themselves to support civil society and media in better understanding and monitoring the private security industry as well as in reporting misconduct. However, governments need to step up and support civil society in this important work, as they themselves increasingly use private security services while regulation and oversight remains often insufficient. Private security companies and their clients also need to engage constructively with civil society to ensure their activities contribute to state and human security and respect human rights.

The in-depth analysis from civil society and media representatives across Nigeria in the chapter 3 shows that the experiences with private security governance are not always harmonious throughout the country. Globally, there are still wide discrepancies between the applicable legal framework, norms and good practices and their implementation on the ground. As was also mentioned in the Baseline Study on Private Security Governance in Nigeria¹², the low level of public awareness and sensitization on private security and human rights issues in Nigeria remains a key challenge. Similarly, if the distinction between public and private security seemed globally clear, there was confusion to differentiate private security actors from other hybrid forms of security provision, such as community watches or vigilante groups. The analysis underlines the crucial role CSOs and media representatives can play to improve the situation on the ground, in particular in promoting a better understanding of the private security industry, in supporting private security governance nationally and globally and in building capacity and sharing expertise¹³.

¹² See AFRILAW (2019) Baseline Study on Private Security Governance in Nigeria, p.61, observatoire-securite-privee.org/sites/default/files/kcfinder/Baseline%20Study_Nigeria_Final.pdf

¹³ See chapter 1.2 What Is The Role of Civil Society and The Media In Good Private Security Governance?

This guide seeks to encourage new discussions and initiatives to improve private security governance – within civil society and media community, but also in innovative multi-stakeholder platforms bringing together key stakeholders, including civil society and media, regulatory authorities, private security actors, clients as well as communities together. It should be approached as a living document, that would need to be updated regularly to reflect the latest developments both on the ground and on the national regulatory framework.



Private Security
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