

July 2019

## Key Information

### Sector Size (2019)<sup>i</sup>

- Approx. 1,000 PSCs
- 800,000 PSC Personnel (300,000 unregistered, 500,000 registered)

### Can PSC personnel carry firearms?

No

\* Article 53(1) & (2) of the 2016 Act

### Montreux Document Participant: No

### International Code of Conduct Association (ICoCA)

- ICoCA Member State: No
- ICoCA Company Members: 0
- ICoCA CSO Members: 1

### Voluntary Principles on Security and Human Rights

- Voluntary Principles State Member: No
- Voluntary Principles Company Members: 0
- Voluntary Principles NGO Members: 0

## Summary

Private security is one of the fastest growing service industries in Kenya. It has spread across the country, covering both the urban and the rural settings and encompassing a wide range of services, which complement that of the State, notably the provision of security and patrol of private residential and institutional buildings. The industry has about 1,000 operating entities, offering a diversified range of services. It directly employs more than 500,000 people, with an estimated annual turnover of over Sh300 billion. The private security industry is ubiquitous and provides, in many cases, the first line of policing for industry, business and individuals. In addition, there would be over 300,000 people employed at the informal level.

The private security industry in Kenya is composed of several big multinational companies as well as smaller, locally incorporated companies. The large multinational PSCs control a large share of the market, and they offer comparatively higher service standards than the smaller, locally incorporated companies. Competition is high among the companies and standards are generally low due to lack of professionalism in the management of the industry.

## Legal Framework

The private security industry in Kenya before 2016 was not well organized. It failed to follow the growth and development of the industry, leading to a global lack of professionalism and accountability. In reaction to this situation, Kenya enacted the 2016 Act, which regulates: (i) national or international PSCs operating in Kenya, (ii) Kenyan registered PSCs rendering private security services outside Kenya, and (iii) the framework for cooperation between the private service industry and the state agencies that deal with security.

- [Private Security Regulation Act of 2016](#)
- [Access to Information Act, No. 31 of 2016](#)
- [Bribery Act No. 47 of 2016](#)

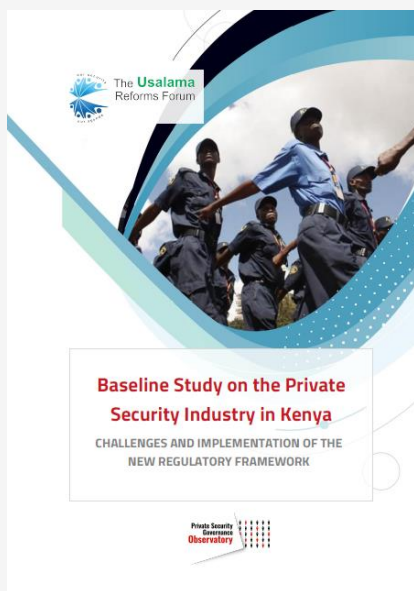
## Challenges

A baseline study on Kenya's private security industry<sup>ii</sup> identified several challenges confronting the sector. These challenges included, but are not limited to:

## Members of the Private Security Governance Observatory:

- Usalama Reforms Forum
- Endorois Welfare Council (EWC)

## Baseline Study on the Private Security Industry in Kenya



Usalama Reforms Forum

### Respect for human rights

The Baseline Study on Private Security Governance in Kenya discovered cases of human rights violation linked to the operations of PSCs and their personnel. Specific mention was made of cases of sexual favours and exploitation at the work place, mainly targeting female workers. It was also noted that basic training of PSC personnel rarely address human rights nor takes into consideration international norms and good practices such as provided by the Montreux Document or the ICoC.

### Legal and regulatory framework

- Some gaps and challenges have appeared in the wording of the 2016 Act;
- Poor implementation of the 2016 Act. One of the biggest implementation challenges relates to the registration and licensing of companies and their staff: some PSCs have not fully complied with regulation requirements such as renewal of license. The lack of a personnel database and adequate vetting process also increases risks of recruiting inadequate employees.

### Firearms Act and PSCs

- Currently, most PSCs do not carry out proper vetting process nor sufficient background check of their employees to assess whether there are eligible to carry firearms;
- PSCs are not capable or willing to invest in appropriate training in the handling and management of firearms for their employees;
- A majority of PSCs would not be ready nor capable to adequately maintain, store and account for the firearms they would own.

### Training and capacity building

- The size and geographical spread of the private security actors both in number of companies and number of personnel is huge, making it hard to reach everyone with the same training standards;
- The emergence of new security challenges and dynamics, in particular terrorist threats, create new needs, which the industry is not prepared for;
- There is a lack of unified training standards across the industry; current trainings are very uncoordinated and disjointed: often provided directly by the PSCs and in most cases inadequate and insufficient to address emerging challenges.

<sup>i</sup> Usalama Reforms Forum, *Baseline Study on the Private Security Industry in Kenya* (Geneva Center for the Democratic Control of Armed Forces (DCAF), 2019).

<sup>ii</sup> Ibid.