

Voluntary Principles on Security and Human Rights

Training Course



A training guide on the practical application of the principles to security operations for public and private security providers

November 2018

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Voluntary Principles on Security and Human Rights (VPSHR)

Course Objective	At the end of this course, company and private security personnel, as well as public security personnel (forces), will have knowledge and understanding of how to conduct their daily tasks in compliance with the VPSHR and with the company's policies regarding human rights and ethical conduct. Specifically, participants will be able to demonstrate professional proficiency with regard to the use of force, or other coercive measures, in accordance with human rights standards and ethical conduct.
Assessment	Assessment will occur through specifically designed group activities, scenarios, and discussions requiring participants to apply the knowledge and skills acquired throughout the course.
Sections	Course Introduction Module 1: Human Rights Framework for Global Operations and Security Practices Module 3: Human Rights and Ethics Module 2: Roles and Responsibilities of Security Personnel Module 4: Human Rights and the Use of Force Course Conclusion
Duration	2 days (12 hours total, maximum of 6 hours per day)
Intended Audience	Company security personnel, select supervisors, as well as private and public security providers (forces) supporting the company's security operations at global projects/operations sites.

<p>Description</p>	<p>The course is designed to introduce all security personnel supporting the company's security operations to the human rights (HR) framework and the VPSHR that apply to their duties and responsibilities.</p> <p>To ensure that all security personnel respect and protect the human rights (HR) of the persons and communities that they work in, as well as the VPSHR, all security personnel will be provided practical training in this course.</p> <p><i>Module 1</i> focuses on providing participants with a basic understanding of the HR framework and the VPSHR that they have to respect, protect and uphold.</p> <ul style="list-style-type: none"> • Participants will also be introduced to the various company policies and procedures that reflect and support the implementation of HR and the VPSHR as part of projects, business operations and security operations. • The company process and steps that must be used to report allegations or incidents of HR violations will also be introduced and explained to participants. <p><i>Module 2</i> introduces participants to the various codes of conduct, principles, values and the steps that can be taken to ensure that security personnel continuously perform their tasks according to company policies and procedures and that they act in a professional manner that protects and respects the rights of the persons and community that they deal with.</p> <ul style="list-style-type: none"> • The consequences of misconduct will also be dealt with as well as the mechanisms in place to report misconduct or the unethical behaviour of security personnel and company employees. <p><i>Module 3</i> introduces participants to the various security personnel that form part of the company's security operations, as well as the duties and responsibilities that they have, considering the local laws and security policies that apply to them.</p> <ul style="list-style-type: none"> • Participants will also explore the HR associated with security actions such as temporary detention, arrest,
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	<p>search and seizure, dealing with assemblies, crowd control, and evictions.</p> <p>This opportunity will also be used to introduce security personnel to basic guidelines that can be followed to respect the rights of vulnerable groups such as women, children, foreign workers, and victims of crime and human trafficking.</p> <p>Finally, <i>Module 4</i> will introduce participants to HR and the use of force (UOF).</p> <ul style="list-style-type: none"> • Participants will be introduced to five steps that can be used to ensure that the force used during security actions is lawful and proportional. • United Nations and company guidelines and principles for the UOF and firearms will be discussed. • Participants will also discuss the rights and the UOF during temporary detention, arrest and dealing with assemblies.
Module Objectives	<p><i>Module 1</i></p> <p>At the end of this module, you will be familiar with human rights frameworks, principles, concepts, and norms regulating security related duties and responsibilities, applicable to Rio Tinto global operations and security practices.</p> <p><i>Module 2</i></p> <p>At the end of this module, you will be able to perform your duties and responsibilities as security personnel according to HR, national laws, company policies, and the VPSHR, by applying your skills and knowledge to specific scenarios and activities.</p> <p><i>Module 3</i></p> <p>At the end of this module, you will be able to conduct your duties and responsibilities as security personnel according to various codes of conduct, by applying your skills and knowledge to specific scenarios.</p> <p><i>Module 4</i></p> <p>At the end of this module, you will be able to apply the international principles and guidelines on the use of force and firearms to their duties as security personnel, using practical scenarios and based on the five steps suggested in this module.</p>

Glossary

Key Terms

Public Security Personnel	Refers to any government security personnel (forces) (e.g. the police, military, border guards) mandated to maintain law and order with or in the community where the company's global project/operations site is situated. Based on a memorandum of understanding (MOU), public security personnel (forces) may be used to support company security operations.
Private Security Personnel	Refers to external contracted private security personnel who perform security duties at company global projects/operations sites. Duties will be performed according to the service contract between the private security provider and the company.
Company Security Personnel	Refers to internal employees of the company who daily perform security duties as part of company projects and operations.
Security Personnel	Refers to all security personnel supporting company security operations. This includes the company, private or public security personnel.
Security officer	Refers to the individual who performs security duties and responsibilities in support of company security operations.
Use of Force	According to its guidance notes for implementing security and human rights principles, the company (as a general rule) requires that all its security personnel and its private security providers do not carry lethal weapons and that any force used complies with the PLAN principle.

Acronyms

CBSP	Community-based Security Practices
CEDAW	Convention of the Elimination of all forms of Discrimination Against Women
COC	Code of Conduct
CRC	Convention on the Rights of the Child
FG	Facilitator Guide
HR	Human Rights

ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IFRC	International Federation of Red Cross Red Crescent Societies
ICSR	International Covenant on Social and Economic Rights
IDPs	Internally Displaced Persons
IHL	International Humanitarian Law
IHRL	International Human Rights Law
LT	Learning Tool
MC	Memory Card
NGO	Non-Government Organizations
OHCHR	Office of the United Nations High Commissioner for Human Rights
PMSC	Police Military Security Companies
PH	Participant Handbook
PLAN	Proportionality, Legality, Accountability, and Necessity
POC	Point of Contact
SARA	Scan, Analyse, Respond and Assess
SP	Slide Presentation
SOPs	Standard Operating Procedures
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCHR	United Nations High Commission for Human Rights
UNHRC	United Nations Human Rights Committee
UNSCR	United Nations Security Council Resolutions
UOF	Use of Force
UOFF	Use of Force and Firearms
USB	Memory stick provided to participants and facilitators with additional and supporting information
VPSHR	Voluntary Principles on Security and Human Rights
WPS	Women, Peace, and Security

Module 1: Human Rights Framework for Global Operations and Security Practices

Module Objective	At the end of this module, you will be familiar with human rights frameworks, principles, concepts, and norms regulating security related duties and responsibilities, applicable to company operations and security practices.
Assessment	Assessment will occur through specifically designed group activities and sessions requiring you to apply the knowledge and skills acquired throughout the module.
Sections	<p>Introduction</p> <ol style="list-style-type: none">1. What are Human Rights (HR)2. HR in Times of Civil Emergency and Armed Conflict3. HR in the Extractive Industry4. Monitoring and Reporting on Allegations and Violations of HR <p>Conclusion</p>

Company security?

Private security?

Public security?

Company security personnel refer to internal employees who daily perform security duties at company projects and operations.

Private security personnel refer to security guards working for a company hired to provide security to the company.

Public security personnel (forces) refer to the police, military, border guards, or other government security personnel (forces). They work for the government but also help the company with their security operations.

INTRODUCTION

This module will introduce you to the human rights framework, principles, concepts, and norms regulating the provision of private and public security related duties and responsibilities. Specifically, you will be introduced to:

- Human rights (HR).
- International humanitarian law (IHL) in situations of civil emergency or armed conflict.
- Principles guiding the implementation of the United Nations (UN) “Protect, Respect and Remedy” framework on business and HR.
- Responsibility to protect.
- Voluntary principles on security and HR (VPSHR).
- The company’s policy on HR and the principles guiding the implementation of the VPSHR.

Why are human rights laws important to you? Just as a good athlete must know the rules of his/her sport, a security professional like you must know human rights.

1. WHAT ARE HUMAN RIGHTS (HR)

a) What are HR

Q What is YOUR definition of human rights?

Human rights are the “**generally accepted principles of fairness and justice**” or “**moral rights that belong equally to all people simply because they are human beings**”. This means that human rights belong to **all** people, even to private and public security officials.



International Human Rights Law (IHRL) informs governments what to do and what not to do, to ensure that the human rights of individuals and groups are protected.

b) HR Instruments

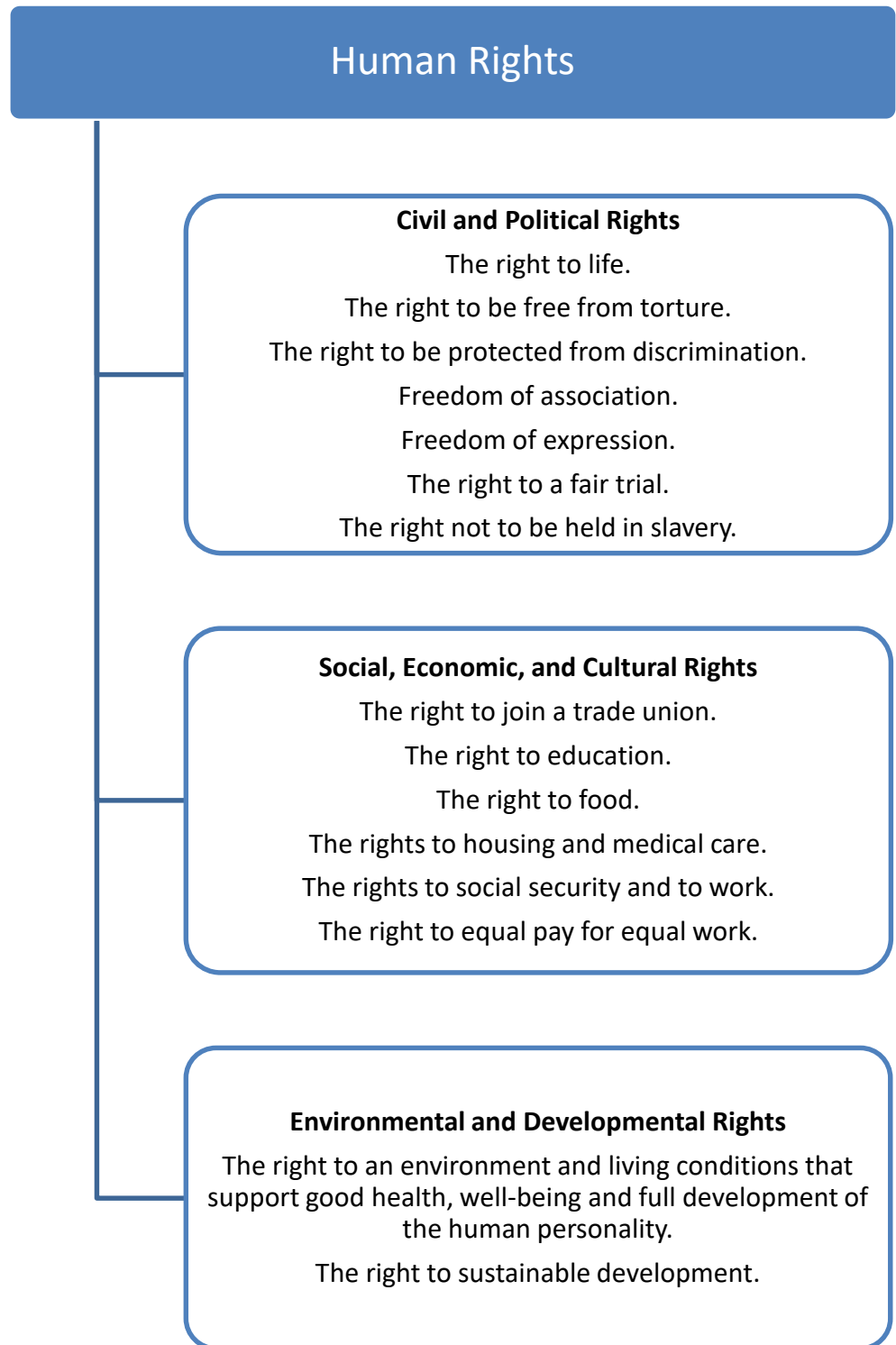
HR instruments are the official declarations, international agreements and laws that describe human rights and how they are to be applied by all countries and people around the world.

Universal Human Rights

Expressed and guaranteed by:

- law
- treaties
- customary international law
- general principles
- other sources of international law

HR can be divided into three different categories:



Examples of HR instruments:

<i>Universal Instruments</i>	<i>Regional Instruments</i>
<ul style="list-style-type: none">• Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948 (see Appendices A and B)• Convention on the Prevention and Punishment of the Crime of Genocide of 1948• International Covenant on Civil and Political Rights (ICCPR) of 1966 (see Appendix C)• International Covenant on Social and Economic Rights (ICSR) of 1966• Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1981• Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1984• Convention on the Rights of the Child (CRC) of 1989	<ul style="list-style-type: none">• European Convention on Human Rights of 1950• American Convention on Human Rights of 1969• African Charter of Human and Peoples Rights of 1981

All these documents define different human rights people have throughout the world. The government of nearly every country in the world has agreed to them, and signed them.

The **International Bill of Rights** refers to three major human rights instruments and one optional protocol, namely:

- Universal Declaration of Human Rights (UDHR)
- Covenant on Civil and Political Rights (CCPR)
- Covenant on Economic Social and Cultural Rights (CESCR)
- First Optional Protocol to the ICCPR

Ratification

Human rights described in a treaty apply to those countries that sign (or ratify) the treaty.

Signing the treaty means that the government agrees to respect the human rights in the treaty. It also means they agree to make it part of their laws and that they promise to do everything possible to protect and promote the rights mentioned in the treaty.

Not all countries sign all treaties.

Did you know?

The Universal Declaration of Human Rights (UDHR):

- Was drafted by representatives with different legal and cultural backgrounds from all regions of the world.
- Sets out, for the first time, fundamental human rights to be universally protected.

There are 382 different translations of the UDHR.

Additional treaties (also called conventions, covenants or agreements), declarations, guidelines, guiding principles, etc. have been developed since the Universal Declaration on Human Rights and they detail the contents of human rights and the obligations of States to promote, protect and fulfil those specific human rights.

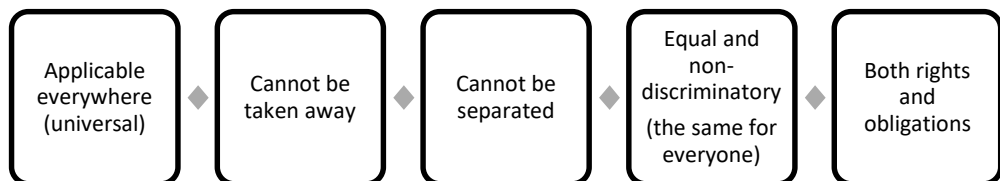
Reflection

Q In your work environment, who are the groups whose human rights may be particularly at risk?

Hint: They can be people who work with you, people who work near you, or people who live nearby.

c) Principles of HR

There are a few principles that can be applied to explain human rights:



Source: Adapted from the Office of the High Commissioner for Human Rights
<http://www.ohchr.org/en/issues/Pages/WhatareHumanRights.aspx>

In terms of the limitations of these HR principles it is stated that:

UDHR, Article 29(2):

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

ICCPR, Article 21:

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

The violation of internationally-protected human rights by private and public security personnel is a legitimate subject of international concern and scrutiny.

Private and public security personnel may be criminally charged and prosecuted if they violate human rights.

Private and public security personnel need to know how far they can go in limiting the rights of persons suspected of breaking the law.

Know the limits of your mandate and powers!

Governments have an obligation to:

Respect the human rights of everyone.

Protect the rights of individuals and groups against abuses.

Take actions and steps to make sure that we can enjoy our human rights.

Individuals (like us) have a responsibility to respect and protect the rights of others, especially those persons that we deal with in our work.

Reflection

Q What is **your** responsibility towards human rights in your job?

Q What is **your company's** responsibility towards human rights?

Q What is your **government's** obligation towards human rights?

d) Relevance of HR for Security Personnel

All security personnel have a responsibility to **protect, respect, promote,** and **ensure** human rights of every person they deal with.

If a person does not respect the human rights of others, commits a crime, or breaks the law, then security personnel may be required to act against those persons. Such actions may include arrest, temporary detention, the investigation of crime, searches, or other actions.

The actions or duties of security personnel may limit the rights of other persons.

Examples:

Every person has the right to freedom of movement.

- This right may be limited when you want to enter private property such as on company premises.
- Management can decide who is authorised on the property and who not, and what the rules are that persons and employees entering the company's property have to respect.
- Security personnel will therefore limit the rights of individuals by restricting free access to the property.

Every person has the right to freedom of expression, association and to demonstrate.

- Employees or the community have a right to demonstrate against a company.
- When people start to damage the property of, or endanger the lives of others, then security personnel may take authorised action to protect the property, others or themselves.

Company and private security personnel **may not have the same authority (legal powers)** as public security personnel (e.g. the police or military).

For example, company and private security personnel may have the authority to **temporarily detain** a suspect with the intention of handing him/her over to the police, while public security personnel may have the authority to **arrest and detain** a person themselves.

All security personnel are restricted in their actions. **They do not have unlimited authority (powers).** There are laws, policies and procedure that they have to follow when they perform their duties.



Company and private security personnel



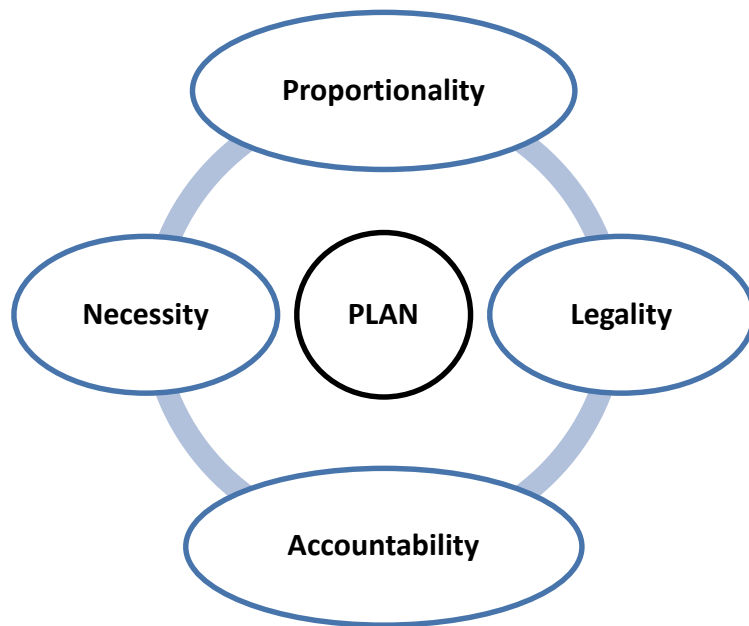
Public security personnel (forces)

PLAN
before you
act!

When deciding to act and limit the rights of persons, security personnel must always apply the **PLAN** principle.

Proportionality	Only use the minimum force or action that is necessary to solve or deal with the situation.	<ul style="list-style-type: none"> • <i>Are my actions proportional to the goals I seek to achieve?</i> • <i>Am I using the least amount of force needed to contain the situation?</i>
Legality	Only act within the law.	<ul style="list-style-type: none"> • <i>Does the law or company policies and procedure give me authority to do this?</i>
Accountability	Act in an ethical way, knowing that you will be held accountable for your actions.	<ul style="list-style-type: none"> • <i>Am I willing to take full responsibility for my actions?</i> • <i>Is my behaviour ethical and according to the company's code of conduct?</i>
Necessity	Only act when it is necessary to act.	<ul style="list-style-type: none"> • <i>Is it really necessary for me to act in this way?</i> • <i>What other options or means do I have available to solve or deal with the situation?</i>

In other words, we need to use the **PLAN** principle to be able to say that our actions protect and respect the rights of others.



Source: Adapted from the Commonwealth Manual on Human Rights Training for Police (2006)

Reflection

Q Do you think and **PLAN** before you act, or do you just act and hope you will not be in trouble?

All security personnel **must** act as a team.

To do this, they need to fully understand their authority and the limits of what they are authorised to do.

You need to understand the respective duties and responsibilities of all security personnel in support of company security operations.

In *Module 2: Roles and Responsibilities of Security Personnel*, we will further discuss and explore these duties and responsibilities.

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There are no vertical margin lines, text, or other markings on the page.

2. HR IN TIMES OF CIVIL EMERGENCY AND ARMED CONFLICT

Even during times of civil or public emergencies, “States of Emergency”, or armed conflict, all security personnel have a responsibility to respect and protect the basic human rights of all people.

a) Suspending Obligations in Times of Emergency

During civil emergencies and “States of Emergency” which threaten a country, the government may choose to temporarily suspend some human rights to maintain public order and the rule of law.

Before this happens, the government needs to officially declare and inform the United Nations (UN) and the population of the “State of Emergency”.

Even in times of emergency, the government has a responsibility to maintain **non-derogable** rights. **These are rights that the government and public security personnel (forces) cannot suspend.**

This is done to ensure that basic human rights are always protected without discrimination on the basis of sex, gender, social origin, religion, or language.

Company and private security personnel will **not** be required to assist or deal with public emergencies or “States of Emergency”.

Source: Article 4 of the International Covenant on Civil and Political Rights

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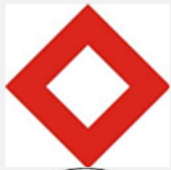
NON-DEROGABLE (SUSPENDING) RIGHTS

(Siracusa Principles)

1. Right to life.
2. Freedom from torture; cruel, inhuman or degrading, treatment or punishment; and from medical or scientific experimentation, without free consent.
3. Freedom from slavery or involuntary servitude.
4. Right not to be imprisoned for contractual debt.
5. Right not to be convicted or sentenced to a heavier penalty by virtue of retroactive criminal legislation.
6. Right to recognition as a person before the law.
7. Freedom of thought, conscience and religion.

These rights are not negotiable under any conditions, even for the purpose of preserving the life of the nation.

Source: International Committee for the Red Cross (ICRC)



The International Committee of the Red Cross (ICRC) is the lead agency of the Red Cross/Red Crescent Movement in the field of conflict that monitor and report on IHL and reminds all parties of their obligations.

The Red Cross has a special role to play in times of war to ensure that all people are protected.

Source: ICRC website:
<http://www.icrc.org/eng/index.jsp>

b) International Humanitarian Law (IHL) and Security Personnel

The protection of human rights does not cease to apply during public emergencies or armed conflict. IHL and Human Rights Law (HRL) both still apply in these situations.

In times of war, International Humanitarian Law (IHL) protects all persons affected by the war. No provision under IHL may be derogated or suspended.

IHL

- Known as the “law of war” and applies to all persons participating in the war or armed conflict.
- Applies in times international and non-international conflict.
- Limits the negative effects and consequences of armed conflict.
- Protects people who are not taking part in the hostilities (i.e. civilians, health workers and aid workers).
- Protects persons who are not (or are no longer) participating in hostilities (i.e., the wounded, sick and shipwrecked soldiers, and prisoners of war).
- Provides for humanitarian aid to all persons suffering the effects of the armed conflict.
- Also restricts the means and methods of warfare.

IHL comprises of the four Geneva Conventions of 1949 and their other Additional Protocols.

All together, they define what acts can and cannot be committed in war.

They outline the rules to deal with those who commit “grave breaches”.

194 countries have ratified the Geneva Conventions, making them universally applicable.

During armed conflicts and occupation, public security personnel (forces) may be incorporated as part of armed government forces. Company and

private security personnel are considered **non-combatants** and will not participate in public emergencies or armed conflicts. Armed government security forces are considered **combatants**.

If you are a **combatant**, then you have to learn and apply the **Soldiers' Rules**.

Soldiers' Rules

1. Be a disciplined soldier.
2. Fight only enemy combatants and attack only military objectives.
3. Destroy no more than your mission requires.
4. Do not fight enemies who are "out of combat" or who surrender. Disarm them and hand them over to your superior.
5. Collect and care for the wounded and sick, be they friend or foe.
6. Treat all civilians and all enemies in your power with humanity.
7. Prisoners of war must be treated humanely and are bound to give only information about their identity. No physical or mental torture of prisoners of war is permitted.
8. Do not take hostages.
9. Abstain from all acts of vengeance.
10. Respect all persons and objects bearing the emblem of the Red Cross, Red Crescent, the white flag of truce or emblems designating cultural property.
11. Respect other people's property. Looting is prohibited.
12. Endeavour to prevent any breach of the above rules. Report any violation to your superior. Any breach of the laws of war is punishable.

Source: ICRC website: <http://www.icrc.org/eng/resources/documents/misc/57jmeb.htm>

“Murder; torture; corporal punishment; mutilation; outrages upon personal dignity, including rape; hostage-taking; collective punishment; executions without regular trial; cruel, inhuman or degrading treatment or punishment. Collecting souvenirs or trophies.”

Source: Geneva Conventions of 1949 and their Additional Protocols

No security personnel may engage in acts **prohibited during armed conflict.**

My Notes

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3. HR IN THE EXTRACTIVE INDUSTRY

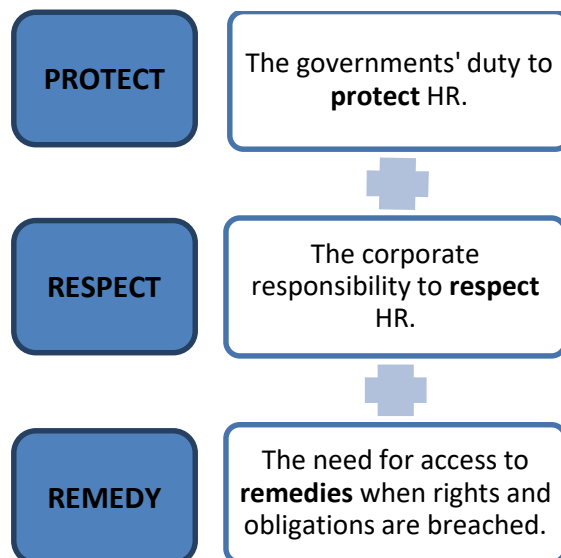
The growing reach and impact of mining and resource enterprises has resulted in a debate about the roles and responsibilities that these firms, including this company, have with regard to human rights.

The United Nations (UN) established an agreement known as the *UN Global Compact* between the UN and many large companies for upholding a set of core values in the areas of:

- human rights
- labour standards
- environmental practice
- anti-corruption

a) Guiding Principles on Business and HR: Implementing the UN Protect, Respect and Remedy Framework

The Office of the United Nations High Commissioner for Human Rights (OHCHR) plays a key part in the overall protection and promotion of **business and human rights**. On 16 June 2011, it endorsed the “Protect, Respect and Remedy” framework. This framework gives guidance on three main issues:



This framework sets a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity.

Corporate Social Responsibility (CSR) Programmes

Require companies to engage in selected social issues through their corporate social responsibility (CSR) programmes.



The Company remains committed to its 10 principles and to promoting the Global Compact wherever it operates.

Fundamental Principles and Rights at Work

- Freedom of association and the effective recognition of the right to collective bargaining.
- Elimination of all forms of forced or compulsory labour.
- Effective abolition of child labour.
- Elimination of discrimination in respect of employment and occupation.

Source: International Labour Organization
<http://www.ilo.org/declaration/principles/eliminationofdiscrimination/lang-en/index.htm>

This means the company has a responsibility to respect the **International Bill of Human Rights** and the fundamental rights set out in the **International Labour Organization's Declaration on Fundamental Principles and Rights at Work**.

The company has a responsibility to protect and respect the human rights of others, and to think about the negative effects and impact that doing business has on the human rights of others.

To do this, the company researches and talks to stakeholders and the community to ensure that its policies and business practices respect the human rights of others.

The company is also committed to work with or participate in any legal process that aims to remedy negative effects or impacts on the human rights of the communities that they work in.

The Way We Work

The company's values include:

Respect We recognize and consider the views of others and treat them as we would want to be treated.	Integrity We act fairly, honestly and consistently in what we say and do and we speak out when necessary.
Accountability We take responsibility for our actions and hold other to account for theirs.	Teamwork We work together and learn from each other to achieve our goals.

Examples:

- Australian Minerals Industry Code for Environmental Management
www.minerals.org.au/downloads/pdf/Code2000.pdf
- Global Sullivan Principles of Social Responsibility
www.globalsullivanprinciples.org/principles.htm

- International Chamber of Commerce Business Charter for Sustainable Development
www.iccwbo.org/home/environment/charter.asp
- International Council on Metals and Minerals Sustainable Development Framework
www.icmm.com
- International Labour Organisation Convention 169: Concerning Indigenous and Tribal Peoples in Independent Countries
www.unhchr.ch/html/menu3/b/62.htm
- International Labour Organisation Declaration on Fundamental Principles and Rights at Work
www.ilo.org/public/english/standards/decl/declaration/text/tindex.htm
- Organisation for Economic Cooperation and Development Convention on Bribery and Corruption
www.oecd.org/pdf/M00007000/M00007323.pdf
- Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises
www.oecd.org/pdf/M00021000/M00021070.pdf
- United Nations Universal Declaration of Human Rights
www.un.org/Overview/rights.html
- United Nations Global Compact
www.unglobalcompact.org/
- US/UK Voluntary Principles on Security and Human Rights
www.state.gov/www/global/human_rights/001220_fsdrl_principles.html
- World Economic Forum Global Corporate Citizenship Statement
www.weforum.org/pdf/GCCI/GCC_CEOstatement.pdf

What are the VPSHR?

VPSHR are a set of voluntary principles that governments, a number of companies and a number of non-government organisations (NGOs) compiled and agreed to implement.

VPSHR guide companies to maintain the security of their operations and respect the human rights and fundamental freedoms of the country, the people, and the community where they do business.

(see Appendix D)

b) Voluntary Principles on Security and Human Rights (VPSHR)

Protecting people and assets from security threats is a vital task.

The company recognises the need for any security arrangements to respect the human rights of employees, members of the communities in which we live, as well as others affected by its operations.

In simple terms, if you fail to treat people with basic dignity or otherwise violate their human rights, this can create risks for the company.

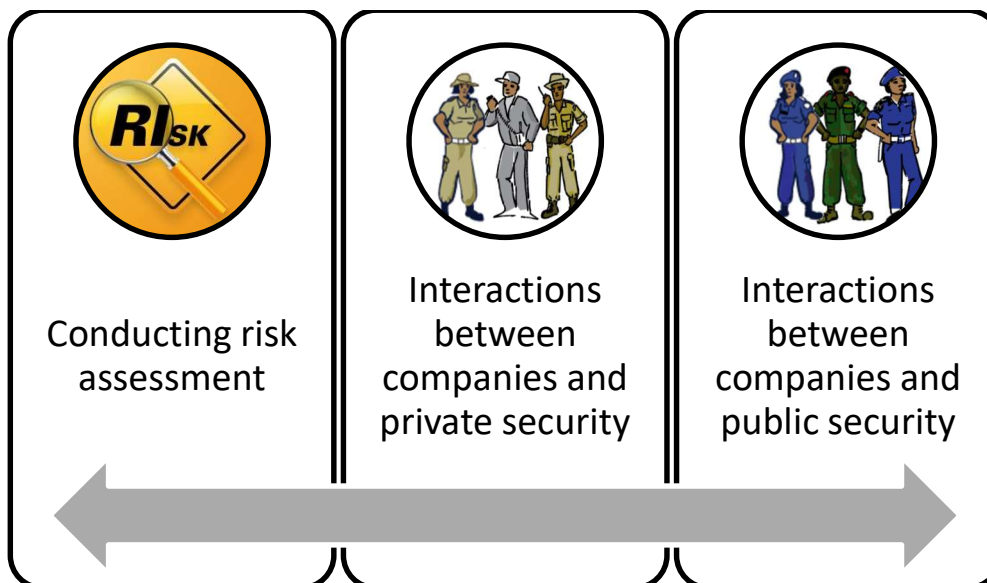
This is especially true in countries where governance is weak and the risk of corruption and conflict are high.

The company is a participant of the **VPSHR**, and is committed to avoid violations of human rights through its security arrangements.

The company is committed to take all steps necessary to prevent human rights violations by any security personnel working for or supporting company security operations.



The VPSHR provide guidance related to three main spheres of activities:



Conducting Risk Assessment

To prevent human rights violations the company continuously conducts risk assessments in the countries and communities that they work in.

During risk assessments the company will:

IDENTIFY and ADDRESS risks	Identify security risks that have the potential for violence or human rights violations and take measures to address it (i.e. security risk assessment and management).
Consider HR RECORDS	Identify how well HR and IHL are respected by looking at the HR records of all security personnel and providers.
RULE OF LAW	Consider the laws and the ability of the legal system to hold accountable anyone who violates HR and IHL.
CONFLICT ANALYSIS	Identify and understand the root causes and nature of local conflicts (i.e. conflict analysis).
Consider the risks of transferring EQUIPMENT	Do not provide security providers with equipment that can be used or result in HR violations.

The *Guidance note for implementing security and human rights principles* provide the guidelines for the implementation of VPSHR as part of company security operations.

Interactions between the Company and Private Security

Depending on the security risk level faced by a company site/project, there may be a need to hire private security providers as a complement to the company's internal security.

When the company decides to make use of a private security provider, the company will ensure that private security personnel know the limits of their authority and that they do not violate HR in any way. Security and human rights requirements will also be specified in the contract with private security provider companies.

In such cases, the company will make sure the contract with the private security provider includes ways to manage these risks.

You may find these kinds of measures in your contract or in the policies and procedures at your worksite.

If you are unsure, you may want to ask your supervisor or manager about any special policies or procedures which apply to you.

Interactions between the Company and Public Security (Forces)

In certain countries the security situation and risks may require the company to request the support of public security personnel (forces) (e.g. the police or military) to help protect company operations and personnel.

These cases may involve **emergency or special requests for assistance in the management of security incidents, or a contractual agreement for provision of security services** (armed and unarmed).

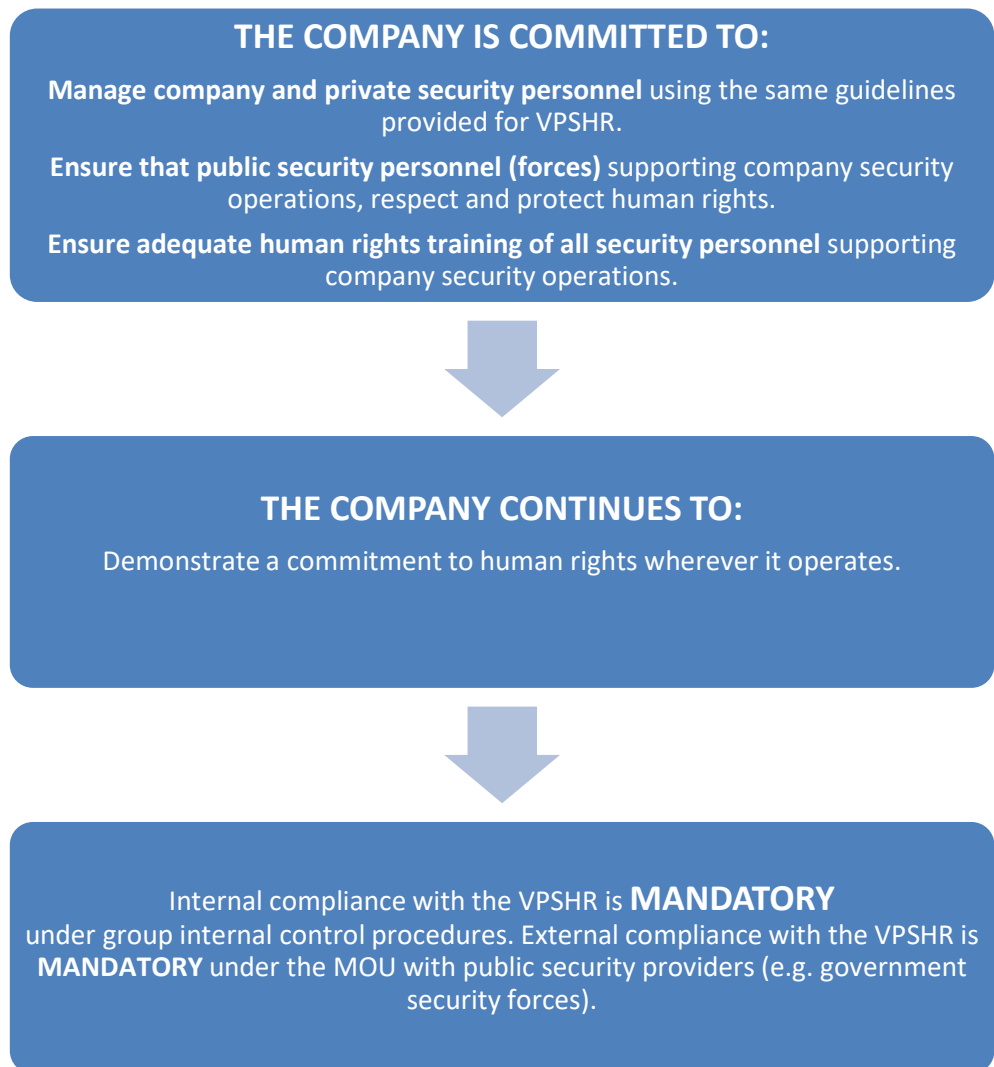
The company may draft an agreement, known as a **Memorandum of Understanding (MOU)**, with the public security provider (force) to manage risks of HR violations by such security personnel.



Unless authorised,
Company and Private Security Personnel will perform their duties unarmed.

Any exception to this rule will be based on a **thorough risk analysis** that justifies equipping arming security personnel.

The decision to hire armed private security personnel will first be discussed with Group Security and formally approved by the company's Executive Committee.



c) Company Policy on Human Rights

The company has **its own human rights policy** that applies to all security personnel, and all other employees at global projects/operations.

All security personnel supporting company security and operations are expected to **uphold** the company's policy on human rights.

Sample Company Human Rights Policy

The company respects and supports the dignity, well being and human rights of our employees, the communities in which we live and those affected by our operations. Our approach to human rights is based upon the Universal Declaration of Human Rights and the UN Guiding Principles on Business and Human Rights. We undertake due diligence activities to identify, prevent and mitigate adverse human rights impacts of our operations. This includes conducting stand-alone studies where necessary, as well as integrating human rights into existing corporate processes.

Wherever we operate, we engage with communities to understand the social, cultural, environmental and economic implications of our activities. We provide communities with easily accessible complaints mechanisms and we listen to and take actions to address complaints. We work to optimise the benefits and reduce the negative impacts of our activities, both for local communities and the countries where we operate.

We acknowledge and respect Indigenous peoples' connections to lands and waters, consistent with the UN Declaration on the Rights of Indigenous Peoples.

We reject any form of slavery, forced or child labour.

We support and implement the Voluntary Principles on Security and Human Rights and ensure relevant employees and contractors are trained in accordance with these principles. We impose strict controls on the use of force and limit the use of firearms on our sites as far as possible. We work with external stakeholders, as well as public and private security forces to promote understanding and implementation of the Voluntary Principles and avoid security arrangements at our sites contributing to human rights harm, including through misuse of our equipment and facilities.

Through appropriate contractual arrangements and procurement principles, we make our consultants, agents, contractors and suppliers aware of and expect their compliance with our human rights commitments. We strive to ensure our joint venture partners and non-controlled companies in which we participate also respect our commitments to uphold human rights.

This policy provides the foundation to our human rights approach. Our policies on Employment; Health, Safety, Environment and Communities and Inclusion and Diversity also contain human rights commitments.

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4. MONITORING AND REPORTING ON ALLEGATIONS AND VIOLATIONS OF HR

The company has a **corporate responsibility** to provide, cooperate, and compensate persons for **any impacts to their human rights** using legitimate processes.

The company has a **corporate responsibility** to report, monitor, and follow up on investigations that involve **business related human rights violations and human rights violations committed in support of security operations** that involve the use of their internal, private or public security providers.

a) Monitoring HR

There are various governmental and non-governmental groups at a national, country, and community level that monitor human rights.

They also report on any human rights violations committed by individuals, government organisations, corporates, or employees working for them.

At a regional and international level, organisations monitor human rights within the countries in the region. Examples:

- African Commission on Human and People's Rights
- Inter American Commission on Human Rights
- European Commission on Human Rights

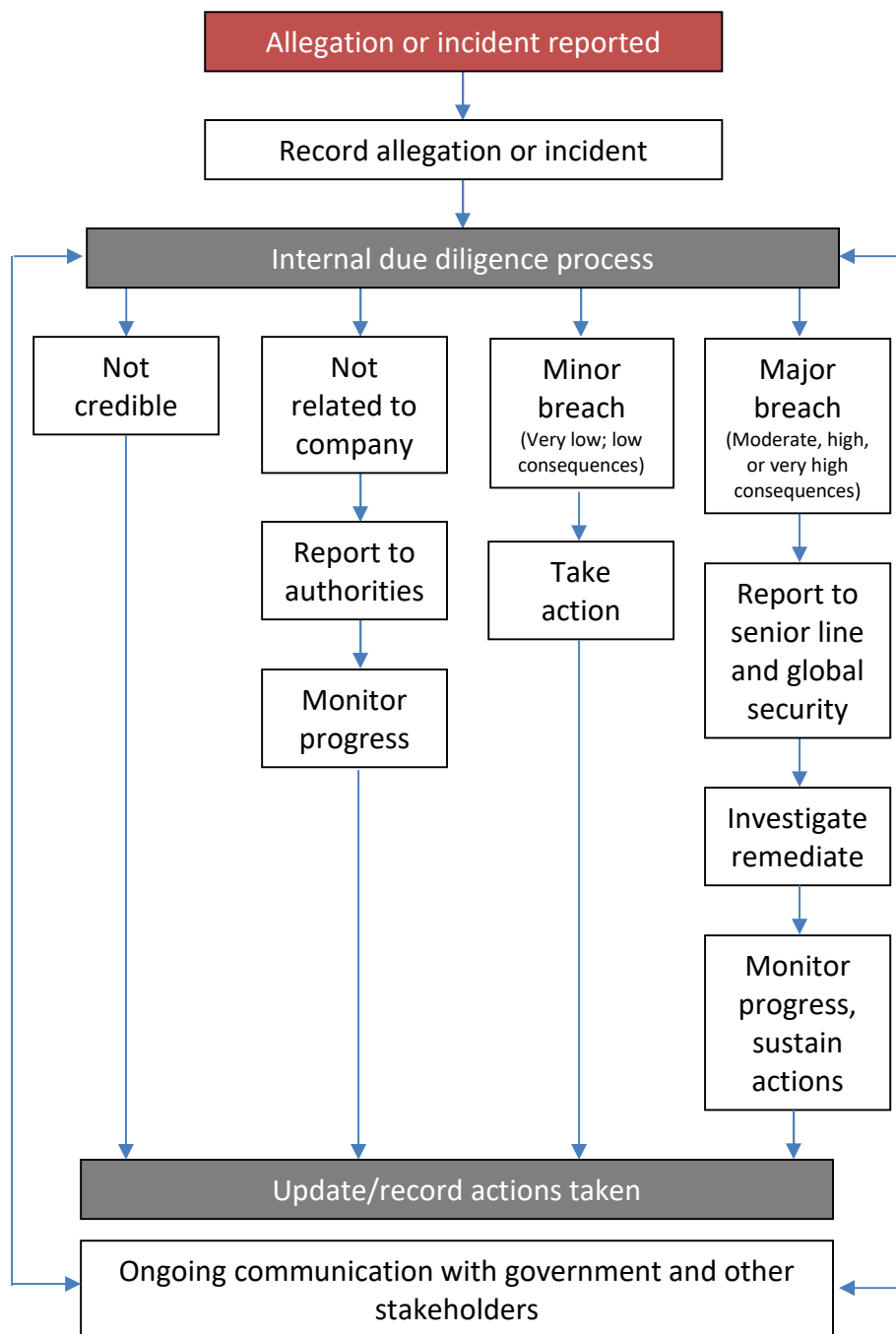
All security personnel working with the company have an **individual and ethical responsibility** to ensure that **any human rights violations are reported** to the appropriate authorities.

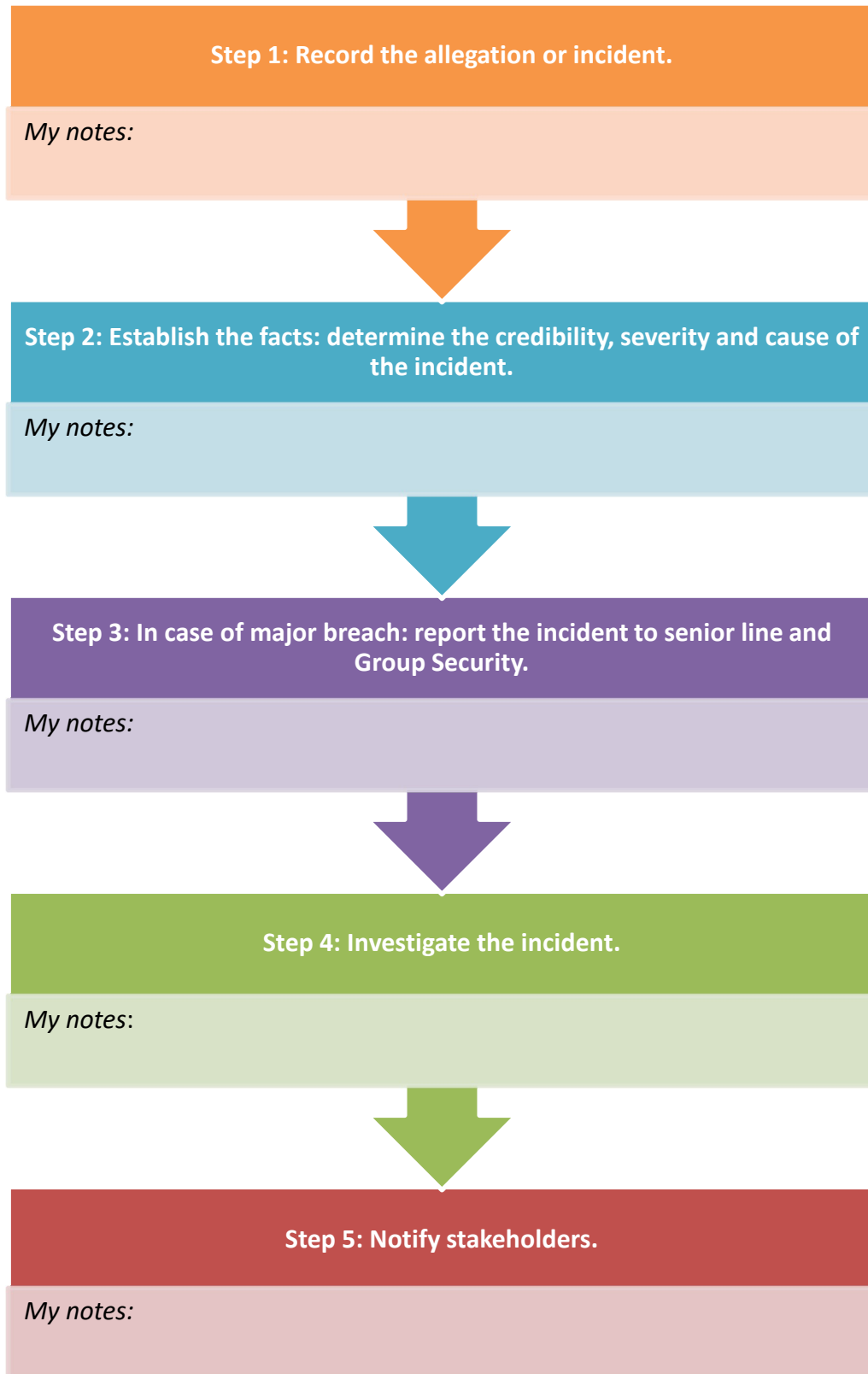
b) Company Policy on Reporting and Investigating Allegations or Incidents of HR Violations

All allegations of human rights abuses by the company or private security personnel should be recorded by the site/project and investigated and responded to. This also involves allegations or incidents of human rights abuses by public security personnel assisting company security operations.

All security personnel are required to follow this process.

Steps to Report on Allegations or Incidents of Human Rights Abuse





Reflection

Q To whom should you report HR violations?

Q What are the contact details of the person to whom you should be reporting HR violations?

CONCLUSION

You now have a better understanding of the human rights framework regulating global operations and security practices.

As security personnel, it is your professional duty to ensure and support the implementation of:

- Human rights (HR).
- International humanitarian law (IHL) in cases of public emergency and armed conflict.
- Principles guiding the implementation of the United Nations (UN) Protect-Respect-Remedy framework on business and HR.
- Voluntary principles on security and HR (VPSHR).
- The company's policy on HR and the principles guiding the implementation of the VPSHR.

In *Module 2*, we will be discussing the specific duties and responsibilities of security personnel working for or at company operations.

My Notes

[illegible]

HR Violations Card Set

Card 1

Human Rights Violations



Plan and prepare a skit demonstrating the violation of the following human rights principles:

Article 3:

Everyone has the right to life, liberty and security of person.

Article 5:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Universal Declaration of Human Rights (adopted by UN General Assembly Resolution 217 A (III) of 10 December 1948)

HR Violations Card Set

Card 2



Human Rights Violations

Plan and prepare a skit demonstrating the violation of the following human rights principles:

Article 7:

All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 10:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him/her.

Universal Declaration of Human Rights (adopted by UN General Assembly Resolution 217 A (III) of 10 December 1948)

HR Violations Card Set

Card 3

Human Rights Violations



Plan and prepare a skit demonstrating the violation of the following human rights principles:

Article 11:

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

Article 20:

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

Universal Declaration of Human Rights (adopted by UN General Assembly Resolution 217 A (III) of 10 December 1948)

HR Violations Card Set

Card 4

Human Rights Violations



Plan and prepare a skit demonstrating the violation of the following human rights principles:

Article 9(2):

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

Universal Declaration of Human Rights (adopted by UN General Assembly Resolution 217 A (III) of 10 December 1948)

HR Violations Card Set

Card 5



Human Rights Violations

Plan and prepare a skit demonstrating the violation of the following human rights principles:

Article 14(1):

All persons shall be equal before the courts and tribunals.

Article 14(2):

Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

Article 14(7):

No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

International Covenant on Civil and Political Rights (adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976)

HR Violations Card Set

Card 6

Human Rights Violations



Plan and prepare a skit demonstrating the violation of the following human rights principles:

Article 14(3):

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.
- (c) To be tried without undue delay.

International Covenant on Civil and Political Rights (adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976)

The way we work

Respect

We recognise and consider the views of others and treat them as we would want to be treated.

Integrity

We act fairly, honestly and consistently in what we say and do and we speak out when necessary.

Accountability

We take responsibility for our actions and hold others to account for theirs.

Teamwork

We work together and learn from each other to achieve our goals.

The way we work symbolises what we stand for as a business. It makes clear how we behave according to our values of respect, integrity, teamwork and accountability.



>> Human Rights

We respect human rights and commit to avoid human rights harm.

- We support the United Nations' Universal Declaration of Human Rights and respect those rights wherever we operate.
- We take measures to prevent our involvement in human rights harm through our business relationships. We reject any form of slavery. We never use forced or child labour.
- We work with public and private security providers to avoid security arrangements that cause or contribute to human rights violations. We limit the use of firearms for the security of our sites as far as possible.

Module 2: Human Rights and Ethics

Module Objective	At the end of this module, you will be able to conduct your duties and responsibilities as security personnel according to various codes of conduct, by applying your skills and knowledge to specific scenarios.
Assessment	Assessment will occur through specifically designed group activities and sessions requiring you to apply the knowledge and skills acquired throughout the module.
Sections	<p>Introduction</p> <ol style="list-style-type: none">1. What is Ethics2. Steps for Ethical Decision-Making3. Codes of Conduct (COC)4. Dealing with Misconduct and Unethical Behaviour5. Individual Exercise: Violations of COC and HR <p>Conclusion</p>

Company security?
Private security?
Public security?

Company security personnel refer to internal employees who daily perform security duties at company projects and operations.

Private security personnel are groups of security guards working for the company, either as employees of the company, or for a company hired to provide security to the company.

Public security personnel (forces) refer to the police, military, border guards, or other government security personnel (forces). They work for the government but also help the company with its security operations.

**Ethics is
about making
the right
choices.**

INTRODUCTION

In *Module 1*, we learned about human rights (HR).

Now, how are we to do the right thing?

[illegible]

1. WHAT IS ETHICS

Ethics are the study of the proper course of action for people to take. Ethics answers the question: “**What do I do?**”

Laws are rules that must be obeyed. Ethics are more than just laws. You do not necessarily go to jail if you make the wrong ethical choice, but you are still asked to make a choice between right and wrong. That is why ethical choices are so important.

Every day, security personnel must act to fulfill their roles and responsibilities.

It is important for all security personnel to be sure they take ethical decisions.

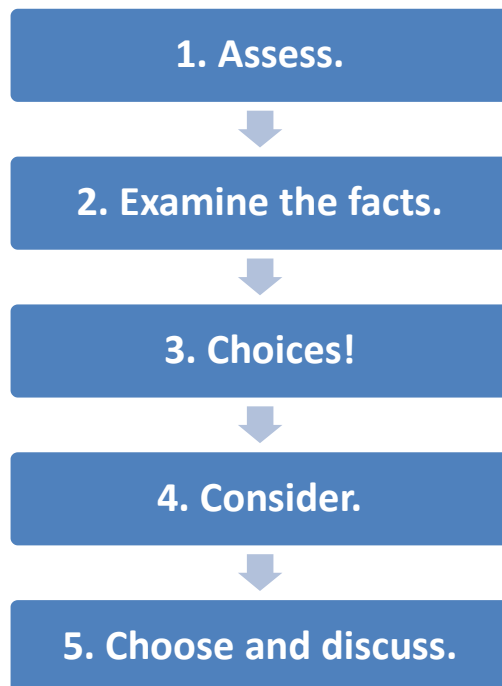
The company expects that whatever you do on its behalf will be ethical.

Not everything can be covered by laws and rules; that is why the company expects you to follow ethical guidelines and **do the right thing**.

My Notes

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2. STEPS FOR ETHICAL DECISION-MAKING



1. Assess.

Whenever you are confronted with an ethical dilemma, stop and assess the situation.

2. Examine the facts.

a) What is the dilemma?

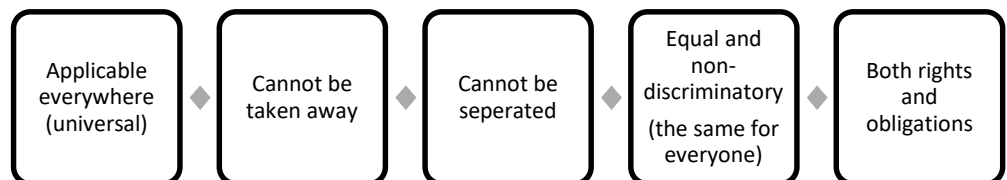
- Clearly state the problem.
- The clearer the question, the easier it will be to find an answer.

b) What rules and laws are involved?

- **Human Rights (HR) Laws:** As a security professional, you are bound to uphold and protect the HR of all persons.

Q Can you name a few HR you are to uphold as a security professional?

If you want, you may refer back to *Module 1*.



The company is firmly committed to protecting human rights and clearly says so in its HR policy.

- **National Laws:** There are laws that apply in your country. You must uphold them. You cannot violate them. The company does not want you to break the law.
- **Company Policies and Standards:** There are a number of policies and standards at the company, including:
 - [Security Policy]
 - HR policy

c) Who will be affected?

- Which people?
- The community?
- The company?
- Employees?

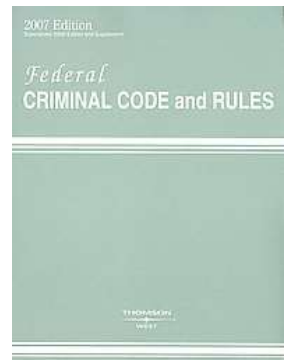


3. Choices!

a) What are your choices?

b) What are the risks and benefits for each choice?

- **Is this choice legal?** All actions must comply with the law. If a choice means breaking the law, you should not do it. The company does not break the law.
- **Is it consistent with HR laws?** All actions must respect HR. The company does not want you to violate HR and IHL. If this choice means you must violate HR, you must avoid it.
- **Is this choice consistent with Company policies?** The company has many policies and standards about how we work and how we behave. You may know some of them. Here are a few:
 - [Security Policy]
 - HR policy
 - [Communities standards]
 - Business Integrity standards



Controlling the use of force is a difficult part of the work of all security officials. We will explain techniques to minimise force and respect human rights in the next module of the course.

You do not need to make these choices alone.

If you are unsure or need to review your choices, talk to your supervisor, manager, or someone else with authority and experience at your workplace.

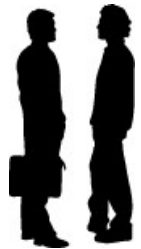
If you are unsure if something is legal, you can contact [company legal/compliance].

Remember that if this is a confidential matter, you may not be able to talk to everyone.

Ask your supervisor or manager about the policies and standards related to your workplace.

If you are in doubt about whether to apply company policies or other laws, policies and standards, contact [company legal/compliance] for guidance.

- **What would my family, friends and neighbours think?** If I would be ashamed to tell my family, my friends or my neighbours of this choice, it is probably a bad choice.
- **Would I prefer to keep this secret?** Sometimes, we need to keep some business activities secret, because competitors could take advantage of them and the company could be harmed. However, if this choice would be shameful, it should be avoided.
- **Would I want my actions reported in the newspaper?** If the newspapers found out about this choice, would they say good things or bad things about it? If the newspapers would say bad things about this choice, it should probably be avoided. If they would say good things, it may be a good choice.



4. Consider.

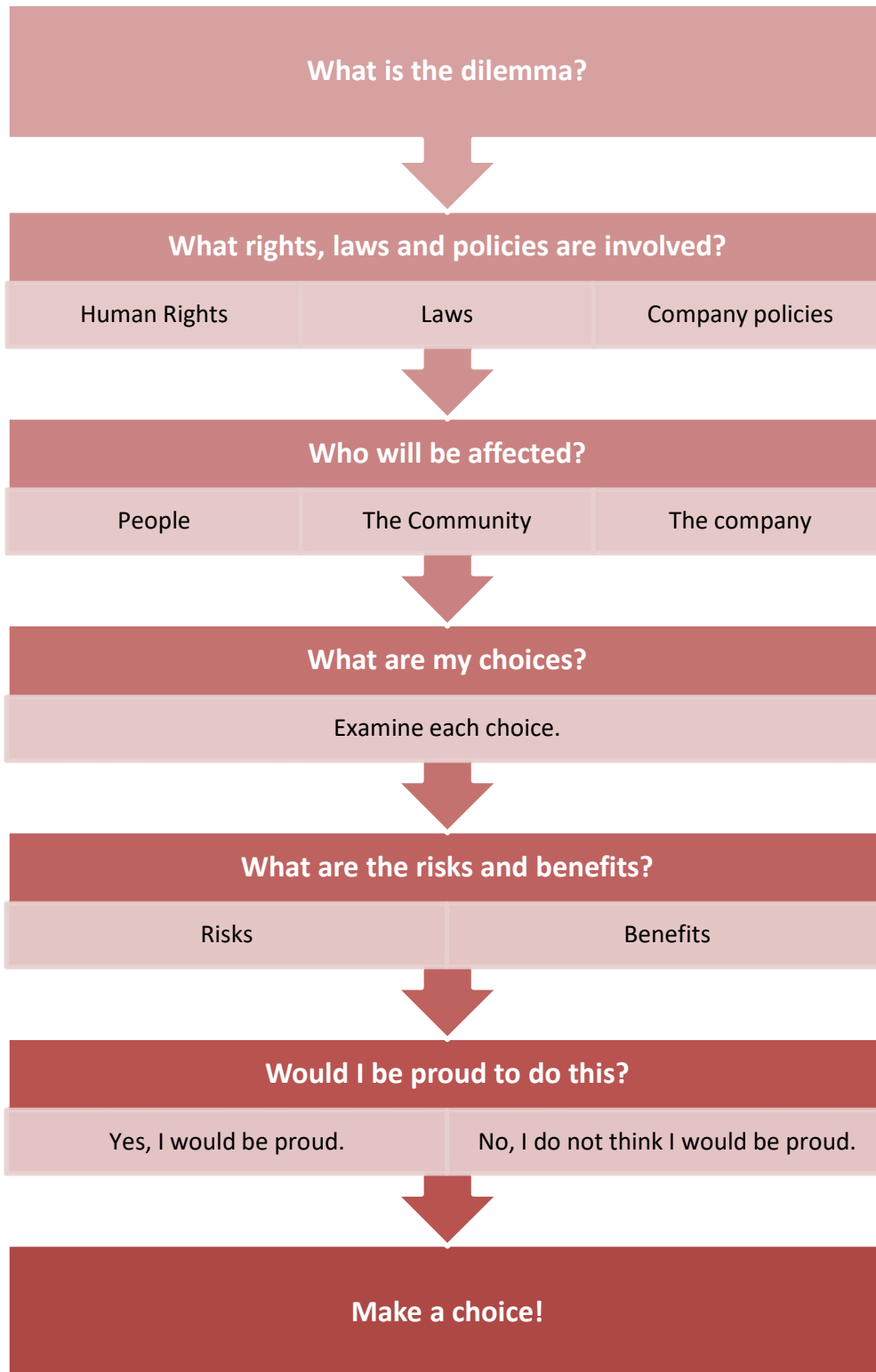
Consider the effect of your choices on other people, the community, and the company.

5. Decide and discuss.

Remember: Ethics are about doing the right thing!

Talk to others about your decision:

- your manager or supervisor
- Speak-OUT



[illegible]

Group Activity: Doing the Right Thing

In small groups, discuss and deal with the following ethical dilemmas:

Dilemma 1: A Very Nice Present

You work as a security officer at a large company mine. Your duties are to guard and control the access and exit of goods and persons from a mining area. A young man approaches you with a bag in his hand. The man looks like a company employee and he wants to exit the mining area. When you tell him you must look in his bag before he leaves, he asks you not to look inside the bag, and says he will give you a very nice present instead.

Q What is not right about this situation?

Q What should you do?

Dilemma 2: Help Me Have the Job

You work in the security department at a new company mine. There is a need to build new guard houses. The operations manager tells you he is looking for someone to build the guard houses. Your brother just so happens to own a small building company. Your brother asks you to use your influence to have him hired to build the guard houses.

Q What is not right about this situation?

Q What should you do?

Dilemma 3: Make Fun of Them

In the morning, workers arrive at the mine's main gate. Des is a security officer assigned to work there with you. Every day, he makes fun of the workers. Many of them are foreign workers from neighbouring countries. He teases them and laughs at the way they pronounce words. He sometimes calls them bad names.

Q What is not right about this situation?

Q What should you do?

Dilemma 4: Long Breaks

You work as a security officer at a large company mine. On the premises there is a canteen for the staff. Your colleague Pieter likes to go there to buy cigarettes during his break. Breaks should only last 15 minutes, but Pieter always spends at least 45 minutes on breaks. You have reminded him that the mine's policy states that breaks are only 15 minutes. He dismissed your comments and said those rules were for "stupid people" and not for him.

Q What is not right about this situation?

Q What should you do?

Dilemma 5: I Need Some Information

You work in the office of the security department at a company facility. You are a clerk who handles all the files in the office, including personnel files. One of your neighbours approached you yesterday. He owns a house that one of the guards wishes to rent. The neighbour wants to get the best price for the house, and does not want to rent it to someone who will cause problems. He asks you to look in the files and find out how much the guard earns, and if he has been a trouble maker.

Q What is not right about this situation?

Q What should you do?

My Notes

3. CODES OF CONDUCT (COC)

a) COC

The company has developed a COC on how its employees and contractors are to behave.

- [List here]

There may be more that apply to your work. List them below:

b) International COC for Private Security Service Providers

This international COC guides the conduct of *private security providers*.

As a private security official, it means:

<p>General Conduct</p>	<p>Security personnel will treat all persons humanely and with respect for their dignity and privacy.</p>
<p>Use of Force</p>	<p>Personnel will take all reasonable steps to avoid the use of force. If they must use force, it will be consistent with the law.</p> <p>No firearms will be used except in self-defence or to protect others if they are about to be killed or very badly hurt.</p> <p>Any security personnel formally asked take part in policing will follow the rules set out by the United Nations for law enforcement officials.</p>

Detention	<p>Security personnel will only guard, transport or question detainees if the company has been hired and authorised by the government to do this job, and if they have received special training.</p> <p>They will have to treat all detained persons humanely and protect them under humanitarian laws.</p>
Apprehending Persons	<p>Security personnel cannot arrest anyone unless they are defending themselves or others from an imminent threat of violence, or following a crime against people or property.</p> <p>If authorised to arrest someone, they must quickly hand over the arrested person to the local law enforcement agency.</p> <p>They must always treat the persons they arrest humanely.</p>
No Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment	<p>Security personnel will never torture or harm people.</p> <p>They cannot punish them or degrade them.</p> <p>They must always respect their HR.</p>

<p>No Sexual Exploitation or Abuse</p>	<p>Security personnel will never rape, sexually abuse, sexually exploit, prostitute, harass people or benefit from any of these crimes.</p> <p>If they are aware of this, they will immediately report it to the authorities.</p>
<p>No Human Trafficking</p>	<p>Slavery and human trafficking is a crime.</p> <p>Forcing or tricking people into the sex trade is a crime.</p> <p>Children are all persons under 18 years of age. Involving them in sex for somebody's profit is a crime.</p> <p>Forcing or tricking people into slavery or debt bondage, or some other kind of servitude against their will is a crime.</p> <p>Security personnel can have no part in helping any of these crimes to happen.</p>

c) United Nations (UN) COC for Law Enforcement Officials

The UN has created a COC for all security personnel involved in law enforcement.

Law enforcement officials are to fulfil their duties imposed upon them by law, serve the community and protect all persons against illegal acts.

It also applies to people who normally would not be part of the police, but still are officially asked to do law enforcement work.

For example, if military personnel or other *public security personnel (forces)* assist or act as law enforcement officials they would have to follow this COC.

Why does this matter to you?

All *public security personnel (forces)* who assist company security operations and enforce the law have to consider and adhere to these principles.

You will find a complete copy of this COC in the *Appendices*, at the end of this book.

d) United Nations (UN) Convention Against Corruption

The UN has created a COC to prevent corruption.

Each country has a COC to prevent corruption by public employees. This applies to all members of public security.

Each country also has a COC to prevent public corruption by private individuals or companies. This applies to members of the Company's security forces, and to security companies.

All company, public and private security personnel must not engage in corruption.



e) Relevance of COC for Security Personnel

COC are important for security personnel. The company's and other industry COC apply to you.

The company's COC may be one COC that applies to you. Can you list other codes which apply to you?

You may want to ask your supervisor or manager for help with this list.

4. DEALING WITH MISCONDUCT AND UNETHICAL BEHAVIOUR

The company expects everyone who works for the company to behave ethically.

Those in management positions have a special responsibility to lead by example. They must act ethically, and ensure that the employees and contractors they oversee also act ethically.

a) Reporting Misconduct

Anyone who works for the company is responsible (subject to national laws) to report misconduct using the reporting mechanisms.

You can:

1. Talk to your manager or supervisor – this is often the best person to contact first.
2. Use formal internal processes such as Fair Treatment Systems or Formal Grievance processes.
3. Speak to Human Resources personnel at your operating site.
4. In appropriate circumstances, contact
 - a company lawyer
 - Corporate Assurance personnel
 - The company Compliance department
 - the hotline system
5. All information obtained through the above reporting channels will be followed up.

No action will be taken against anyone for reporting in good faith a suspected violation of the law or company policies.



If you see something you think may be wrong, or you are unsure, there is someone you can talk to.

Call

**ANY TIME
Day or night**

There is a hotline number for every country where the company operates.

Ask your supervisor or manager for more information.

b) Consequences of Misconduct for the Individual, Community, and Company

Misconduct by someone acting on behalf of the company can have very serious consequences for the person and for the company.

In some places, the law will punish not only the person acting unethically or illegally, but also those around him/her in the company who did not stop him/her, such as other employees, supervisors, managers.

The company may be fined.

They may be fined, imprisoned and lose their jobs.

Q If you were to lose your job, what do you think would be some consequences for you, your family, and your community?

5. INDIVIDUAL EXERCISE: VIOLATIONS OF COC AND HR

This is an individual exercise.

Dilemma 1: Moving the Villagers

You work as security officer for a small open air mine.

The mine has received permission from the government to expand activities to a much larger area. A small village of 60 people sits in the middle of this area. They are unhappy with the plan and do not want to leave.



This morning, two trucks have arrived at

the mine carrying 25 strong men. You have noticed there were large sticks and clubs in the back of the trucks. The mine manager has asked you to discuss plans to remove the villagers.

The manager tells you:

“We are expanding the mine. We will open a new pit right where the village stands. I have had enough with the villagers and I want them moved. They have delayed the project long enough. There are 25 strong men in those trucks to help with the job. I need you to finish it fast.”

What would you do?

Dilemma 2: The Injured Detainee

For the past few weeks, workers have been putting together new buildings on the mine compound. Every night, thieves have been slipping through the fence to steal copper wire from the new buildings.

Tonight, you are the on duty. It is late at night. You hear some shouting in the distance and on the radio another security guard tells you someone has tried to enter the mine compound from the other side. You run over to see what is happening.



When you arrive, you find two guards. One is standing with his boot on the arm of a young man lying on the ground. He is pressing down and shouting to the young man, asking where his friends are. The other is shining an electric torch at the buildings, looking around for someone.

The young man's arm is bloody and looks like it may be broken. The young man is in pain, shouting he is alone.

What would you do?

CONCLUSION

In *Module 1*, you learned about human rights.

In this module, we have examined ethics and ethical decision-making. This will help you answer “**What should I do?**” when you are confronted with an ethical decision.

In *Module 3*, you will learn about your duties and responsibilities as a professional security officer to protect and respect human rights (HR).

Module 4 will take a closer look at the use of appropriate force to ensure that security actions taken, and the rights limited in doing so, are proportional, legally justifiable, accountable, and necessary (PLAN).

MY NOTES

My Notes

[illegible]

Who does what?

Roles and Responsibilities of Security Personnel

Company and private security personnel



On Company Property

Employees of the Company or a contracted private security company hired by the Company

Recruited and trained by the Company or the security company.

Supervised by the security company on behalf of the Company.

Protect and secure the facilities, projects, operations and personnel.

Control the access of vehicles, restricted persons and goods to and from facilities.

Respond to service calls and emergencies and imminent threats to people and property on Company premises.

Implement policies and procedures to prevent and reduce security risks to Company business operations.

Protect, respect and uphold human rights.

Public security personnel (forces)



On or outside Company Property

Personnel of government security forces providing public security, such as the police, paramilitary forces or the army.

Recruited and trained by the government.

Supervised by the government.

Maintain law and order.

Ensure the safety and security of the whole community, both citizens and foreigners.

Maintain law and order.

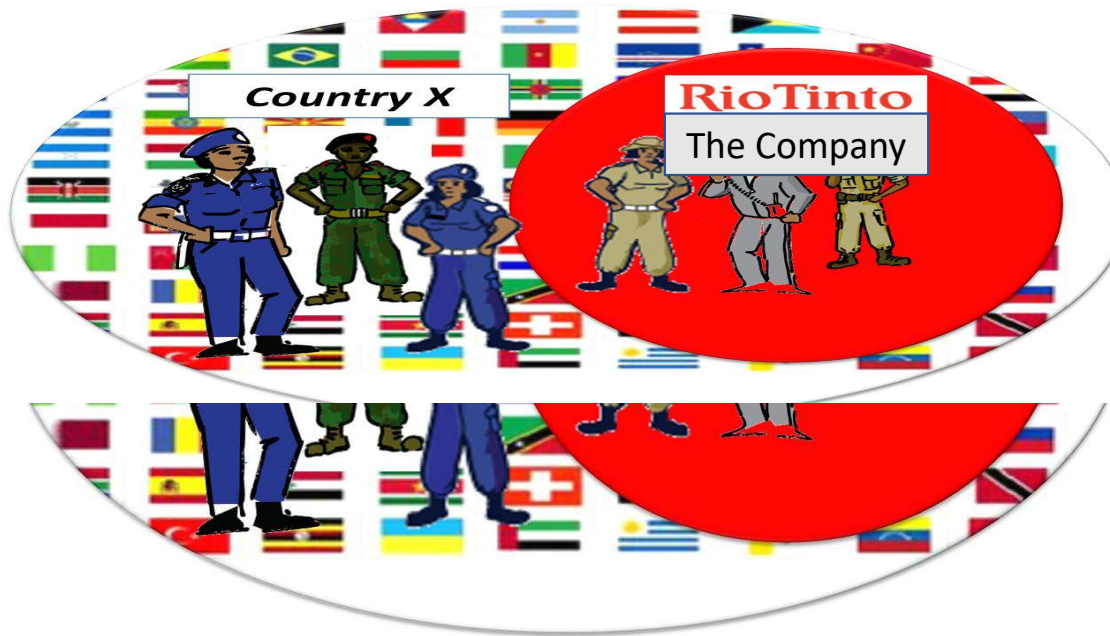
Protect and serve the community.

Respond to service calls, emergencies and imminent threats to people and property on or off Company premises.

Implement laws, policies and procedures to prevent and reduce security risks to the public.

Protect, respect and uphold human rights.

Enforce the law if sworn law enforcement officials.



How do we work together?



Involving the community ...

Flash Cards: Vulnerable Groups

Card 1: Children

Dealing with Vulnerable



Children

ON SECURITY + HUMAN RIGHTS

Flash Cards: Vulnerable Groups

Card 2: Women

Dealing with Vulnerable



Women

Flash Cards: Vulnerable Groups

Card 3: Foreign Nationals (Workers)

Dealing with Vulnerable

Foreign Nationals (Workers)



Compliance Solution LLC (c)



VO
PRINCIPLES
ON SECURITY + HUMAN RIGHTS

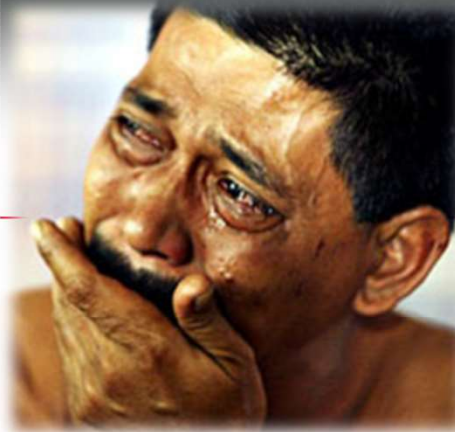


Flash Cards: Vulnerable Groups

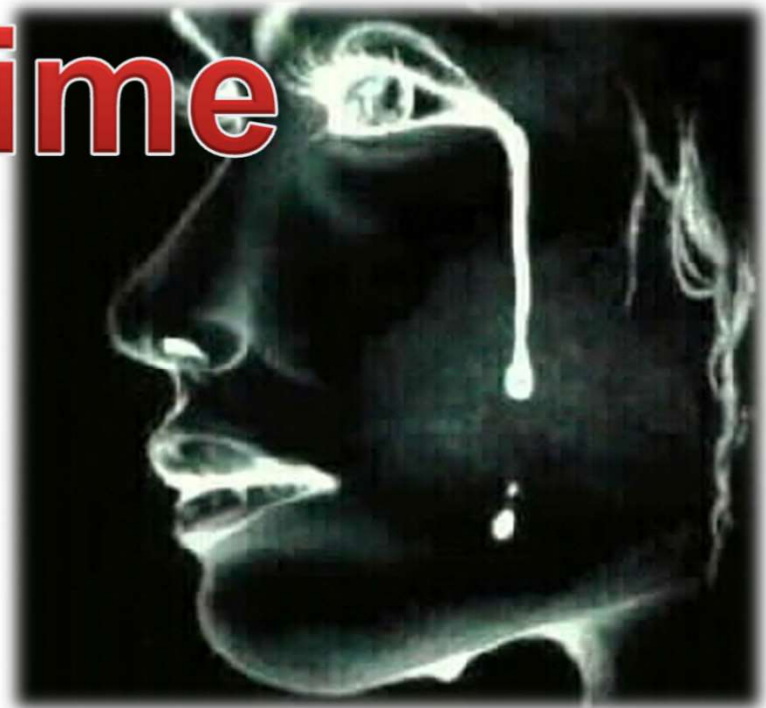
Card 4: Victims of Crime

Dealing with Vulnerable

There is HELP for
VICTIMS
OF 
CRIME



Victims of crime



Module 3: Roles and Responsibilities of Security Personnel

Module Objective	At the end of this module, you will be able to perform your duties and responsibilities as security personnel according to human rights (HR), national laws, Company policies, and the Voluntary Principles of Security and Human Rights (VPSHR), by applying your skills and knowledge to specific scenarios and activities.
Assessment	Assessment will occur through specifically designed group activities and sessions requiring you to apply the knowledge and skills acquired throughout the module.
Sections	<p>Introduction</p> <ol style="list-style-type: none">1. Roles and Responsibilities of Security Personnel2. Regulatory Framework for Security Personnel3. A Gender Approach to Security4. Dealing with Vulnerable Groups <p>Conclusion</p>

INTRODUCTION

This module will introduce you to the duties and responsibilities of the Company, private security personnel and public security personnel considering HR, national laws, Company policies, and the VPSHR. Specifically, you will be introduced to:

1. Your **duties and responsibilities** as security personnel.
2. The “**regulatory framework**” guiding our security operations.
3. The importance of a **gender**-sensitive approach to security.
4. The need and importance of partnerships and cooperation between security personnel and the **local community**.
5. Your duty and responsibility to protect and respect HR during **security actions** that involve arrest, detention, search and seizure, as well as dealing with assemblies, crowd control and evictions.
6. Your duty and responsibility to ensure that the rights of **vulnerable groups** such as children, women, foreign nationals, and the victims of crime are protected and respected.



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1. GUIDELINES AND FRAMEWORK FOR SECURITY PERSONNEL

There are **two** types of security personnel protecting the Company's global operations sites.

Who does what?

Roles and Responsibilities of Security Personnel

<p>Company and private security personnel</p> 	<p>Public security personnel (forces)</p> 
On Company Property	On or outside Company Property
<p>Employees of the Company or a contracted private security company hired by the Company</p> <p>Recruited and trained by the Company or the security company.</p> <p>Supervised by the security company on behalf of the Company.</p> <p>Protect and secure the facilities, projects, operations and personnel.</p> <p>Control the access of vehicles, restricted persons and goods to and from facilities.</p> <p>Respond to service calls and emergencies and imminent threats to people and property on Company premises.</p> <p>Implement policies and procedures to prevent and reduce security risks to Company business operations.</p> <p>Protect, respect and uphold human rights.</p>	<p>Personnel of government security forces providing public security, such as the police, paramilitary forces or the army.</p> <p>Recruited and trained by the government.</p> <p>Supervised by the government.</p> <p>Maintain law and order.</p> <p>Ensure the safety and security of the whole community, both citizens and foreigners.</p> <p>Maintain law and order.</p> <p>Protect and serve the community.</p> <p>Respond to service calls, emergencies and imminent threats to people and property on or off Company premises.</p> <p>Implement laws, policies and procedures to prevent and reduce security risks to the public.</p> <p>Protect, respect and uphold human rights.</p> <p>Enforce the law if sworn law enforcement officials.</p>

1. ROLES AND RESPONSIBILITIES OF SECURITY PERSONNEL

a) Roles and Responsibilities, and Cooperation between All Security Personnel

The duties and responsibilities of security personnel working for, with and at Company global operations may be different due to one or more factors such as:





Duties and Responsibilities of Company and Private Security Personnel



Duties ON Company Premises

Duties OUTSIDE Company Premises

Primary Role of Company and Private Security Personnel

- To protect and secure personnel, facilities, projects, and operations.
- To control the access of vehicles, persons and restricted goods to and from facilities.
- To respond to on-site service calls and emergencies that poses an imminent threat to personnel, facilities, and operations.
- To implement security measures aimed at preventing or reducing actual or perceived security risks to business operations.
- Protect, respect, and uphold human rights.

Primary Role of Public Security Personnel (Forces)

- Maintain law and order.
- Protect and serve the community.
- Ensure the safety and security of citizens, non-citizens and the local community.
- Ensure the safety and security of the Company as a corporate citizen.
- Respond to service calls and emergencies that pose an imminent threat to Company personnel, facilities, and operations, or exceeds the Company's capability to respond.
- Protect and respect human rights.



Duties and Responsibilities of Public Security Personnel (Forces) Supporting Company security operations



Duties ON Company Premises

Duties OUTSIDE Company Premises

Reflection

Q Is there a **difference** between the duties and responsibilities of ***Company and private security personnel*** compared to the duties and responsibilities of ***public security personnel (forces)***? If so, explain.

Q What can ***Company and private security personnel*** do that ***public security personnel (forces)*** cannot do? Why?

Q What can ***public security personnel (forces)*** do that ***Company and private security personnel*** cannot do? Why?

Q Who or what **authorises** security personnel to perform their duties and responsibilities?

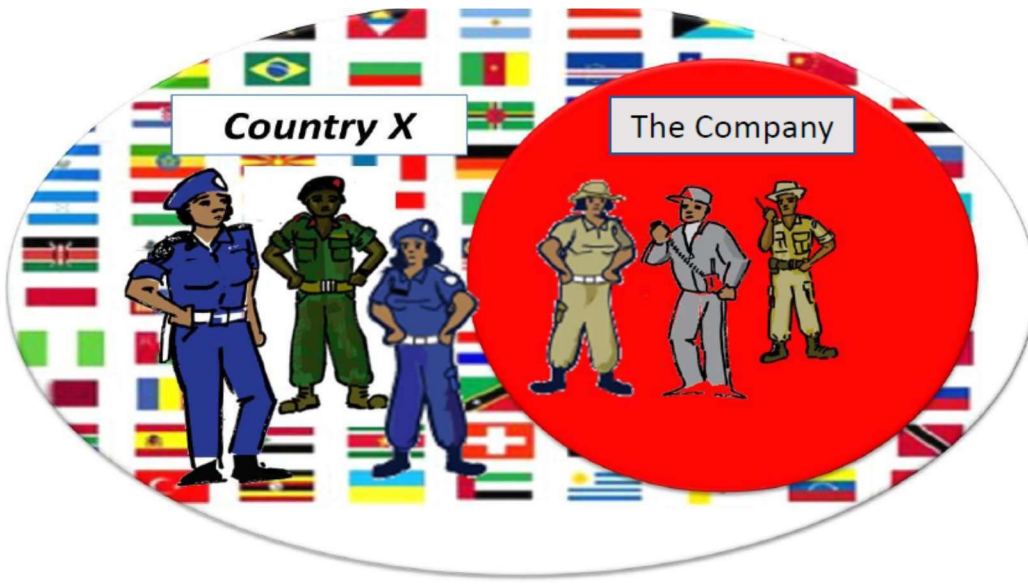
Q What kind of situations do you think require **public security personnel (forces)** to **assist** Company security operations?

Q Is there an **overlap** between the roles and responsibilities of **Company and private security personnel** compared to the duties and responsibilities of public **security personnel (forces)**?

Q How will executing your duties and responsibilities as a security officer **limit** the rights of Company personnel, the community, and/or suspects temporary detained or arrested?

You have a responsibility to perform your duties and responsibilities in such a way that:

- Human rights are protected and respected.
- Your actions are proportional, legal (authorised), accountable, and necessary (PLAN).



How do we work together?

Cooperation between Security Personnel

The *Guidance notes for implementing security and human rights principles* state that the Company is **responsible to take steps to minimize the risk that security personnel exceed their authority and harm human rights in any way.**

[illegible]

Important!

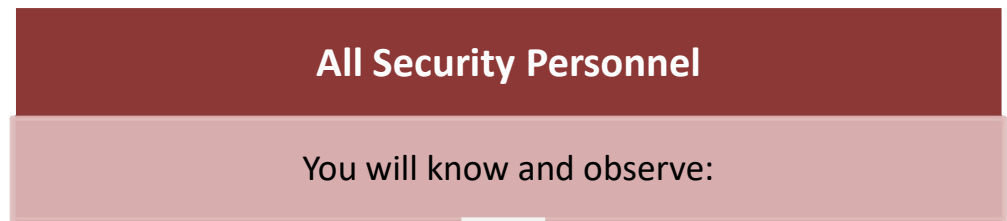
Private security personnel will not take orders from public security personnel (forces), and vice versa.

Security orders to Company and private security personnel will be issued by the Company security manager, or appointed supervisor.

Public security personnel (forces), who require the assistance of private security personnel, should ask the Company security manager, or the appointed security supervisor.

Security orders and instructions issued to security personnel must be lawful. The Company does not want you to break the law.

The security orders or instructions issued should not require of security personnel to perform any action that are not proportional, legal, accountable, or necessary (PLAN principle).



The law and professional standards of the country in which you work.

The Company's policies regarding **ethical conduct and HR**.

Site or project specific security policies and procedures.

Best practices developed by industry, civil society, and governments.

Human Rights and International Humanitarian Law (IHL).

Report any HR violation.



Public Security Personnel (Forces)

Using a MOU, the Company will:

Ensure personnel **have not participated in HR violations.**

Make public the arrangement.

Meet regularly with the community.

Discuss the conduct of personnel with supervisors and government agencies.

Request **proof of HR training.**

Support HR training.

Memorandum of Understanding (MOU)

A MOU is like a contract where both sides agree to do something.

It usually is about tasks, duties and responsibilities rather than simply about money.



Communicate the need to have **ethical conduct** that supports HR.

Ensure that **equipment** used complies with law and that personnel are trained in the **appropriate use**.

Communicate the need for **appropriate use of force**.

Advocate for the Universal Declaration of Human Rights (UDHR) and the ILO Declaration on Fundamental Principles and Rights at Work.

Ensure incidents requiring the use of physical force are **reported** to the local authorities and the Company.

Ensure that **medical aid is provided** to injured persons and suspects.

Ensure the public security forces deployed are **competent, appropriate and proportional to the threat**.



Company and Private Security Personnel

Using internal procedures and contracts the Company will:

Ensure **screening** for HR violations and criminal records before employment.

Ensure **training** in HR and the use of appropriate force.

Not issue lethal weapons to perform their job (unless authorised and trained).

Apply ethical conduct and HR policy of the Company.

Apply laws and professional standards of the country in which it operates.

Apply site specific security policies and procedures.

Record and investigate all allegations of HR abuses by Company security personnel.



How to Improve Cooperation between Security Personnel

1. **Learn about each other.** Obtain a better understanding of why and how duties and responsibilities are performed.
2. **Do not exceed your authority.** Do only what you are authorised to do.
3. **Share critical information** needed to prepare, prevent, or respond to a security situation.
4. **Participate in joint training and exercises** on the use of force and HR.

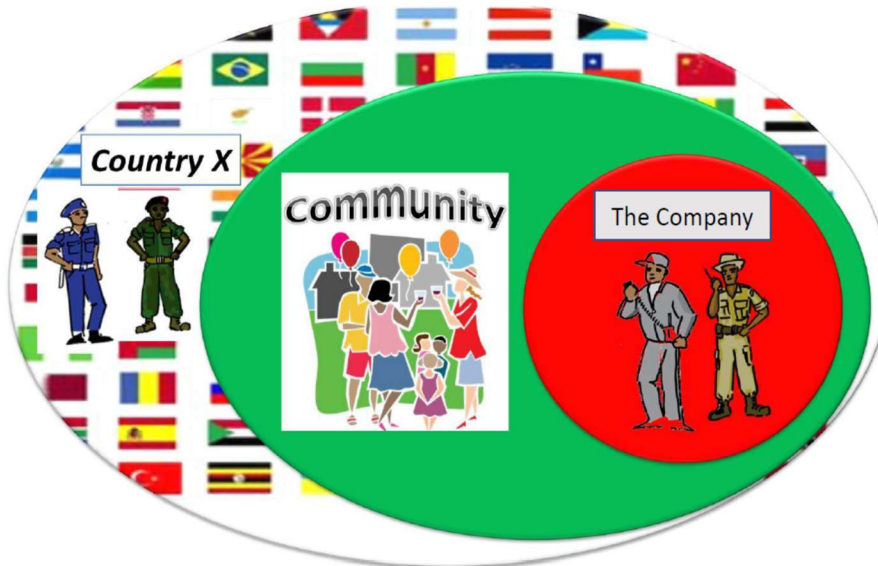
Reflection

Q Is there a need for *Company and private security personnel* to cooperate with local law enforcement agencies?

Q How do you suggest security personnel **better cooperate** with one another **to perform their duties**?

Q How do you suggest security personnel **better cooperate on issues of HR**?

Cooperation between Security Personnel and the Community

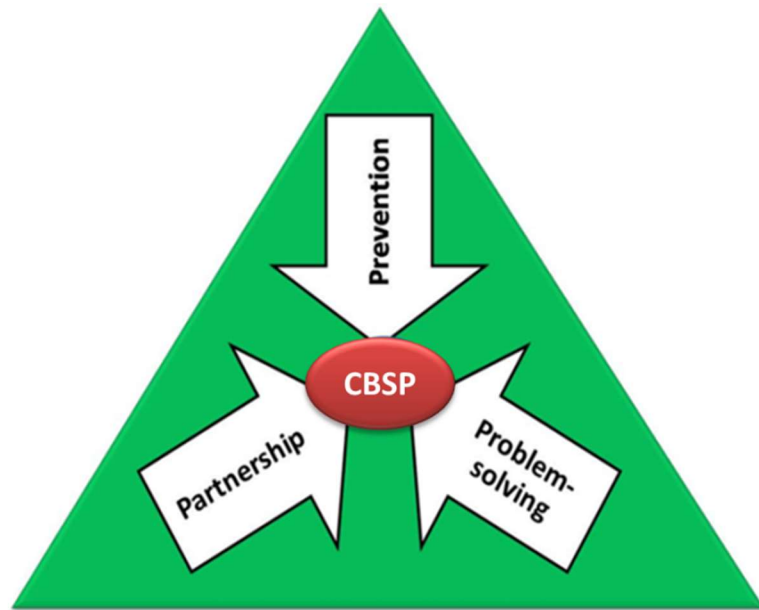


Involving the community ...

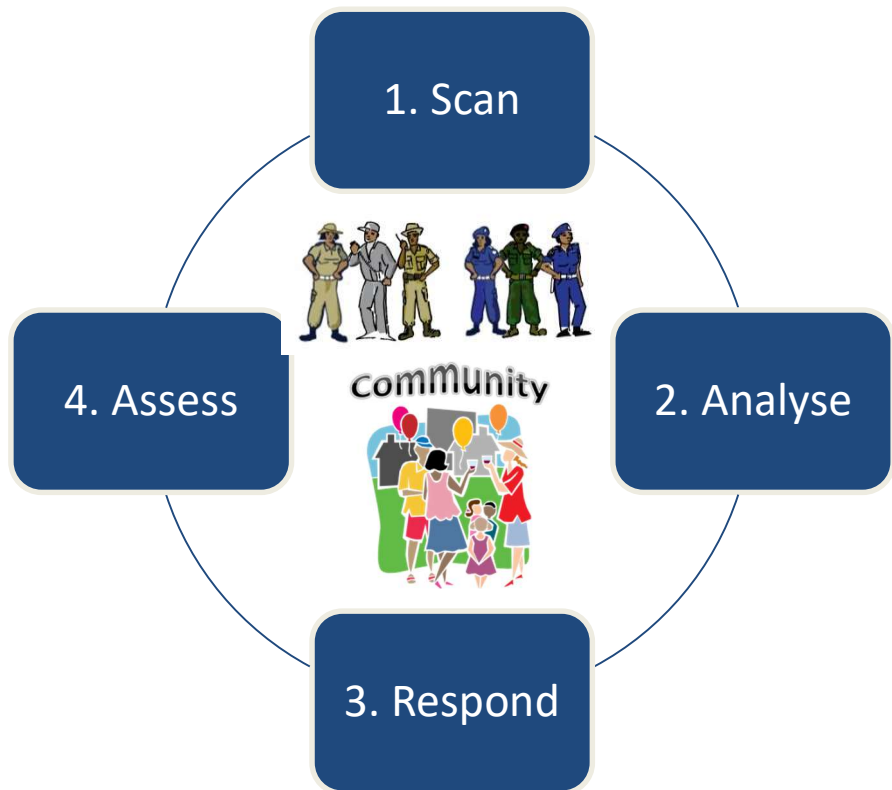
Reach Out and Increase Community Involvement on HR Issues

- Participate in community activities.
- Invite the community to attend security meetings.
- Establish a HR monitoring group or committee with the community.
- Identify and engage with local HR groups.
- Educate the community on their rights/
- Establish channels to report HR violations.

These are the **three key principles** identified for the use of **community-based security practices (CBSP)**:



Use the **SARA model** to identify and problem-solve HR and security issues with the community.



SCAN

S

- Have you identified a human rights problem?
- Where can you find more information about the human rights problem?
- Have you identified the consequences of the human rights problem?
- Have you confirmed that the human rights problem really exists?

ANALYZE

A

- Why does the human rights problem exist?
- What is the main cause of the human rights problem?
- What else can you do to better understand the human rights problem?
- Who else do we have to talk to?

RESPOND

R

- What can we do to solve the human rights problem?
- Have you selected the best solution?
- What can we do to limit the consequences of the human rights problem?
- What do you want to achieve with your solution?
- Did we consult all our partners? Do we have their support?
- Who will be responsible to implement the solution?

ASSESS

A

- Did we manage to implement the solution?
- Did the solution work?
- Did we solve the problem?
- Do we need more information?
- Do we need another solution?

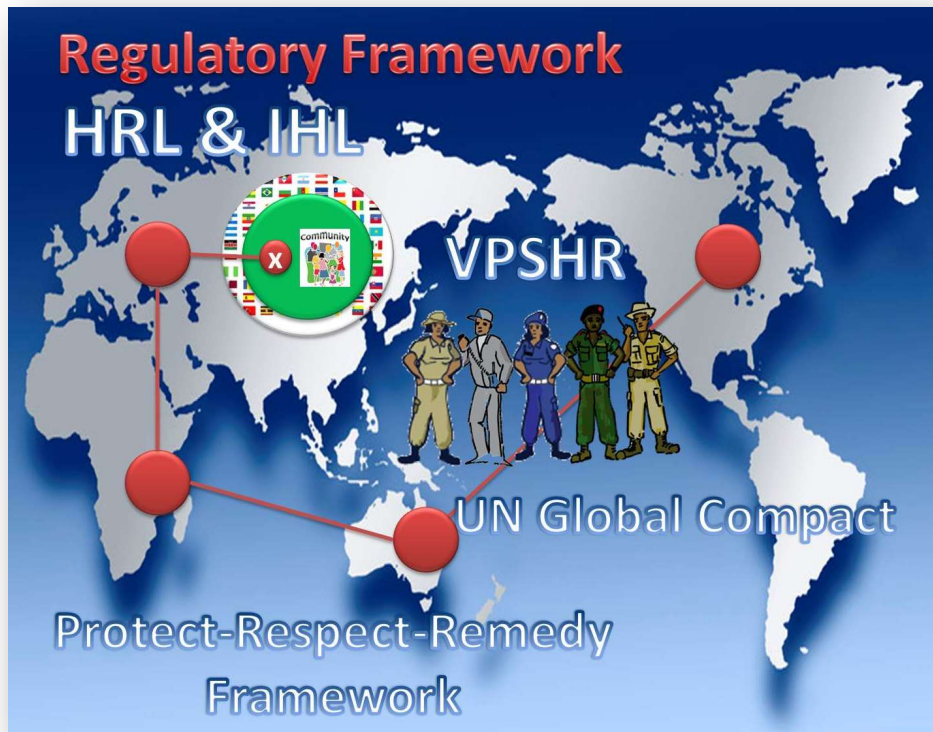
Reflection

Q How will Company security operations **benefit** from involving the community in security issues?

Q How can involving the community help **identify and address** HR and security issues at Company projects/global operations sites?

Q How do you suggest security personnel and the community **better cooperate on issues of HR**?

Regulatory Framework for Security Practices



A number of laws, policies, procedures and best practices inform you:

- **What** To Do
- What You **Cannot** Do
- **Why** You Can Do It
- Why You **Have** To Do It
- **How** To Do It
- **When** To Do It



These laws, policies, procedures and best practices form the “**regulatory framework**” applicable to your work and our company security operations.

Examples: Human Rights Laws, Treaties, Instruments that Inform Me How to do my Job

- Universal Declaration on Human Rights (UDHR)
- Geneva Conventions (Protocol I, II, III)
- Convention Against Torture and Cruel and Inhumane Treatment
- International Covenant on Civil and Political Rights
- African Charter of Human Rights
- VPSHR

Reflection

Examples of **national laws** that inform me how to do my job:

Examples of **Company security policies and procedures** that inform me how to do my job:

Examples of **professional standards** that inform me how to do my job:

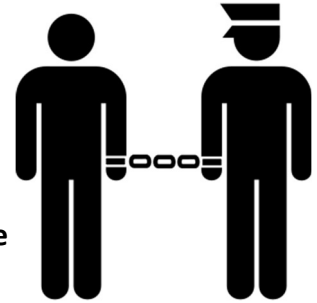
Examples of **community considerations** that inform me how to do my job:

My Notes

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b) Temporary Detention and Arrest

When a person or a suspect commits a crime or is suspected to have committed a crime on Company premises, **security personnel may (depending on their mandate) be authorised to detain or arrest such a person according to the local laws and security policies.**



Temporary Detention

Company and private security personnel **will only temporarily detain persons suspected of committing a crime or offence.**

Persons will only be detained for the purpose of **handing them over the local law enforcement agency.**

The local law enforcement agency will then decide if they are going to arrest or further detain the person or suspect for a crime.

There are HR guidelines for the temporary detention of suspect or persons by security personnel that MUST be followed:

- Persons should be detained as the **exception**, rather than the rule. Apply the **PLAN** principle to the temporary detention of persons.
- Immediately **inform the person for the reason** that he/she is detained. Also inform the person that the local law enforcement agency will be contacted to deal with the situation.
- **Do not torture or punish** persons detained. **Do not use violence or threats** against them. **Do not sexually exploit or abuse** them.
- Use the **minimum force** needed to detain the person. If they are injured doing so, immediately arrange for **medical care**.
- Treat persons detained with **humanity and respect**; they are innocent until proven guilty. You are not a judge.

- **Inform the family** of the person that he/she was detained and handed over to the local law enforcement agency.
- Detain **women separate from men**, and **children separate from adults**.
- Detainees have **the right to contact their family or legal representative**.
- Unless authorised to do so, Company and private security personnel **may not use any lethal weapons to help them detain a person**.

Sources:

- United Nations, *Standard Minimum Rules for the Treatment of Prisoners* (1977)
- *Basic Principles for the Treatment of Prisoners* (1990)
- *Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment* (1998)

Arrest

Arrest refers to the act of apprehending a person for the alleged commission of an offence or crime.

Only sworn law enforcement officials may arrest a person. Typically the law enforcement officials or government security forces have powers to lawfully arrest and detain a suspect.

Arrest is used to secure the attendance of a suspected criminal at his or her trial.

Unless authorised to do so by law, Company and private security personnel will not arrest suspects.

They will only temporarily detain them and immediately hand them over to the local law enforcement agency. The local law enforcement agency will then decide if they are going to arrest or further detain the person or suspect for a crime.

Public security personnel (e.g. police of government military forces) supporting Company security operations may, depending on their mandate, be authorised to arrest a person on Company premises. In such a case they

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

Source: Article 9 (2), International Covenant on Civil and Political Rights

What are **your** powers?

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

Source: Article 37 (b), Convention on the Rights of the Child

immediately have to report the arrest and arrange that the person detained are handed over to the local law enforcement agency.

Arrest and Warrants

A person can be arrested **with or without** a warrant.

- **Arrest with a warrant** means that the person performing the arrest are in possession of a legal document that authorise him/her to arrest the person mentioned in the document. Warrants for arrest are usually issued by a magistrate, judge, judicial officer or, in certain instances, a senior law enforcement officer (depending on national law).
- **Arrest without a warrant** normally takes place when a person commits a crime – or attempts to commit a crime – in the presence of a sworn law enforcement officer.

Depending on the national laws, or assigned legal authority, it may be possible for a private person (including Company and private security personnel) to perform a “**citizen’s arrest**”.

If approved by law, a sworn law enforcement officer can ask Company and private security personnel to help him/her arrest a suspect on Company premises.

If this is the case, immediately report it to the security manager who will tell you what to do and whether you should help or not.

A person who makes a “citizen's arrest” could risk exposing himself/herself to possible lawsuits or criminal charges if the wrong person is apprehended or a suspect's civil rights are violated.

Such charges include: impersonating police; false imprisonment; kidnapping; wrongful arrest.

Before I Arrest

Before arresting someone, the person arresting a suspect should ask himself/herself the following questions:

- ✓ Who may arrest a person?
- ✓ Am I authorised to arrest a person?
- ✓ What laws authorise me to arrest a person?
- ✓ Do I know these laws?
- ✓ When may I arrest a person?
- ✓ Do I have the means to restrain the person arrested?
- ✓ Am I authorised to carry and use the equipment to arrest the person?
- ✓ What is the use of force policy for arrest?
- ✓ What are the rights of the person arrested?
- ✓ What do I have to do before I arrest a person?
- ✓ If I am not a sworn law enforcement officer, can I still arrest this person (“citizen’s arrest”)?
- ✓ When may I perform a “citizen’s arrest”?
- ✓ What do I have to do during the arrest?
- ✓ What do I have to do after I arrest a person?
- ✓ When should I not arrest someone?



**If you cannot answer these questions,
you may not be AUTHORISED to arrest someone!
Learn the facts!**

The arrest of a person seriously limits his/her rights to liberty, dignity, and freedom of movement.

This is why public security personnel (forces) who are also sworn law enforcement officers need to ensure the following rights of persons arrested.

Guidance for Arrests

- Only use the force needed to perform the arrest. Avoid harm to and injury of the person arrested.
- Inform the person of the reason for his/her arrest, and of the charges against him/her.
- Inform the suspect of **his/her rights**, including

The right to **remain silent and not to admit guilt**, and that silence will not be interpreted as an admission.

The right to **contact a relative or close friend** and be visited by such person.

The right to **contact a legal representative and communicate** with him/her confidentially.

The right that **a legal representative will be appointed if the suspect is unable to pay for a lawyer.**

The right to be **brought before a court within a reasonable time and to apply for bail** (as stipulated in the law of each country).

The right to be **questioned in the presence of a legal representative**, unless the right is waived; and, if the suspect is a foreign national.

The right to **contact diplomatic or consular officials** of his/her country.

- If needed, an interpreter must be arranged to communicate the rights of the person.
- Immediately inform the family, parents or guardians of the person arrested. Juveniles arrested must immediately be brought before a judge who will decide if the juvenile should be released or not.
- Keep a record of the arrest.
- Where resistance is not evident, attempt calm, polite, disarming language when performing an arrest. Resort to the use of proportional, strong, authoritative tones only when necessary.
- Study carefully the use of force as it applies to arrest in terms of country laws.

Sources:

- UN Human Rights Training Manual for Police: Chapter 12: Arrest
- Commonwealth Manual on Human Rights Training for Police: Chapter 3: Arrest. Page 39
- Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1979)
- American Convention on Human Rights (art.7, paras 4-5)
- European Convention on Human Rights (art. 5, paras 2-3).
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (principle 37)
- Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (principle 2)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- Resolution 20 (XXXVI) of 29 February 1980, Commission on Human Rights

Role-Play: Arrest and Detention

Use the following space to take down notes in support of this activity.

Q What would you have done differently? Why? Explain.

Q What is the difference between temporary detention and arrest?

Q Who can **arrest** a suspect and who will **temporarily detain** a suspect?

Q What are some of the **human rights principles** that apply to arrest?

Q What are the **rights** of the suspect **on arrest**?

Q What are the **rights** of the suspect **following arrest**?

Q When and how would you inform the suspect of his/her rights?

c) Perimeter Control and Searches

Purpose

Actions of search and seizure are conducted as part of Company security operations to:

- **Monitor and control** the movement of restricted goods and persons from and to area of operations.
- **Prevent crimes** that involve the smuggling or theft of controlled goods and mine property.



Search and seizure also form an important part of security actions to:

- Arrest or temporarily detain suspects.
- Prevent the unauthorized movement of goods or people.
- Seize restricted or controlled goods.
- Prevent crime.

Search and seizure **limit the fundamental right to freedom and security of the person, and privacy.**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor attacks on his honor and reputation.

Everyone has the right to the protection of the law against such interference or attacks.

Source: Article 12 of the Universal Declaration of Human Rights (also Article 17 (ICCPR))

Remember:

Company and private security personnel may only temporarily detain suspects to hand them over to the local law enforcement agency.

Arrests may only be performed by sworn law enforcement officials (e.g. the police).

Goods or property seized during the detention of a suspect must be handed over to the local law enforcement agency.

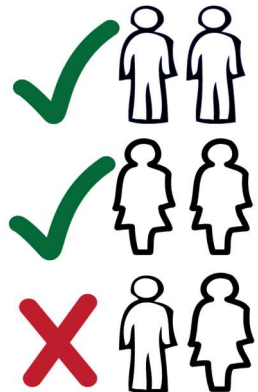
Human Dignity and Searches

Searches should always be done in a way that respects the human dignity of the person being searched. This is an important rule and it applies to all security personnel.

A search of any person must be conducted with **strict regard to decency and order**. Basic body searches should take place in private if possible. This is to protect the personal dignity of the person searched.

When searching a person, remember:

1. **A woman must be searched by a woman only.** If no female law enforcement officer is available, the search must be made by any woman designated for the purposes by a law enforcement officer. Men should only be searched by men.



2. Intimate personal searches (e.g. cavity searches like vaginal and anal) are a law enforcement responsibility. **They must be undertaken in private and only by a medical practitioner, such as a doctor or a nurse.** This is a very serious infringement on a person's right to privacy and human dignity. Such searches may only be undertaken if there are reasonable grounds to believe that an article that was involved in crime or that may be used in committing a crime is hidden in that part of the



body. This depends on the national laws. Modern technology like x-rays or non-intrusive measures may lower human rights infringements.

3. Apply the **PLAN** principle when searching a suspect. The principle of minimum force should also be taken into account during all searches.



4. Law enforcement officers may **search a person upon arrest**. If they need to use force to search the person, they should **only use the force necessary to overcome the resistance and to conduct the search**.

If there is no need to use force then you should not use force at all.

Persons Who Conduct Searches

- Searches can be conducted by security personnel at project/operations sites, based on site specific security policies and procedure, the consent of employees, or as a voluntary condition to employment.
- Security personnel may only conduct a search of a person or property if they are authorised to do so.
- Searches are usually conducted by law enforcement officers.
- Confirm with your supervisor or manager what are your duties and authority to search persons or suspects.

Results of Unlawful Searches

- humiliation
- harassment
- malicious damage to property
- inadmissibility of evidence
- civil action

Searches Can Be Conducted With and Without a Search Warrant

- Depending on the national laws, law enforcement officers may be permitted, based on **reasonable grounds or circumstances**, to search persons and goods without a warrant if a delay in obtaining such a warrant will defeat the objective of the search.
- Depending on site-specific security policies and procedures or as a condition of access to and from Company premises, **persons, vehicles, and goods may be searched by security personnel**.
- **If authorised suspects temporarily detained** may be searched to ensure the absence of objects that can cause injury, or to seize goods for purposes of evidence, or safekeeping.
- The persons searched **MUST provide his/her consent** to the search.
- The security officer must explain **purpose** of the search.

Before You Search or Seize

Before you search or seize, you must ensure you are authorised to do so. Ask your supervisor/manager what you may do within your authority.

Ask yourself the following questions:

- ✓ What does the Company security policy and procedure say about search and seizure?
- ✓ Who may search a person, vehicle, or goods on Company premises?
- ✓ What goods are permitted/ restricted on Company premises?
- ✓ Am I authorised to search a person?
- ✓ What laws or policies authorise me to search?
- ✓ What laws or policies authorise me to seize?
- ✓ Do I know these laws and policies?



- ✓ When may I search a person or goods?
- ✓ Do I have equipment to help me search?
- ✓ Am I authorised to use such equipment?
- ✓ Do I know how to use the equipment?
- ✓ What is the use of force policy for search?
- ✓ What are the rights of the person searched?
- ✓ What do I have to do before I search a person or property?
- ✓ What do I have to do during the search?
- ✓ What do I have to do after I searched a person or property?
- ✓ If I am not authorised to search a person, then who can?
- ✓ When may I search a person?

**If you cannot answer these questions,
Do not proceed to search and seize!
Ask your supervisor/manager for guidance!**

Remember!

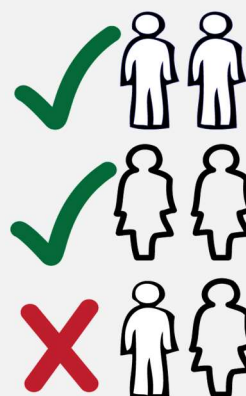
Even if you suspect someone or doing something wrong, you must still respect their human rights.

Guiding Principles for All Searches

1. The search conducted should comply with the PLAN principle.
2. Treat the person searched with dignity and respect.
3. If you must use force to search a person, you should use the force necessary to conduct the search.

When Searching Persons

- Always protect the person's dignity to the best of your ability.
- Only women search women.
- Only men search men.
- If no woman law enforcement officer is available, the search must be made by any woman designated for the purposes by a law enforcement officer.
- Personal searches must take place in private.
- Personal, or body, searches must be done by a medical practitioner (doctor, nurse).
- Use only the force necessary. Remember the **PLAN** principle.



When Searching Property

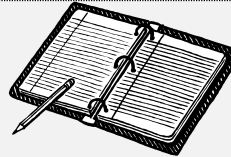
- Before you start, inform the person present or owner of the property that you intend to conduct a search. Ask for their consent.

- Use only the force necessary. Remember the PLAN principle. Do not cause unnecessary damage to property.
- Search only in places where articles may possibly be found.
- If you have a warrant to search a property, give a copy of the search warrant to the owner or persons occupying such property.



Seizure of Property

- Keep a record of all restricted goods seized for temporary safekeeping at access control points (i.e. mobile phones, firearms).
- Restricted or dangerous goods seized on Company premises must be dealt with according to site specific security policies and procedures.
- Inform the owner if property is seized.
- Have the local law enforcement agency sign for any property handed over to them.



Role-Play: Search and Seizure

Use the following space to take down notes in support of this activity.

Q What would you have done differently? Why? Explain.

Q Who is best suited to conduct a body search of the suspect – a law enforcement officer or the security officer? Is it permissible to have a person of the opposite sex conduct a body search?

Q Do you need a warrant to search somebody's vehicle?

Q Can employees be searched at random for the possession of stolen goods?

Q Can employees be searched to control the access of persons and restricted goods to and from Company premises?

Q What are the guidelines for search of persons, and seizure of goods on Company premises?

Q What are the guidelines for the search of private property, and the seizure of goods on Company premises?

Q What will the result be of unlawful searches, and/or the unlawful seizure of property?

d) The Investigation of Crime

Following the arrest of a suspect, criminal investigations may be conducted by local law enforcement agencies to:

- Identify suspects.
- Identify witnesses.



The Rights of Witnesses

- The security of the person and family.
- To be treated with dignity and respect.
- To be treated with compassion and consideration.

- Identify victims.
- Discover and collect evidence.
- Present evidence collected with the purpose to establish facts and determine the guilt or innocence of a suspect.
- Arrest perpetrators.
- To identify other crimes.

The local law enforcement agency will investigate all crimes and will take the lead in all criminal investigations of crimes committed by Company employees, and members of the public.

Security personnel are not authorised to investigate crimes committed on Company premises. Crimes will be investigated by the local law enforcement agency and the **appointed investigating officer**.

If authorised, security personnel may be asked to give **minor assistance** to the law enforcement agency during the criminal investigation process.

Security personnel could be asked to:

- Protect any crime scene or evidence until a law enforcement officer arrives and hand it over. Use barrier tape to cordon off a crime scene. Ensure evidence is not tampered with.
- Take notes and report to your supervisor.
- Not to interfere with the duties of the investigative officer.
- Give an accurate statement of events witnessed to the investigative officer.
- Share evidence and the details of witnesses.
- If needed, testify during legal proceedings.
- Report any crime or suspected crime to your supervisor/manager.

In all circumstances, investigations will respect human rights.

Guiding Principles for Criminal Investigations

The **investigating officer** is responsible for any criminal investigation following a crime or alleged offence. The investigating officer needs to ensure that laws and human rights are respected in the process.

During the following investigation, the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:

- Everyone has the right to security of the person.
- Everyone is to be presumed innocent until proven guilty in a fair trial.
- Everyone has the right to a fair trial.
- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence.
- No one shall be subjected to unlawful attacks on his honour or reputation.
- No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.
- Torture and other inhuman or degrading treatment is absolutely prohibited.
- Victims and witnesses are to be treated with compassion and respect.
- Confidentiality, and care in the handling of sensitive information, is to be exercised at all times.
- No one shall be compelled to confess or to testify against himself/herself.
- Investigatory activities shall be conducted according to law.
- Neither arbitrary, nor unduly intrusive, investigatory activities shall be permitted.

The Rights of Suspects

- To remain silent, and not to testify against himself/ herself, or to confess guilt.
- Not to be tortured.
- To be informed of the nature and cause of the charge against him/her.
- To have enough time and facilities to prepare with his/her counsel for defense.
- To be tried without undue delay.
- To have the right to defence:
 - to defend oneself in person
 - to choose one's own counsel
 - to be informed of the right to legal counsel
 - to receive free legal assistance
- To call and examine witnesses.
- To have the free assistance of an interpreter, if necessary.
- Not to testify against himself/herself.
- Not to confess guilt.

General Guidelines for Criminal Investigations

- If you are not sure if what to do, immediately ask your supervisor.
- Treat all suspects, victims and witnesses in a professional and a respectful manner.
- Keep a detailed record of all interviews conducted and evidence collected.

- Before interviewing a suspect, victim, or witness you need to advise them of their rights.
- Before taking any investigatory action, ask yourself:
 - Is it legal?
 - Will it hold in court?
 - Is it necessary?
 - Is it unduly intrusive?

Sources:

- International Covenant on Civil and Political Rights (1979)
- UN Human Rights Training Manual for Police: Chapter 11: Police Investigations. Pages 97 to 98, 108 to 109
- Commonwealth Manual on Human Rights Training for Police: Chapter 6: Investigation of crime. Pages 76 to 88

Remember:

***Company and private security personnel* will not be required to investigate crimes. Depending on whether public security personnel (forces) are sworn law enforcement officers, they may be authorised to play a more active role during criminal investigations on Company premises.**

As authorised, security personnel may be required to assist the law enforcement agency and the appointed investigating officer.

All security personnel have a responsibility to observe and ensure that the human rights of suspects, victims and witnesses are respected and protected.

Role-Play: Criminal Investigations

Use the following space to take down notes in support of this activity.

Q What would you have done differently? Why? Explain.

Q Who is best suited to conduct a body search of the suspect – the law enforcement officer or the security officer? Is it permissible to have a person of the opposite sex conduct a body search?

Q Do you need a warrant to search the suspects' vehicle?

Q Can employees be searched at random for the possession of stolen or prohibited goods?

Q Can employees be searched to control the access of persons and restricted goods to and from Company premises?

Q What are the guidelines for search of persons, and seizure of restricted goods on Company premises?

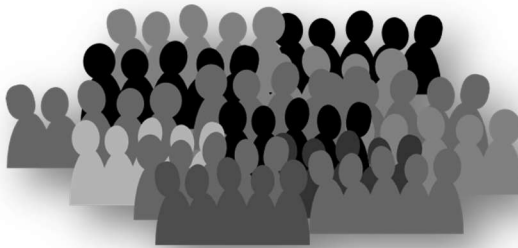
Q What are the guidelines for search of private property, and the seizure of goods?

Q What will the result be of unlawful searches, and/or the unlawful seizure of property?

e) Dealing with Assemblies, Crowd Control, and Evictions

Dealing with Assemblies and Crowd Control

People are entitled to an opinion, entitled to express that opinion, entitled to assemble **peacefully** or to associate with others as long as they meet their responsibilities under the law of the country.



Peacefully **does not mean** that demonstrators will be quiet. A demonstrator can scream, make noise, dance, shout, spit at you, and still be peaceful and non-threatening. They can say things you do not like or that you think are wrong.

There are a number of rights and freedoms applicable to assemblies, for example:

- The right to hold opinions without interference (ICCPR, Article 19.1)
- The right to freedom of expression (ICCPR, Article 19.2)
- The right of peaceful assembly (ICCPR, Article 21)
- The right to freedom of association (ICCPR, Article 22.1)

These rights are not without limits. Reasons that necessitate the restriction of these rights can be:

- Respect for the rights and freedoms of others or for their reputation.
- Public order and public safety.
- National security.
- Public health or morals.

“Public safety” can be a lawful reason for restricting the right to freedom of peaceful assembly and the right to freedom of association.

Source: ICCPR, Articles 19.3, 21 and 22.2

Sometimes, the Company needs to deal with lawful and unlawful assemblies on or near Company premises. In such cases *public security personnel (forces)* or the local law enforcement agency authorised to deal with assemblies and crowd control, will help the Company deal with lawful and unlawful assemblies.

The actions of authorised public security personnel (forces) or law enforcement officials have to comply with the PLAN principle, namely:

Proportionality	Law enforcement officials will always use the least forceful methods available to deal with the assembly. They will apply the steps suggested for the use of force and firearms.
Legality	Before taking any action, the law enforcement commander needs to ensure that local laws authorise them to intervene and that they understand the laws that apply to dealing with assemblies.
Accountability	Individual law enforcement personnel and commanders will be held accountable for their actions and force used.
Necessity	Actions taken by law enforcement officials should be appropriate to the situation and necessary given the circumstances.

Guidelines for the use of force and firearms during assemblies and crowd control are provided for by the UN’s Basic Principles on the Use of Force and

Firearms. This will be discussed in *Module 4: Human Rights and the Use of Force*.

Sources:

- International Covenant on Civil and Political Rights (1979)
- UN Human Rights Training Manual for Police: Chapter 11: Police Investigations. Page 97 to 98, 108 to 109
- Commonwealth Manual on Human Rights Training for Police: Chapter 8: Maintenance of Public Order. 2006. Page 101 to 112.
- De Rover, C. 1998. Chapter 7, Maintenance of Public Order. To serve and Protect, Human Rights Training and Humanitarian Law for Security Forces. ICRC: Geneva, Page 202 to 203

Basic HR Standards for Assemblies and Crowd Control

1. All actions taken shall respect human rights.
2. Apply the PLAN principles.
3. Respect basic rights that include the rights to free speech, free opinion, assembly, and association.
4. Use force as a last resort only after non-violent means was attempted.

Planning for Assemblies

As far as possible the Company should be involved along with **authorised public security personnel (forces) and law enforcement agencies** during the **preparation phase** of protests, strikes, marches, or gatherings. This way partners and organizers can work together to:

- Discuss the human rights and national laws applicable to assemblies and crowd control.
- Clarify the purpose and objective of the gathering.
- Work out the timing and the route of gatherings and marches.
- Identify and communicate safety concerns.
- Communicate law enforcement tolerance levels.
- Explain the duties and responsibilities of law enforcement agencies, protestors, Company and all security personnel involved.
- Deal with any conflicts and tensions before the actual gatherings and demonstrations.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

Duties and Responsibilities of Public Security Personnel (Forces) or Local Law Enforcement Agencies Dealing with Assemblies and Crowd Control at Company Premises

Before assemblies and crowd control:

- Meet with those representing or organising the protest, and those protested against, to solve conflict disputes or agreements.
- Ensure that you are equipped and trained in the use of crowd control equipment. This includes practice in the use of shields, defensive vests, helmets and non-lethal Instruments.
- Ensure that you are properly trained in the use of force and firearms if you are equipped and authorised to use such firearms.
- Receive training in first aid, self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; crowd management tactics and techniques; conflict resolution; and stress management.
- In groups, practice crowd-control techniques that minimise the need for the use of force, and the appropriate use of equipment.
- Arrange for standby emergency medical care and treatment.
- Before deploying ask to be briefed on the situation, threat, arrangements, and use of force policy for crowd control.

During assemblies and crowd control:

- Listen to the instructions of your commander.
- Deal with individual behaviour in the crowd and not with the crowd as one individual. This means that if one persons' behaviour is threatening the safety of others then it doesn't justify the use of force against others.
- Do not do or say something to provoke the crowd.

- As a group, practice crowd control techniques that minimise the need for the use of force.
- Avoid unnecessarily provocative tactics (i.e. use of dogs, unjustified arrest)
- Use gradual and progressive force, beginning with non-violent means and negotiation.

After assemblies and crowd control:

- Report the use of force during crowd control.
- Ensure that suspects arrested are treated according to their rights.
- Arrange for medical care and treatment of persons injured.
- Request a debriefing with team members to discuss problems experienced and solutions suggested.

Duties and Responsibilities of Company and Private Security Personnel Dealing with Assemblies and Crowd Control at Company Premises

- Do not engage in crowd control. It is the responsibility of **authorised public security personnel (forces)** or the local law enforcement agency.
- Protect Company premises, facilities, and personnel according to the security policies and procedures.
- Report any HR violations observed by **authorised public security personnel (forces) or law enforcement officials** dealing with the assembly and crowd control.

Dealing with Evictions

Evictions are sometimes necessary because of:

- Company activities
- development and infrastructure projects
- urban redevelopment
- illegal land occupancy



The Company sometimes lawfully buys or is granted by the government land which is currently occupied by members of the community.

Forced eviction may occur if persons occupying that Company property do not wish to go and are removed by **authorised public security personnel or law enforcement officials** from their homes or land.

Rights of Evictees

To ensure that the HR of the persons evicted are respected, **anyone involved in the eviction must respect the PLAN principle.**

This applies to government and Company alike.

Proportionality	Authorised public security personnel (forces) and law enforcement officials will use the least forceful methods to deal with the eviction. They will apply the steps suggested for the use of force.
Legality	Before taking any action, all authorised security personnel involved will ensure that local laws authorise their actions and that they understand the laws and policies that apply to them and the eviction. The details of the eviction order will be shared with all security personnel.
Accountability	All authorised security personnel involved will be held accountable for their actions and force used.
Necessity	Actions taken by authorised security personnel should be appropriate to the situation and necessary given the circumstances.

Evictions are generally dealt with by authorised public security personnel (forces) or the local law enforcement agency.

Unless directed and authorised by their managers or supervisors, Company and private security personnel shall not be directly involved in the eviction process.

Activity: Assemblies, Crowd Control and Evictions

Scenario 1: Handing Over a Petition

Protestors have gathered at the main gate, just outside the mine premises. They want to hand over a signed petition to the mine manager. The group seems to be peaceful.

Q What rights do the protestors have?

Q What are the duties and responsibilities of ***authorised public security personnel (forces) and/or the law enforcement agency*** in dealing with the protest?

Q What are the duties and responsibilities of ***Company and private security personnel*** in dealing with the protest?

Q As a security officer, what can you do to ensure that the situation remains peaceful?

Scenario 2: Violent Protest

A group of employees are protesting against the unfair dismissal of an employee. The employee was caught stealing and was fired (dismissed). The assembly is violent and reports have been received that the group of protestors are throwing rocks at vehicles entering and exiting Company premises.

Q What rights do the protestors have?

Q What are the duties and responsibilities of ***authorised public security (forces) or the local law enforcement agency*** in dealing with the protest?

Q What are the duties and responsibilities of ***Company and private security personnel*** in dealing with the protest?

Scenario 3: Eviction

A group of community members decided to illegally occupy a mine hostel (block of flats) that has been abandoned for some months. The mine hostel is unsafe to live in. The mine hostel is on Company premises. The Company Health and Safety Manager demands that the illegal occupants be evicted from the property. The Company cannot afford to have people trespassing on mine property and live in conditions that may be hazardous to their life and general well-being.

Q What rights do the evictees have?

Q What are the duties and responsibilities of ***authorised public security personnel (forces) and the local law enforcement agency*** in dealing forced evictions?

Q What are the duties and responsibilities of Company and private security personnel in dealing with forced evictions?

[illegible]

My Notes

[illegible]

2. A GENDER APPROACH TO SECURITY

The equality of women and men are recognized in many legal documents and human rights instruments.

Both women and men have equal rights. **All security personnel** have a duty to equally respect and protect the rights of women and men.

The Universal Declaration of Human Rights states that everyone, men and women, has the same rights, regardless of sex or gender. Everyone is equal before the law and entitled to equal protection of the law, without any discrimination. **This applies in every country.**

Your actions should equally benefit or limit the rights of women and men:

Security arrangements need to recognize that men and women are different and that they have different needs.

Women security personnel can better respond to the needs of women.

You need to treat women and men equally.

The equipment and uniform of **women** security personnel should cater for biological and physical differences of women.

This means you must have both men's and women's uniforms.

Gender and Sex: What is the difference?

When discussing human rights, you may hear about sex and about gender.

Do you know the difference?

SEX

The biological and physical characteristics of men and women. It is what nature has assigned.

GENDER

Based on the role people take in society. Sometimes the roles are very different, sometimes it is very similar. It changes from one society to the other and over time.



Equal Opportunities for Women and Men Security Personnel

Equal opportunities for women and men security personnel imply:

- Acknowledging the important role and importance of having women as part of security and law enforcement.
- Equal career, training, and education opportunities, pay and benefits.
- Equal involvement and decision-making.
- Taking steps to address past discrimination and restore the balance between men and women.

Remember!

Equality does not necessarily mean the same.

But it does mean it has to be fair for everyone.

Equal Treatment

Equal treatment implies:

- **Not discriminating** against a victim, complainant, suspect, or colleague based on his/her sex or gender.
- **Treating men and women equally** with the dignity and respect that they deserve.

You need to recognize the different needs of women and girls as:

- security personnel (private and public)
- suspects
- victims of crime
- vulnerable groups in society

My Notes

[illegible]

3. DEALING WITH VULNERABLE GROUPS

The Company acknowledges the rights, special needs, and vulnerability of **children, women, foreign nationals, and victims of crime.**

These groups deserve to be treated with the same dignity and respect as any human being. Security personnel have a special responsibility to ensure that the rights of these groups are protected.

a) Dealing with Children

The UN Convention on the Rights of the Child (CRC) recognizes the need for special safeguards and care, including appropriate legal protection for children both before and after birth.

CHILD

Every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Source: Article 1,
Convention on the
Rights of the Child

JUVENILE

A child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult.

Age limits depend on, and are explicitly made dependent on, each respective legal system.

Source: United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

Children's Rights

- To not be discriminated against (*article 2, 3*).
- To life (*article 6*).
- To be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (*article 19*).
- To have cases of maltreatment investigated (*article 19*).
- To be protected from economic exploitation and from performing any work that limits other rights (*article 32*).
- To be protected from all forms of sexual exploitation and sexual abuse (*article 34*).
- To not to be abducted, sold or trafficked (*article 35*).
- To not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life-imprisonment without possibility of release (*article 37*).
- If deprived from liberty to be treated with humanity and respect (*article 37*).
- To be arrested, detained, or imprisonment according to law, and as a measure of last resort and for the shortest appropriate period of time (*article 37*).
- To be excluded from armed force if under the age of 15 years (*Article 38*).
- To be presumed innocent until proven guilty (*article 40*).
- To be informed of the charges against him/her (*article 40*).
- To be brought before a court of law as quickly as possible (*article 40*).
- To not to be forced to give testimony (*article 40*).

- To free assistance of an interpreter (*article 40*).
- To have a minimum legal age determined for accountability (*article 40*).

Sources:

- UN Convention on the Rights of the Child (1989)
- UN Human Rights Training Manual for Police: Chapter 17: Law enforcement and the rights of women. Page 176 to 177 Source: Adopted from the UN Human Rights Training Manual for Police: Chapter 16: Police and the protection of juveniles. Page 199 to 200
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules)

When Children are Lawfully Detained by Authorised Security Personnel

- It shall be a last resort and as short as possible.
- Children shall be separated from adult detainees.
- The child's dignity and privacy will be respected at all times. Children will be dealt with in a humane manner.
- Children will not be tortured or ill-treated. Restraints will be used exceptionally and only when all other controls have failed. They are to be used for the shortest possible time.
- Officials dealing with juveniles shall be specially trained and personally suited for that purpose. They will not carry weapons.
- Parents are to be notified of any arrest, detention, transfer, sickness, injury or death of a child.
- Any suspicion of abuse will be reported to superiors and investigated.

Company and private security personnel will immediately hand over to the local law enforcement agency any children temporarily detained or suspected of involvement in a crime.

Examples: Sexual and Gender-based Violence (SGBV) Against Women and Girls

physical violence
(e.g. pushing, hitting, torture, beating)

sexual violence (e.g. sexual touching, rape, incest)

sexual harassment
(e.g. any unsolicited verbal or sexual attention, vulgarities in front of women)

violence in situations of conflict (e.g. forced prostitution, forced enslavement, forced performance of sex, human trafficking)

psychological abuse
(e.g. insults, constant threats, abusive language)

economic abuse
(e.g. lack of access to education, lack of access to jobs)

social violence (e.g. forced marriage, genital mutilation, trafficking)

political violence
(e.g. destruction of property, loss of citizenship, exclusion from political participation)

Under no circumstances are security personnel authorised to punish children. That is the responsibility of a judge.

The Company will not employ children or tolerate them being exploited in any way. Any suspicion must be reported. If you have any concerns or suspicions, discuss this with your supervisor, manager, or call SpeakOUT.

b) Dealing with Women

Women are entitled to equal enjoyment of all human rights. These rights are political, economic, social, cultural, and civil.

These rights include:

- | | | |
|----------------------------------|--|---|
| • the right to life | • equality | • liberty and security of the person |
| • equal protection under the law | • freedom from discrimination | • the highest attainable standard of mental and physical health |
| • favourable conditions of work | • freedom from torture and other cruel, inhuman or degrading treatment or punishment | |

Violence against women, in all its forms, violates the human rights and fundamental freedoms of women.

Where women are the victims of serious violent crimes and sexual offences, security personnel should deal with them in a sensitive and discreet manner.

Calm the victim down, ensure her that she is safe, cover the victim with a blanket if her clothes are torn, meet in private, take statements in private, and secure medical assistance.

The UN Declaration on the Elimination of Violence Against Women (2003) calls on governments to prevent violence against women and prosecute those who commit such violence.

HR Guidelines for Security Personnel

- Have women security personnel deal with women victims and suspects. Women shall be detained separately from male detainees.
- Prevent further victimization of women victims of crime. Be sensitive and caring and treat them with dignity and respect that they deserve.
- Report and take action to ensure that any crimes or acts of violence against women are reported and investigated by the local law enforcement agency.
- Violence against women is a crime - report it. Also help women report domestic violence. If needed provide or arrange a temporary place of safety to prevent further abuse or harm.
- Do not discriminate against or exploit women arrested or detained.
- Women detained should be interviewed or supervised by authorised women security personnel.
- Pregnant women and nursing mothers shall be provided with special facilities during detention.

Sources:

- UN Human Rights Training Manual for Police. Chapter 17: Law enforcement and the rights of women. Page 207 to 208, Page 222 to 223.
- Commonwealth Manual on Human Rights Training for Police: Chapter 10: Vulnerable groups: Women. Page 123.

Sexual Violence

Refers to any act, attempt or threat of a sexual nature that results, or is likely to result, in physical, psychological and emotional harm. Sexual violence is a form of gender-based violence.

Gender-based Violence (GBV)

The term is used to distinguish common violence from violence that targets individuals or groups of individuals on the basis of their gender.

Gender-based violence is directed at a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threat of such acts, coercion and other deprivations of liberty.

c) Dealing with Trafficking in Persons

“Trafficking in persons” refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Trafficking in persons is a grave crime.

The United Nations ask governments:

Trafficking in persons involves persons trapped or deceived into:

- migrant work
- domestic work
- bonded labour
- prostitution
- servile marriage in the form of mail order brides

- To prevent and combat trafficking in persons, paying particular attention to women and children.
- To protect and assist the victims of such trafficking, with full respect for their human rights.
- To promote cooperation among countries in order to meet those objectives.

Source: United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

The Company supports efforts to combat human trafficking and any organised crime. Security personnel working for the Company must be aware of this serious crime and report any suspicions to their managers and the local authorities.

Governments have an obligation to:	Security personnel have an obligation to:
<ul style="list-style-type: none"> • Provide assistance to, and protection of victims of trafficking in persons. • Assist with the repatriation of victims of trafficking in persons. • Prevent the trafficking in persons by means of policies, programs and other preventative measures. • Investigate reports or allegations of trafficking in persons. 	<ul style="list-style-type: none"> • Reports acts or suspicions of trafficking in persons to your supervisor and local law enforcement agency.

Types of Abuse Suffered by Trafficked Victims

- long working hours
- no time off
- illegal confinement
- debt bondage
- sexual assault
- physical and psychological abuse
- denial of food
- non-payment of wages or reduced wages

d) Dealing with Foreign Nationals (Workers) and Illegal Workers

Foreign nationals have the same HR as country nationals.

It does not matter if they are in the country legally or illegally. Their HR are to be respected and protected.

The Rights of Foreign Detainees and Prisoners

- To be told when arrested or detained that they have the **right to notify their consulate**, and to decide if they want to do so.
- To **ask the security officer to tell his/her consulate that he/she has been detained or arrested**.

FOREIGN NATIONAL

A person who is not a citizen of the host country in which he or she is residing or travelling.

A person who is not a citizen or a permanent resident in the country.

- To **communicate freely** with the consulate.
- To **accept or decline** any offered consular assistance.

Source: Article 36 of the Vienna Convention on Consular Relations (VCCR) (1963)

Article 36 of the Vienna Convention on Consular Relations also gives the **consulates** the right:

- To communicate with and have access to their detained nationals.
- To be promptly informed of the detention, at the request of the national.
- To visit and communicate with the detainee at any time.
- To arrange for the detainee's legal representation.
- To provide other forms of humanitarian, protective or legal assistance, with the permission of the detainee.

Duties and Responsibilities of Security Personnel to Foreign Nationals and Illegal Workers

In the event of the unforeseen injury or death, to immediately inform the consulate and family of the person.

To immediately report any foreign national not in possession of valid travel documents, identification documents, or work documents to the applicable local authorities (i.e. the law enforcement agency, customs, or immigration).

e) Dealing with Victims of Crime

The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Victims Declaration) (1985) provides guidelines on how to assist and deal with victims of crime.

Rights of Victims of Crime

- Be treated with **compassion and respect**. Be kind, supportive and caring to the victim.
- **Access to justice**. Report the crime, and if you are a law enforcement officer immediately respond to the call. Do not turn a blind eye, or allow crimes to go unreported.
- Be kept **informed** about the progress of their case, especially if it is a serious crime.
- Be provided **material, medical, psychological and social assistance**.
- Be provided **safety and to have their privacy respected**. Prevent further harm, intimidation, or retaliation against the victim or his/her family.
- Be **compensated** for wrongful arrest or detention.
- Be **explained why force or firearms were used** against them.
- **Have abuses investigated** and make **those responsible accountable for their actions**.

Source: Adopted from De Rover, C. 1998. *To serve and Protect, Human Rights Training and Humanitarian Law for Security Forces*. ICRC: Geneva.

VICTIMS OF CRIME

Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

Source: UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Victims Declaration) (1985)

Duties and Responsibilities of Security Personnel to Victims of Crime

Authorised Public Security Personnel (who happen to be sworn Law Enforcement Officials)	Company and Private Security Personnel
<p>Ensure the safety and well-being of the victim and his/her property:</p> <ul style="list-style-type: none"> • Provide or secure first aid and medical support at the crime scene. • If injured, accompany victim to emergency medical services. • Refer the victim to agencies who can provide victim support or counseling. • Secure the property of the victim. • Arrest the suspect. 	<p>Ensure the safety and well-being of the victim and his/her property:</p> <ul style="list-style-type: none"> • Provide or secure first aid and medical support at the crime scene. • If injured, accompany victim to emergency medical services. • Secure the property of the victim. • Temporarily detain the suspect and hand him/her over to the police.
<p>Respect and protect the rights of the victim:</p> <ul style="list-style-type: none"> • Treat the victim with dignity and respect. • Take reasonable action to prevent the victim being subjected to further harm or injury. • Inform the victim of his/her rights. 	<p>Respect and protect the rights of the victim:</p> <ul style="list-style-type: none"> • Treat the victim with dignity and respect. • Take reasonable action to prevent the victim being subjected to further harm or injury. • Inform the victim of his/her rights.

Authorised Public Security Personnel (who happen to be sworn Law Enforcement Officials)	Company and Private Security Personnel
<ul style="list-style-type: none"> • Have a women law enforcement officer deal with women victims of sexual and domestic violence. • Inform the victim about how to protect evidence. 	<ul style="list-style-type: none"> • Have a women security officer deal with women victims of crime. • Report the crime to the police.
Collect evidence and investigate the crime: <ul style="list-style-type: none"> • Contain and preserve the crime scene for purposes of evidence collection. • Collect evidence. • Process evidence. • Identify witnesses and take witness statements. • Conduct investigation. • Arrest the suspect. 	Preserve evidence and the crime scene: <ul style="list-style-type: none"> • Inform the victim about how to protect evidence. • Block off and preserve the crime scene. • Do not touch evidence or allow anyone access to the crime scene. • Identify potential witnesses and record their details. • Hand over the crime scene to the first responding law enforcement officer. • Communicate the details of witnesses to the law enforcement officer.
Personally follow-up with the victim after 24 to 48 hours.	Cooperate with the law enforcement officer during the investigation of the crime.
Provide the victim with the following information:	Provide the victim and the investigating officer with your name and contact details.

Authorised Public Security Personnel (who happen to be sworn Law Enforcement Officials)	Company and Private Security Personnel
<ul style="list-style-type: none"> • Name and details of the investigating officer. • Regular feedback during the investigation on the status of investigation. • Date of the trial of his/her case. • Cancellation of any trial, and new dates. • Date on which the convicted person will be sentenced. • Outcome of the trial and the sentence that was passed. • Place where and time when, and the person from whom, any confiscated property of the victim may be collected. • Any provisions that exist for public victim's compensation, support services, etc. 	

Source: Adopted from the *Commonwealth Manual on Human Rights Training for Police*: Chapter 12: Vulnerable groups: Victims of crime, pages 150-155.

My Notes

CONCLUSION

This module introduced you to the duties and responsibilities of security personnel, with consideration for human rights, national laws, Company policies, and the VPSHR.

International conventions and treaties discussed provided you with a basic understanding of the HR and principles applicable to security actions of arrest, detention, search and seizure, criminal investigation, dealing with assemblies, crowd control, and evictions.

National laws in support of these actions will **further inform** you of the legal obligations and responsibility that you have in support of each of these actions.

You have to study, know, and apply the national laws on each of these actions.

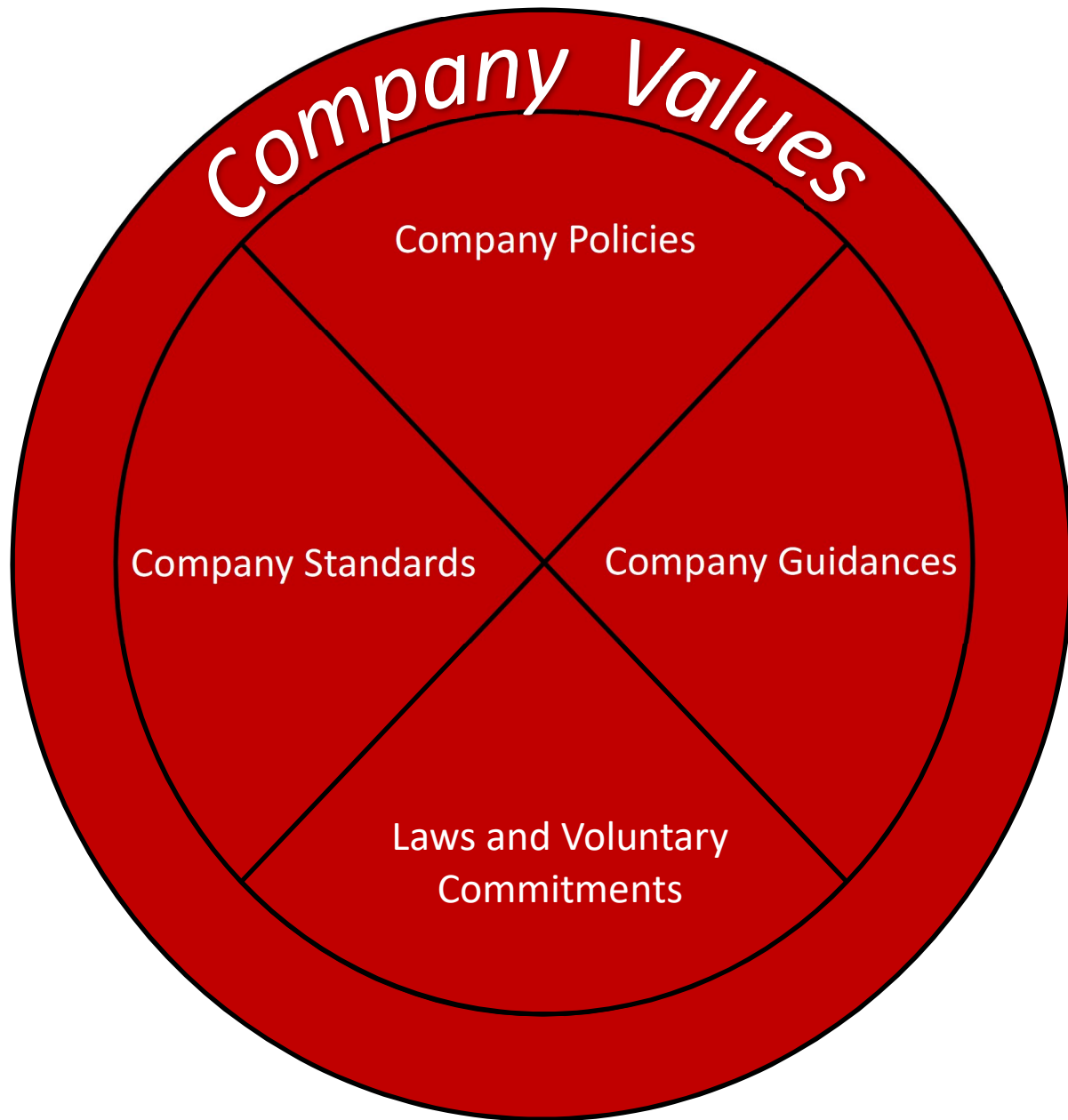
We also looked at the **specific rights of vulnerable groups** such as children, women, foreign nationals (workers), and the victims of crime.

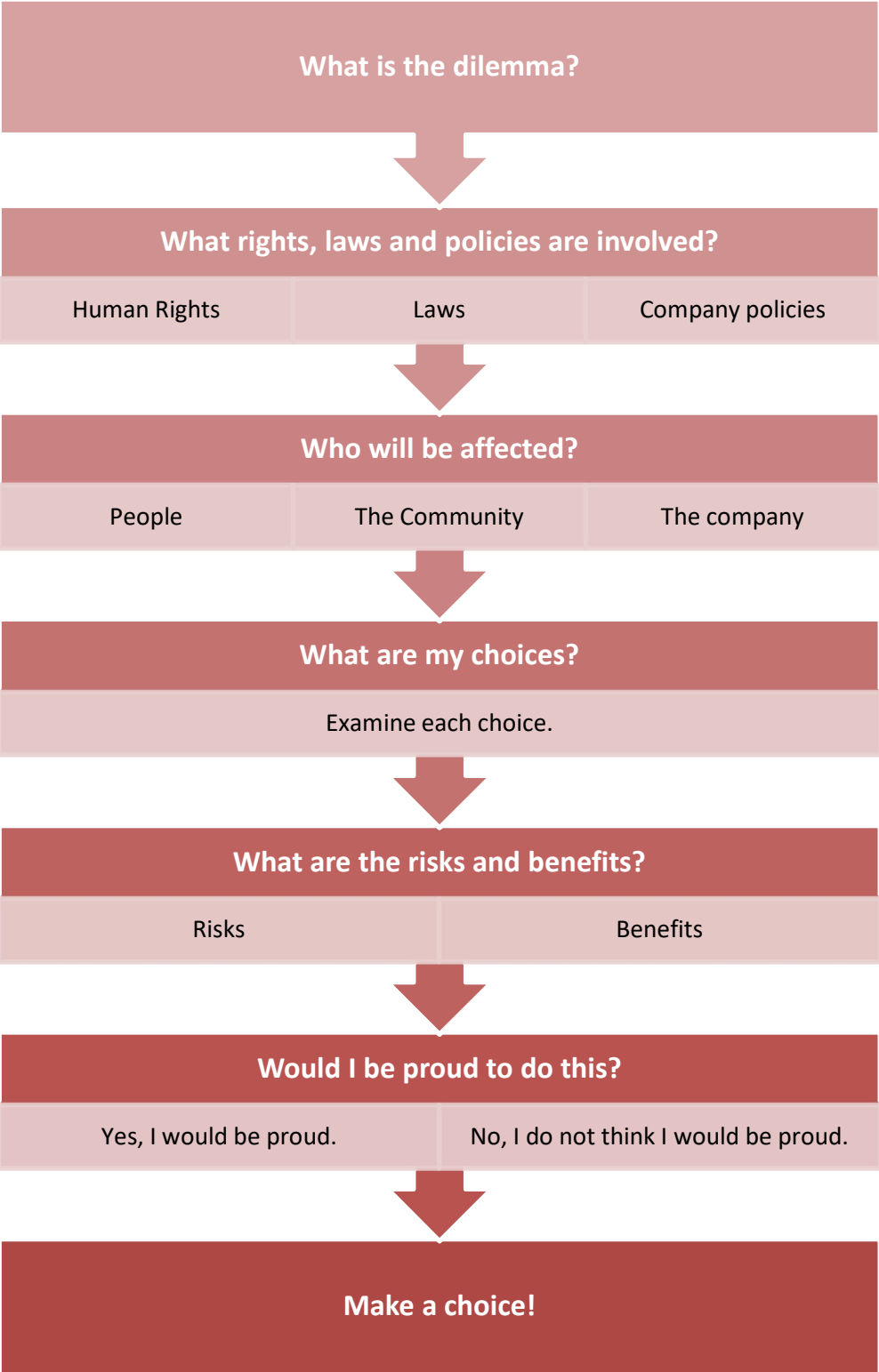
Due to the nature of your job, you have a **special responsibility and ability** to uphold and protect the rights of these vulnerable groups.

Module 4 will take a closer look at the use of appropriate force to ensure that security actions taken, and the rights limited in doing so, are legally justifiable, proportional, accountable, and necessary (PLAN).

My Notes

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Code of Conduct Card Set

Card 1

Safety and Health

Plan and prepare a skit demonstrating the principle below:

We believe all fatalities, injuries and occupational illnesses are preventable. We commit to the goal of everyone going home safe and healthy every day.

- *Each of us is responsible for working safely, adhering to our standards and caring for the health and safety of those around us.*
- *We must be fit for work when we come to work. This means, amongst other things, not possessing, consuming or being under the influence of alcohol or drugs while working on our or on one of our sites.*
- *We expect others we work with, including consultants, agents, contractors and suppliers, to respect and adhere to our health and safety requirements.*
- *We have a responsibility to report and stop the work of colleagues if we think they are putting their health and safety or that of others at risk.*

Code of Conduct Card Set

Card 2

Employment and inclusion

Plan and prepare a skit demonstrating the principle below:

We believe all employees have the right to a fair and inclusive working environment of which they are proud to be a part.

- *We value diversity; we do not discriminate whether based on race, gender, nationality, ethnic origin, religion, age, sexual orientation or other status.*
- *We believe everyone should be treated with dignity and respect. Bullying, intimidation or harassment of any kind is not acceptable in our workplace.*
- *We are committed to meeting local laws and international agreements about workforce labour. We respect that people have the right to choose whether to belong to a union and seek to bargain collectively.*
- *We work with governments to share the economic benefits of developing a country's mineral resources with the communities in which we operate. This may include government requirements for us to favour local employment.*

Code of Conduct Card Set

Card 3

Human rights

Plan and prepare a skit demonstrating the principle below:

We respect human rights and commit to avoid human rights harm.

- *We support the United Nations' Universal Declaration of Human Rights and respect those rights wherever we operate.*
- *We take measures to prevent our involvement in human rights harm through our business relationships. We reject any form of slavery. We never use forced or child labour.*
- *We work with public and private security providers to avoid security arrangements that cause or contribute to human rights violations. We limit the use of firearms for the security of our sites as far as possible.*

Code of Conduct Card Set

Card 4

Data privacy

Plan and prepare a skit demonstrating the principle below:

We respect each person's privacy. We comply with all laws in the collection, use and protection of personal information in connection with our business.

- *We only collect and handle the personal information of our colleagues, shareholders, business partners, suppliers, customers and associated family or next of kin when needed for legitimate business purposes. We respect the rights each of us has to review, update and correct our information.*
- *We only share personal data with others when there is a legitimate business need or legal need for them to know it. We ensure they understand the importance of keeping the data private.*
- *When we work with others such as suppliers and consultants, we make clear the importance we place on privacy and the standards we expect.*

Code of Conduct Card Set

Card 5

Conflicts of interest

Plan and prepare a skit demonstrating the principle below:

We ensure our personal activities and interests do not conflict with our responsibilities at the company.

- We use good judgment to avoid conflicts of interest or even the appearance of a conflict.
- We declare actual and potential conflicts. Where a conflict cannot be avoided we manage it appropriately.
- We do not allow ourselves to obtain any personal advantage through our position or role within the company.

Code of Conduct Card Set

Card 6

Bribery and corruption

Plan and prepare a skit demonstrating the principle below:

We do not commit, or become involved in, bribery or corruption of any form.

- *We do not buy business or favour, no matter where we operate, no matter what the situation is, no matter who is involved.*
- *We never offer, give, demand or accept any financial or other favour to, or from, any person in order to secure business or any other advantage.*
- *We do not use or make payments to speed up routine administrative actions.*

Code of Conduct Card Set

Card 7

**Confidential information and insider
trading**

Plan and prepare a skit demonstrating the principle below:

We protect our shareholders and ourselves by responsibly managing our own and third parties' confidential information. We never use it for personal advantage.

- *Confidential information includes technical information about products or processes, vendor lists, pricing, marketing or service strategies, non-public financial reports, and information on asset sales, mergers and acquisitions.*
- *We are careful about where and to whom we talk about confidential information, and where and how we store it.*
- *We do not disclose or use any confidential information for personal profit or advantage.*
- *We do not share inside information with anyone else including our family and friends; we never commit the offence of insider dealing in our company's or third parties' securities.*

Code of Conduct Card Set

Card 8

Host communities

Plan and prepare a skit demonstrating the principle below:

We develop strong and lasting relationships with our local and regional host communities based on respect, a desire to learn and mutual benefit.

- *Our relationships with local and regional communities are a key part of our projects and operations. We recognise and respect the cultures, lifestyles and heritage of our neighbours.*
- *We respect the diversity of indigenous peoples and acknowledge their unique and important interests in lands, waters and environment as well as their history and traditions.*
- *We work with communities in creating mutually beneficial agreements; we share and explore our plans with them in a format and language they understand.*
- *We encourage local communities to participate in the economic activity our operations create. We support regional and community based projects that contribute to sustainable and independent development.*

Code of Conduct Card Set

Card 9

**Relations with government, international
organisations and civil society**

Plan and prepare a skit demonstrating the principle below:

We build lasting relationships with governments and engage with international organisations and civil society to help develop robust policy and regulation. We do not favour any political party, group or individual.

- *We engage on public policy and legislative issues that affect our business. We contribute useful information and share our experiences to help create sound policy and legislation.*
- *We respect the political process. As a company we do not involve ourselves in party political matters. We do not make any payments for the purposes of election or re-election.*
- *We do not restrict individual rights and freedoms; employees and contractors may support political parties, candidates or campaigns in their own time and with their own money.*

Code of Conduct Card Set

Card 10

Transparent communication

Plan and prepare a skit demonstrating the principle below:

We build trust by communicating openly and honestly.

- *We share accurate information about our operations and financial performance with our stakeholders, including media, investors and regulators.*
- *We comply with our market disclosure obligations and share material information that may affect how the market views our company.*
- *We communicate openly and in a timely manner with employees and encourage honest conversations with each other.*

Code of Conduct Card Set

Card 11

Environment

Plan and prepare a skit demonstrating the principle below:

We are committed to protecting the environmental values of the regions where we operate and maintaining good product stewardship for the long term.

- *We understand and then mitigate the impacts our activities and products might have on the environment as we plan, build, operate, decommission and close our operations and work with our suppliers and customers.*
- *We collaborate with neighbouring communities and continually seek sustainable improvements to product life cycles, biodiversity, climate change, land use, water and air, and mine closure to provide us continued access to resources and markets.*

Code of Conduct Card Set

Card 12

Company property and records

Plan and prepare a skit demonstrating the principle below:

We use company property, financial and electronic resources to conduct company business and not for personal gain or non-authorised use.

- *We do not obtain, use or divert company property or financial resources for personal use or benefit, for activity that causes a conflict of interest, or is inappropriate or illegal.*
- *We are provided with electronic resources such as email, internet and telephone, to help us do our jobs. We can occasionally use these resources for personal reasons if that use does not impact company systems, incur undue costs for the company or interfere with our work duties.*
- *We keep true and accurate records of all financial transactions and non-financial company materials.*
- *We do not alter, destroy or remove company property or company records unless authorised.*

Module 4: Human Rights and the Use of Force

Module Objective	At the end of this module, participants will be able to use of force in compliance with international standards, host government law enforcement policies, and company policies and protocols, using practical scenarios.
Assessment	Specially designed group activities and sessions will be used to evaluate the application of knowledge acquired in this module.
Sections	<p>Introduction</p> <ol style="list-style-type: none">1. What is the Use of Force (UOF)?2. Activity: Green Card, Red Card: Scenarios on use of force3. Use of force during containment and arrest4. Use of force during protests5. Activity: Discussion and scenario on the use of force during protests <p>Conclusion</p>

INTRODUCTION

This module focuses on the use of force (UOF):

- What is it?
- When to use force?
- What are the steps to use force?
- What is the company policy and protocols on the UOF?
- What are the guidelines for public security personnel (forces)?
- How to report UOF?

After learning some basic principles for the UOF, you will apply your knowledge in practical scenarios.

UOF: Some Basic Information

While working as security there is always the possibility that you will be expected to deal with situations that are dangerous, or violent. These situations may require you to use force.

When authorised to do so, you may have to use force in carrying out your duties.

Examples:

- Dealing with a verbally or physically aggressive person.
- Having to contain or arrest a suspect who is physically stronger or who refuses to be detained cooperate or be arrested.

The risk of dangerous work situations may also be slightly higher for public security forces (police), compared to private security personnel who work in more controlled environments.

When dealing with a dangerous or unpredictable situation, you usually have very little time to assess the situation and to decide on a proper response.

Good training can help you:

- **React properly** to the threat or possible threat.
- **Respond with the use of appropriate tactics** to address the situation, possibly including some level of force, *if necessary*, given the circumstances.

There are certain **laws, policies and procedures** that will guide you in applying the appropriate UOF.

Country laws will guide you in the use of **lawful and proportional force** to make people comply with the law or regulations.

However, this is not without some restrictions.

You must behave **ethically**, **respect human rights** and use **lawful and proportional force**.

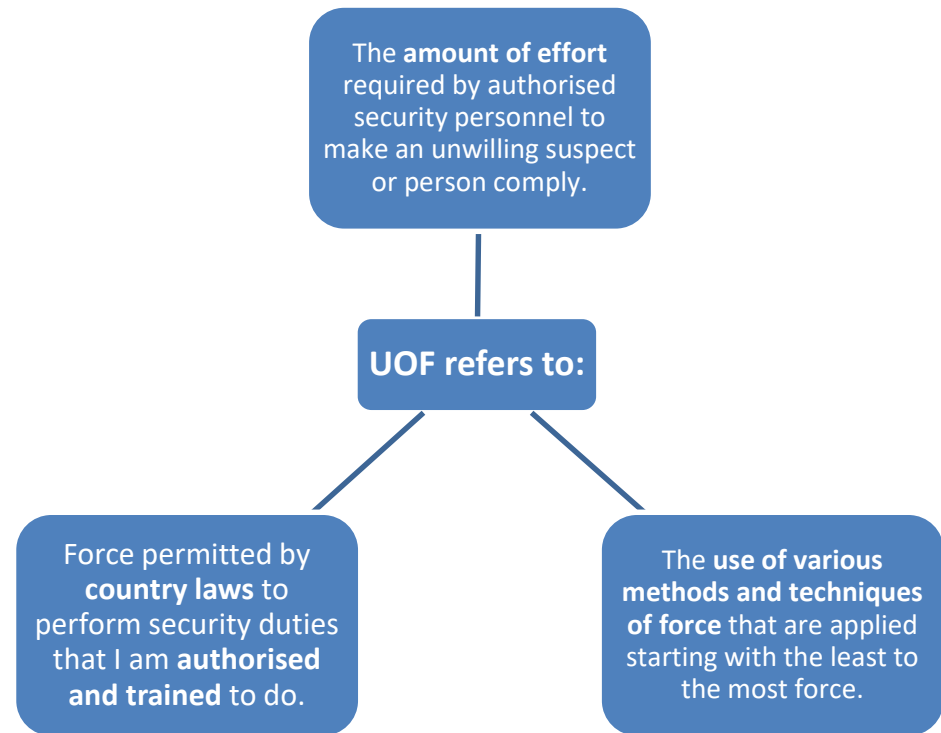
Remember, you may be called to account for the force used during your actions.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Important!

In terms of duties and responsibilities, there is a clear difference between what the company and private security personnel can do compared to what public security personnel (forces) can do.

1. WHAT IS THE USE OF FORCE (UOF)



The UOF is governed by **domestic laws** and is usually authorized in a progressive series of actions, referred to as a "**use of force continuum**".

Every law enforcement agency or security operation may have their own policies, procedures and UOF continuum that guide the use of such force.

Governments may (depending on country laws) allow law enforcement officials, citizens, corrections officers, or other security personnel to use force to prevent a crime from happening, or to deter persons from committing crime, or to protect themselves or others against serious threat to life.

1.1 My Options and Means to Use Force

Options to use force depend on the behaviour of the suspect and the level of the threat that such behaviour pose to you or other persons.

Consider your duties and responsibilities.

Are you a private security officer or a public security officer?

Are you AUTHORISED to use force?

What are your options?

What means do you have available to use?

Are you AUTHORISED to use weapons or firearms?

Think of your personal equipment and the weapons and firearms that you are trained in and authorised to use (e.g. a baton, chemical agents, or even a firearm).

You may find that you are unarmed and have no weapons at all.

You may not be authorised to use or be in possession of certain equipment and weapons. For example, in some countries only the police are authorised to use pepper spray.

You need to ensure that you are trained in the use of the equipment and weapons or firearms provided to you. Your employer has a responsibility to ensure that you are trained in the safe use of any weapons, firearms and equipment issued to you. You also need to know and apply the laws that apply to such use.

You also need ensure that the tactics and techniques used along with the equipment and weapons are authorised by your organization. For example, you may not be allowed to use your torch as a baton, or to use equipment without fully understanding the effect that it will have on the person that it is used against.

Ask yourself:

1. What are my options? What am I legally authorised to do?

- Do nothing?
- Continue to observe?
- Call the police?
- Call for assistance?
- Provide a physical presence in uniform?
- Use dialogue and the use of verbal commands?
- Use negotiation, mediation, or persuasion skills?
- Use soft hand and hard hand control techniques?
- Use chemical or incapacitating agents?
- Use batons and impact weapons?
- Use lethal force?

The very last option that must be avoided at all cost and in compliance with the law.

2. What means and equipment do I have?

- Uniform (non-lethal)?
- Verbal actions and directions non-lethal)?
- My hands (soft and hard hand control techniques)?
- Chemical agents such as pepper spray?
- Handcuffs?
- Torch?
- Protective vest and clothing?
- Batons and other impact weapons?
- Weapons?
- Firearms?

3. If I have it:

- May I use it?
- When will I use it?
- What techniques can I use?
- Am I trained to use it?
- What do I have to do after I used it?

Remember:

If you find that you do not have the **means** to deal with a situation, then you are most likely not authorised or equipped to deal with that situation. Rather ask someone who does have the **authority, ability and training** to come and help you.

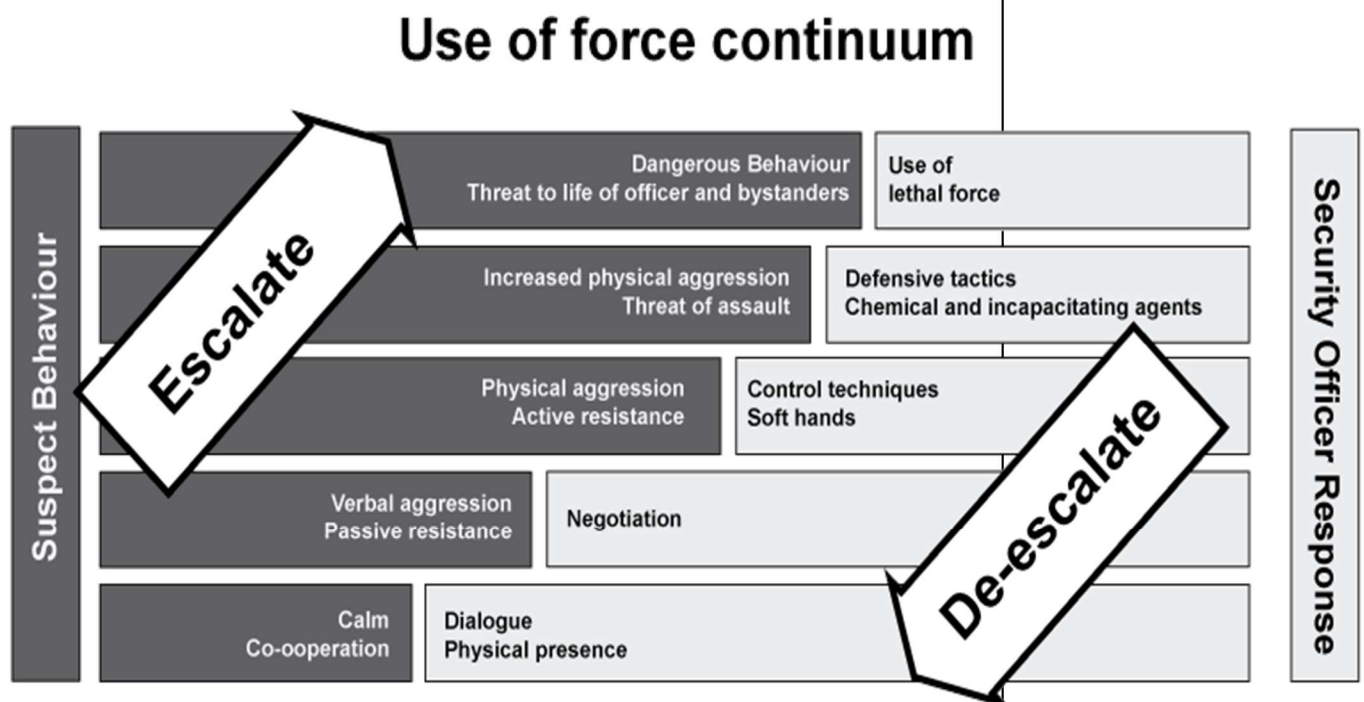
For example:

- A security officer who is unarmed will not be in a position to deal with an armed or dangerous suspect. It is recommended that the security officer call the local police for assistance.

1.2 Use of Force (UOF) Continuum

Your organisation/employer can use the options and means of force available to security personnel to compile a **UOF continuum**.

For example:



Source: Adapted from the *Commonwealth Training Manual on Human Rights Training for Police*, 2006, page 70.

When looking at the sample UOF continuum, you see that as the suspect's behaviour becomes more threatening, the security officer's means of responding become increasingly forceful.

In other words, **the response of the security officer matches the behaviour of the suspect to ensure that the force used is proportional** to the situation.

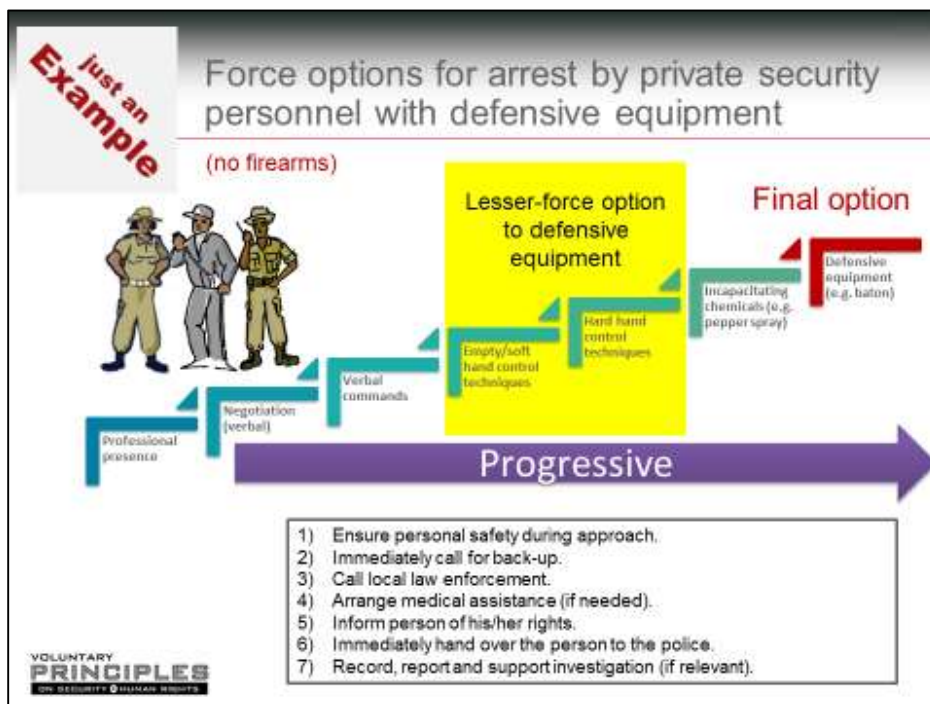
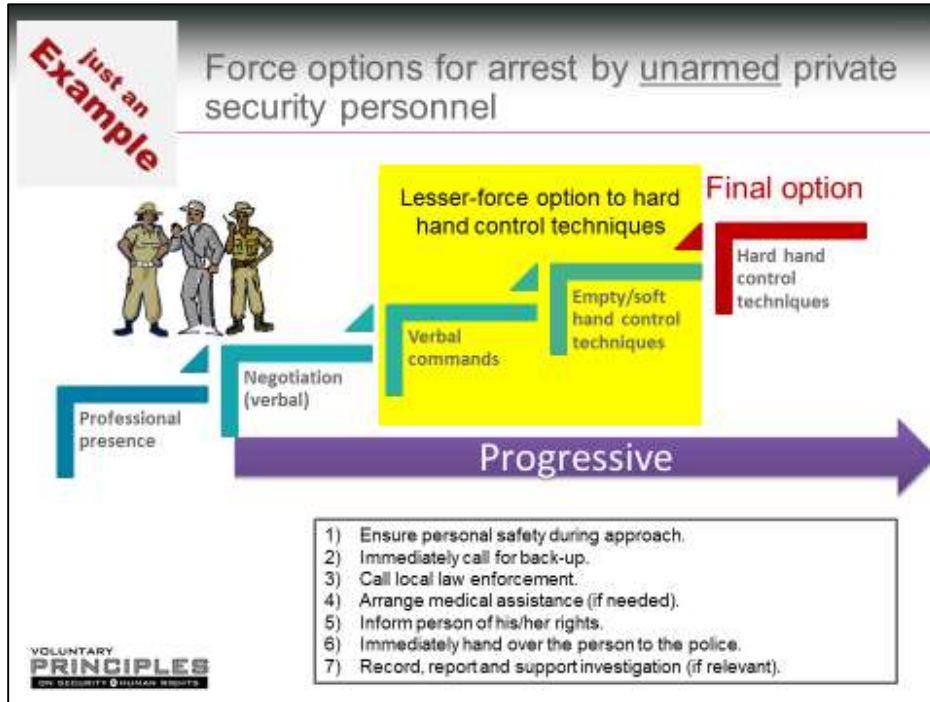
Remember, the UOF continuum:

- Shows that if the **force or threat decreases**, then your **actions should decrease**. If the **force or threat increases**, then your **actions should increase**.
- Can help you use force that is **proportional** to contain a situation.
- Will be **specific** to your job, your force options and the means (equipment) that you have available.
- **Does not give authority and duty to use all possible means**. For example, *public security personnel (forces)* may be armed while *private security personnel* may be unarmed. As a result, *private security personnel* will only be able to use professional presence, verbal dialogue and hand control techniques as force options.

The UOF continuum, for the same action, can be **different** for *private security personnel (personnel)* compared to *public security personnel (forces)*.

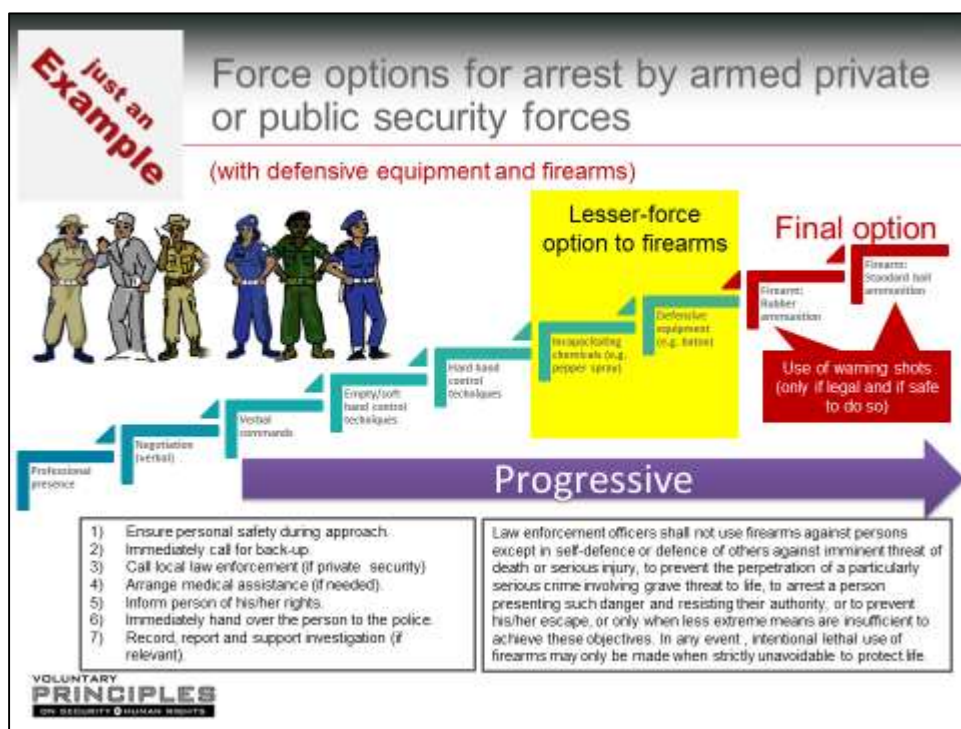
For example:

1. An unarmed **private security officer** needs to temporarily detain a person for purposes of handing him/her over to the local law enforcement agency.



My Notes

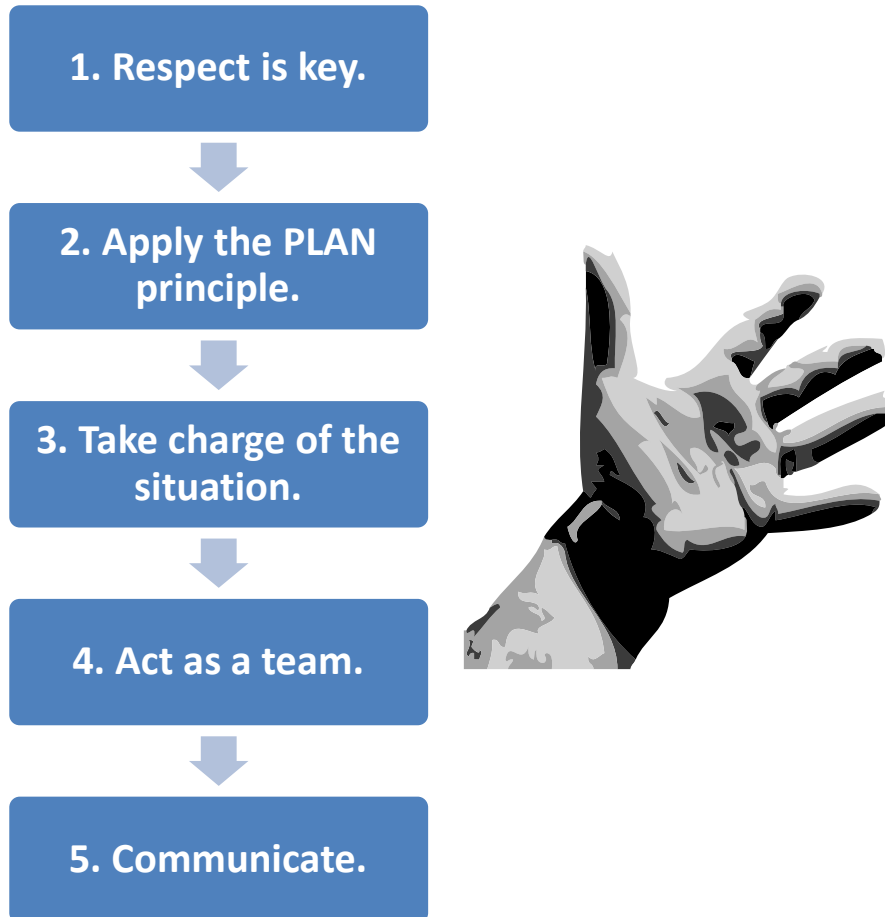
2. **Public security personnel (forces)** may be armed and authorised to arrest a suspect. In this example they have more force options than private security personnel.



My Notes

1.3 STEPS FOR THE UOF

Here are **five simple steps** to guide you in decisions on the UOF.



1. Respect is key.



All people have rights, and the use force will limit their rights. Force used has to equally **respect and protect the rights** of all people.

Make sure that you limit their rights only to the extent needed. Understand the rights of suspects and employees and respect them. **Do everything possible to protect these rights.**

If you act with respect towards others, they are more likely to respect you and to cooperate with you. While using force you have a **responsibility to protect and ensure the safety of others**, and to provide **medical assistance** to those injured.

Also **respect** the **rules, guidelines and policies** of your employer, and your work environment on the use of force. You must ensure that what you do does not lead to problems for you or your employer because you failed to follow the rules or laws of the country.

2. Follow the PLAN principle.



PROPORTIONAL force:

- The force you select to use must be the **minimum force** required to deal with the threat or to contain the situation.
- The force used is proportional to the threat against you or someone else's life or property.

LAWFUL force:

- You are authorised to use force as part of your duties, in accordance with national laws, and according to approved policies and guidelines.
- You are also trained in the use of different force options and you are authorised and trained to use and be in possession of security equipment and weapons.

Force used is UNLAWFUL if the law and security policies do not authorise you to use force.

ACCOUNTABLE force:

- You use force in an ethical way that is compliant with the code of conduct (COC).
- You also accept full responsibility for your actions, and you are willing to write them down, report them, and appear before a court of law to explain your actions and the force used.

NECESSARY force:

- The force used to contain the threat or situation at hand was as a result of a threat against you, the company, or a bystander.
- You already considered and used lesser force options with no chance of success.
- You have no other option than to use force.

3. Take charge of the situation.



Stay calm.

- Do not respond to provocation or let anger control you. Keep a cool head.

Be alert.

- Look for anything out of the ordinary.
- Observe the situation and try to see what is going on.

- When a person approaches, observe their body language, how they move, or if they have tense movements.
- If they have a knife, a gun or some other weapon, they may look for it before using it.
- Try to visualize what a suspect could try to do and prepare yourself accordingly. This is called being mentally prepared.

Establish professional presence and authority.

- Announce your presence to establish authority and control. Look assertive, in control and professional.

“STOP - SECURITY!”

“POLICE! – STOP”

“I am a security official. My name is... I am responsible for...”

- Your uniform is your first sign of official presence.
- Show confidence and control when confronting suspects to try and dominate him/her with your appearance and to discourage them from attack or further violence.
- Look the suspect in the eyes without losing vision of the slightest body movements (e.g. increased breathing speed, enlarged pupils, and contracting muscles) that may indicate intentions of attack or resistance.
- Attempt to identify the person/group posing a threat, as well as the reason why they are doing what they do.

“STOP - SECURITY!”

“I am a security official. My name is... I am responsible for...”

“Who are you?” or “Identify yourself.”

“Why are you doing this?” or “What are you doing?”

- Attempt to determine if the person or group know that what he/she/they are doing is not allowed.

“Did you know that you are not allowed to do that?”

**“According to... (law, policy, or procedure)...
you are not allowed to do that.”**

- Inform the person or group that they are doing something that they are not allowed to do, and of the consequences thereof.

**“According to... (law, policy, or regulation)...
you are not allowed to do that.”**

**“Now I will have to contain you
and hand you over to the police.”**
(private security officials)

“Now I will have to arrest you...”
(law enforcement officials or security officials making a citizen’s arrest)

Position yourself.

- Place yourself where you control the situation.
- Allow your position to prevent a suspect from being in control.
- Use objects to shield you while restricting the suspect’s ability to reach you, for example position yourself in such a way that there is a table between you and the person that you are talking to.

Establish visual control.

- Do not look only in front of you.
- Look around.
- Ensure you can control the entire scene and that you know what is going on around you.

4. Act as a team.



You do not work alone. Call and ask for help.

The physical presence of one or more security officers may be all that is needed to contain a situation, or bring a suspect under control.

It is important to always look for an opportunity to assist your colleague. Ensure the team member closest to any threat has your support if needed.

Do not work alone, do not respond to a call alone, and never forget that you are part of a team.

When dealing with security issues, use the **“PLUS-ONE RULE”**: if there is one suspect, act as if he/she is not alone.

Call on your teammates to help you.

5. Communicate.



First try to communicate, negotiate, or use persuasion before using force. **Learn to use your voice.** It is your first and most important tool.

Talk to your team and let them know what is going on. Use a hand radio, hand signals, verbal commands, or dialogue to keep them informed about the situation.

The use of all types of force should be accompanied by the use of verbal persuasion, verbal commands, instructions, and explanations.

If you have to appear in court to explain your actions, you should as far as possible be able to say that you first warned the person, then informed, and finally expressed your intention to use force before doing so.

Strip-phrases can be used to diffuse verbal conflict.

Example:

An employee wants to enter the company premises at your control point. There are a lot of people and it takes a long time for employees to get into the facility. The employee is frustrated and angry at you and shouts “You are incompetent and slower than a tortoise”. Instead of getting involved in a word-fight, you can use strip-phrases to diffuse the situation, such as:

“...maybe so, but let us stay calm and allow me to do my job. If we work together then you we can all be on our way.”

“...that may be true, but that is not always the case, so let us stay calm and allow me to do my job.”

“...you are right Sir/Madam, I apologise for that. Now let us stay calm and allow me to continue my job.”

“...I apologise Sir/Madam, now let us stay calm and allow me to continue my job.”

“...you are right, let me call my supervisor and he/she can help us solve the problem”

Verbal commands can also be used to establish authority and presence to defuse the situation, or to warn and inform bystanders of threats identified.

“STOP!”

“DO NOT MOVE!”

“LISTEN TO ME!”

“PUT YOUR HANDS ON YOUR HEAD!”

“DROP YOUR WEAPON!”

“GUN!”

“KNIFE!”

“DANGER!”

Also, when dealing with a person that pose a threat or who is non-responsive to the use of strip-phrases, you can raise the volume and tone of your voice to establish psychological control over the person. You can also repeat what you said using more volume, tone, and confidence.

*“....maybe so, but **LET US STAY CALM AND ALLOW ME TO DO MY JOB.** If we work together then you we can all be on our way”*

*“....I said stop, **I SAID STOP...** ”*

Verbal commands can also be used to warn, or deter suspects or persons from doing something that you do not want them to do.

“I SEE YOU!”

“DO NOT DO THAT!”

“STOP IT NOW!”

“IF YOU DO NOT DISPERSE, WATER WILL BE USED AGAINST YOU.”

**“IF YOU DO NOT STOP,
PHYSICAL FORCE WILL BE USED TO RESTRAIN YOU.”**

Verbal commands can also be used to warn, or inform the person that is posing a threat, that you are going to use force against him/her. If the situation and time allows for it, then always warn the person and bystanders of your intention to use force.

“IF YOU DO NOT STOP, THEN I WILL...”

***“YOU ARE MAKING ME NERVOUS,
IF YOU CONTINUE I WILL HAVE NO CHOICE BUT TO...”***

“STOP, or...”

Help commands can also be used to inform teammates that you need their assistance and that you cannot deal with the situation alone.

“HELP ME!”

“HE/SHE IS TOO STRONG...”

“THEY ARE INJURED...”

“CALL THE POLICE...”

My Notes

Say Something!

If you are confronted with something that does not seem right, remember you can always:

- Talk to your supervisor.
- Talk to your manager.
- Report it!

1.4 GUIDELINES AND PRINCIPLES ON THE UOF

Private security personnel and public security forces are obliged to comply with country laws and department/employer policies and procedures regarding human rights, ethics, and security.

In line with the UN Business and Human Rights Principles and their commitment to implement the VPSHR, companies also have a responsibility to uphold their commitment respect the human rights of the people and communities where they operate, and to take steps to help their security operations protect and respect human rights.

Despite our differences, these are some basic guidelines and principles on the use of force that we all can abide by. Let's take a closer look at these.

1. Force must be used **according to the laws of the country** that you work in, and according to international and industry guidelines.

National laws will tell you when you are allowed to use force, and how you should go about doing so.

Laws will help you find the answers to the following questions:

- What does the law say on the use of local force?
- What are my responsibilities on the UOF?
- What is self-defence?
- When and how may I act in self-defence?
- When and how may I act to defend others?
- May I use lethal force? If so when and under which conditions will I be allowed to use lethal force?
- May I use force to protect my own property, and the property of the company?
- Can I use weapons to protect company property and facilities?
- What will happen if someone is injured as a result of the force that I used?
- What are the consequences of unlawful or excessive force used?

2. If you are **not sure** about the law, or whether you may use force, **ask** your supervisor.
3. Force used must **respect human rights** and must **comply with the PLAN principle** – it must be proportional, lawful, accountable, and necessary.

4. Only carry **weapons or firearms** if you are **authorised** to so, and if you are **licensed** and **trained** to use it.
 - Never carry, use, touch, or take possession of a firearm or weapon that you are not trained to use.
 - Using a handgun is not the same as using a rifle or a shotgun. When it comes to firearms, you should be trained in the same firearm and the same ammunition that you work with. Every firearm works different, and some ammunition cause more damage than others.
 - You should also be trained on how to approach deal with armed suspects in a safe manner.
5. Any force used may be a potential human rights violation and therefore it must be must be recorded, reported to your supervisor and investigated (if/as necessary).
6. The UOF must be a **FINAL option**, and NOT the first or preferred solution to a threat or situation. If possible, first try using dialogue, negotiation, mediation, or verbal persuasion before using force.
7. When force is used, it must be **progressive** and used in proportion to the threat or situation.
8. When force is used, immediately give **first aid** or arrange for **medical assistance** or treatment of those injured.
9. No one is allowed to break the law. You do **not** have to **implement** any **instruction** from your colleague, supervisor, other security personnel, or a law enforcement officer that will result in the **unlawful UOF**.
10. Private security, public security forces and companies need to have clear **policies, procedures and guidance** in place on the use of force.

Workplace specific policies and procedures

Every workplace has its own security protocols.

Ask your supervisor to explain the policies and procedures guiding the UOF and the use of any weapons at the workplace and as part of your job.

Examples of documents outlining the UOF include:

Security Policies

Standard Operating Procedures (SOPs)

*Rules of Engagement (ROE) or
Directives on the Use of Force and Firearms (DUFF)*

Contingency Plans and Procedures for UOF

Contracts are usually used between companies and private security suppliers to reach agreement on security equipment, training, control of weapons and firearms, as well as conditions for the use of force.

Memorandums of Understanding (MOUs) are used to reach agreement with *public security personnel (forces)* on support, as well as the as well as conditions for the use of force, in support of company security operations.

My Notes

1.5 GUIDELINES ON THE USE OF FORCE AND FIREARMS (UOFF) BY SECURITY PERSONNEL (FORCES)

Key Issues Addressed by the ICoC

The International Code of Conduct for Private Security Service Providers (ICoC) (2010) provides guidelines and minimum standards for private security providers on numerous issues ranging from training, use of force, safety, human rights, employment conditions, etc.

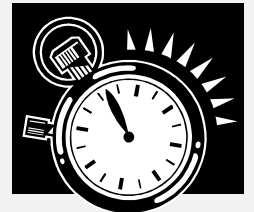
1. Personnel are required to take all reasonable steps to avoid the use of force. If they must use force, it will be consistent with the law.
2. No firearms will be used except in self-defence or to protect others if they are about to be killed or very badly hurt.
3. Any security personnel formally asked take part in policing will follow the rules set out by the United Nations for law enforcement officials.

Key Issues Addressed by the UN Principles

The UN Code of Conduct for Law Enforcement Officials (1979) clearly states that law enforcement officials may use force only when **strictly necessary** and to the **extent required** to perform their duties (Article 3).

The UN Basic Principles on the Use of Force and Firearms (1990) guides the use of force and firearms by governments and *public security personnel (forces)* performing duties in support of company security operations.

- | | |
|---|--|
| <p>1. The need for rules and regulations on the use of force and firearms.</p> | <p>Principle 1:</p> <ul style="list-style-type: none"> • Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. • In developing such rules and regulations, governments and law enforcement agencies shall keep the ethical issues associated with the use of force |
|---|--|



Imminent Threat of Serious Injury or Death:

You or someone else will be gravely hurt or killed almost **right away**.

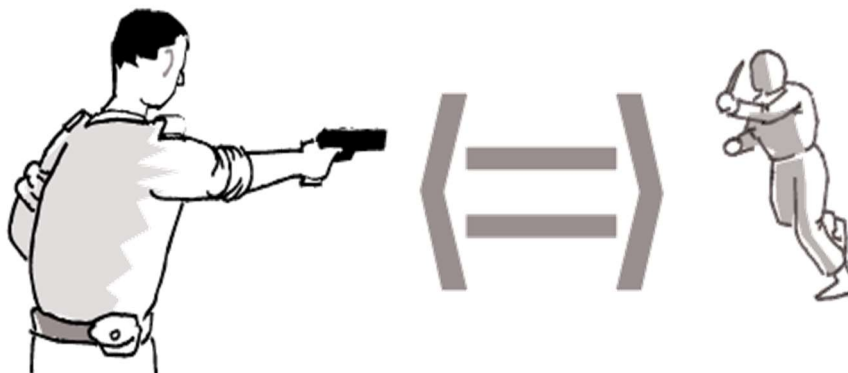
	and firearms constantly under review.
2. The need to be equipped and make use of self-defensive equipment.	<p>Principle 2:</p> <ul style="list-style-type: none"> By equipping officials with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, there is a decreased need to use weapons of any kind.
3. The need to be equipped and make use of self-defensive equipment.	<p>Principle 3:</p> <ul style="list-style-type: none"> The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.
4. The need for the use of non-violent means, and non-lethal incapacitating weapons and force.	<p>Principle 4:</p> <ul style="list-style-type: none"> Before using force and firearms, law enforcement officials are required to as far as possible use non-violent means.
5. The need for conditions before the use of force and firearms.	<p>Principle 4:</p> <ul style="list-style-type: none"> Use force and firearms only if other means remain ineffective or without any promise of achieving the intended result. <p>Principle 5:</p> <ul style="list-style-type: none"> Exercise restraint in proportion to the threat.

	<ul style="list-style-type: none"> • <i>For example, if I fire one shot at a person and that is enough to stop him/her, then it is not necessary to fire a second shot.</i> • Minimize damage and injury, and respect and preserve human life. • <i>For example, it is not safe to fire a shot at a person shooting at you if that person is hiding between other people.</i>
<p>6. The need for conditions for the use of force and firearms against persons.</p>	<p>Principle 9:</p> <ul style="list-style-type: none"> • Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. • In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. <p>Principle 10:</p> <ul style="list-style-type: none"> • “....identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so

would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.”

To know whether you are authorised to use force and a firearm in a situation, you must be able to say **YES** to all the following questions:

- ☒ Are you **authorised** and able **to carry a firearm**? I have the right to carry a firearm and I am trained to use it.
- ☒ Do you **mean to use it**? I know what I am doing, and I mean to use the firearm.
- ☒ Is it the **only solution**? The use of my firearm is the only option available and the situation justifies it. I can do nothing else.
- ☒ Is the **threat imminent**? My or somebody else’s life is in serious danger now.



- ☒ Am I using it to **protect life**? The use of the firearm is necessary to protect myself, or someone else from being seriously hurt, or even die.

When you decide that you have **no other choice but to use a firearm to protect yourself or someone else from imminent serious injury or death**, you will do the following:

1. Clearly identify yourself.
2. Give a clear warning.
3. Allow time for the warning to be obeyed.

Example:

1. “STOP – Police!”
2. “STOP or I will shoot!” and “Drop your weapon.”
3. Give the person time to comply.



If the delay would result in death or serious injury to yourself or others, then you may be required to act without waiting for the warning to be obeyed.

7. Responsibilities following the use of force and firearms.

If you used your firearm:

- It must immediately be reported to your superior (Principle 6).
- Arrange that medical aid is provided to anyone injured as a result of the use of the firearm. (Principle 5).
- As soon as possible, inform the relatives, friends or family of the person injured (Principle 5).
- Go for stress counselling (Principle 21).
- File a report with your supervisor (Principle 22) and give a statement to the investigating officer.

Following the use of force and firearms, YOU will have to explain and justify your decisions and actions.

You are ACCOUNTABLE for your actions and the use of your firearm!

<p>8. Use of force and firearms during protests/demonstrations.</p>	<p>Principle 13:</p> <ul style="list-style-type: none"> • In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or firearms, where that is not practicable, shall restrict such force to the minimum extent necessary. <p>Principle 14:</p> <ul style="list-style-type: none"> • In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. • Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.
<p>9. The procedure for the use of force during the policing of persons in custody or detention.</p>	<p>Principle 15:</p> <ul style="list-style-type: none"> • Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened. <p>Principle 16:</p> <ul style="list-style-type: none"> • Law enforcement officials, in their relations with persons in custody or detention, shall not

	use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in Principle 9.
10. The right to refuse to obey orders to use force and firearms.	<p>Principle 25:</p> <ul style="list-style-type: none"> • Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.
11. The need to report, review and investigate UOFF incidents.	<ul style="list-style-type: none"> • Following the UOFF there will be an independent investigation. • Persons affected and their legal representative shall have access to an independent review and judicial process.

1.6 COUNTRY LAW ON THE USE OF FORCE AND FIREARMS FOR SECURITY PURPOSES

My Notes

1.7 COMPANY POLICY AND PROCEDURE ON THE USE OF FORCE AND FIREARMS FOR SECURITY PURPOSES

My Notes

1.8 REPORTING ON THE UOF

When using force or a firearm, security personnel **will be asked to explain and justify** their decisions and actions.

This requires of you to:

- Make notes.
- Give a report over the radio or telephone to your control room.
- Immediately inform your supervisor.
- Complete and file a report.
- Write a statement, if needed.
- Follow-up with your supervisor to make sure he/she received the report.
- Work with any person asked to investigate the incident.

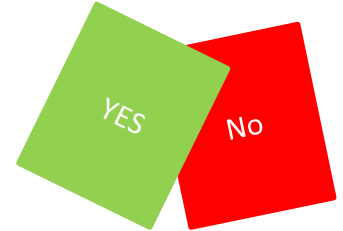
Q To whom do you report the use of force, and how?

If you are unsure, ask your supervisor or manager.

My Notes

2. ACTIVITY: GREEN CARD, RED CARD SCENARIOS AND DISCUSSION OF UOFF OPTIONS

1. You are presented with **scenarios** showing the use of force and firearms.
2. You **vote** on each scenario using your green and red card.
3. Consider your job, powers, local laws, and the use of force policies and procedures applicable to each scenario.
4. A **green** card is used to indicate that the force option and level used is lawful, and proportional.
5. A **red** card is used to indicate that the force option and level used is unlawful and non-proportional.
6. Use the questions below to reflect on each scenario.



Reflection

- Q** Was force used, and if so do you think it respected the **rights of the person** that it was used against?
- Q** Was the use of force **proportional**, in other words do you think the minimum force needed was used to contain the situation?
- Q** Was the use of force **legal**? In other words, was the person using force authorised to do so and was the force used according to country law and relevant security policies and procedures?
- Q** What would you have done **different**? What other force options could have been used to contain the situation?

Scenario 1: The man with the baton

Scenario 2: The angry manager

Scenario 3: Shouting at Bob

Scenario 4: You are fired

Scenario 5: Use the metal detector

Scenario 6: Just an innocent employee

Scenario 7: The knife fight

Scenario 8: The armed robber

Scenario 9: The big knife

Scenario 10: Breaking windows

3. USE OF FORCE DURING ARREST AND CONTAINMENT

In *Module 3: Roles and Responsibilities* we already discussed the rights of persons being arrested or detained. Let's use some time now to take a closer look at the use of different force options and levels to arrest or contain a suspect.

QUIZ AND DISCUSSION

Q What are the rights of a person before, during, and after arrest?

Q Do we have to use force to arrest a person?

Q When will you use force to arrest a person?

Q What means/ force options do you have to arrest/ detain a compliant person?

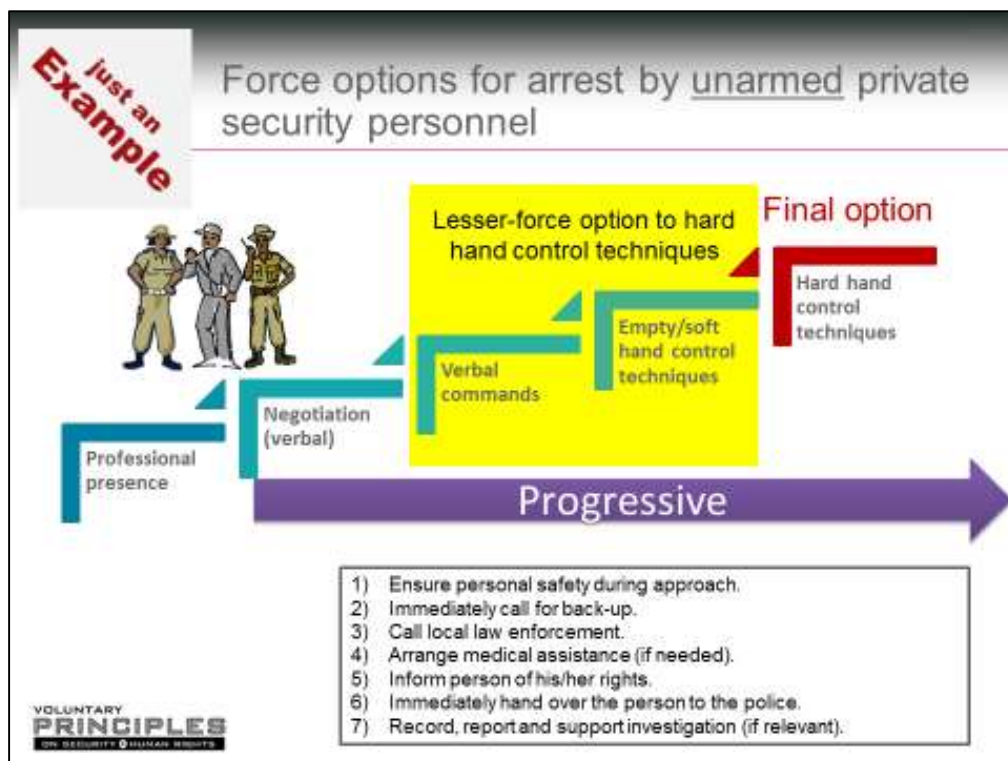
Q What means/ force options do you have to arrest/ detain a non-compliant person that is unarmed?

Q What means/ force options do you have to arrest/ detain a non-compliant person that is armed?



3.1 FORCE OPTIONS FOR ARREST BY UNARMED PRIVATE SECURITY PERSONNEL

Below is examples of force levels and options available to *unarmed private security personnel* to arrest a suspect.



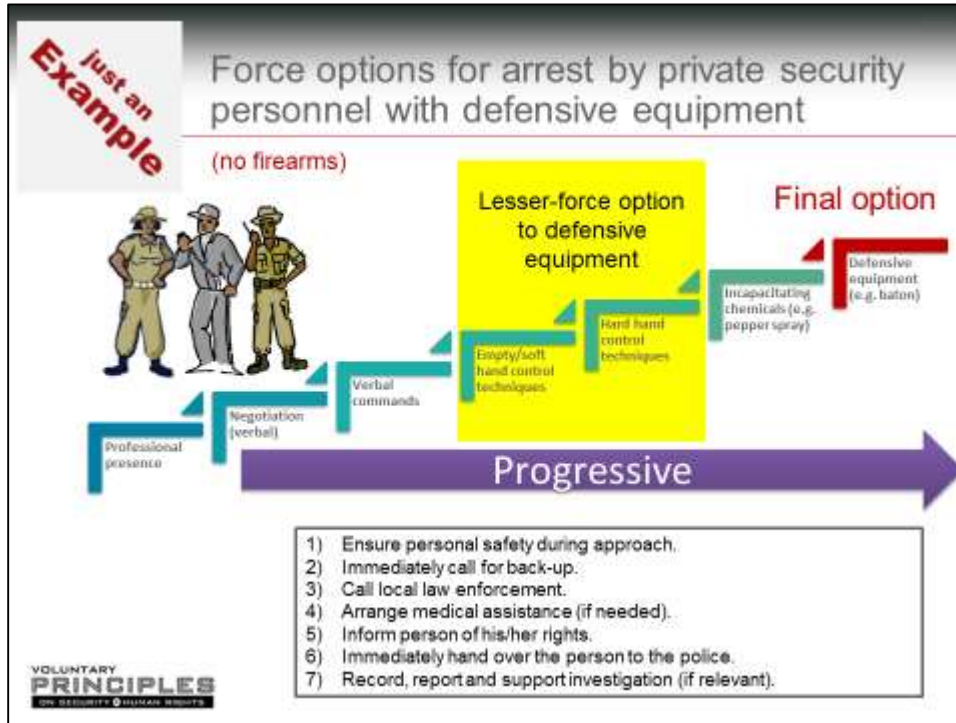
The example suggests the use of professional presence, negotiation (dialogue and persuasion), verbal commands, and empty hand control techniques (e.g. restraining techniques) to arrest/detain a person. This **excludes the use of any weapons or firearms** – most likely because the security officers are not authorised to work with weapons and firearms.

All security personnel have these primary force options to arrest/ contain/ detain a person.

The better you are at using these force options, the better your chance to arrest or bring a suspect under control, using minimum force.

3.2 FORCE OPTIONS FOR ARREST BY PRIVATE SECURITY PERSONNEL WITH DEFENSIVE EQUIPMENT (NO FIREARMS)

Below is examples of force levels and options available to *private security personnel* with defensive equipment, and no firearms, to arrest or bring a suspect under control.



This example suggests the use of professional presence, negotiation (dialogue and persuasion), verbal commands, and empty/soft hand control techniques (e.g. restraining techniques), hard hand control techniques, incapacitating chemicals (i.e. pepper spray), and a baton, to arrest/bring a suspect under control. This **excludes the use of any weapons or firearms** – most likely because the security officers are not authorised to work with weapons and firearms.

The use of **defensive equipment** such batons can result in **serious injury** and a blow to the head can be fatal.

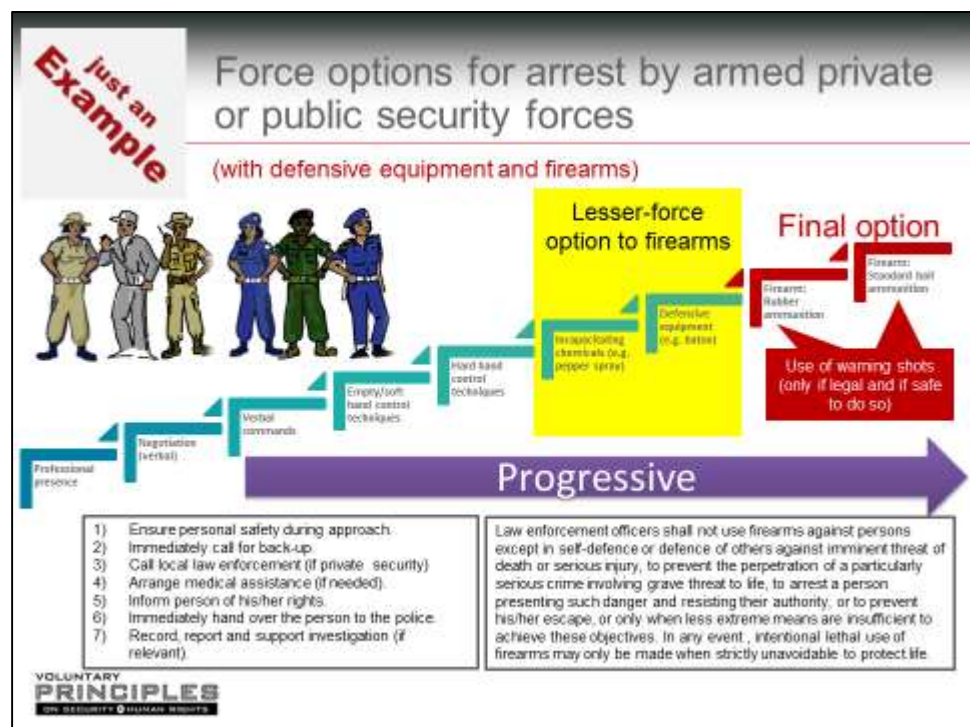
In this example, security officers should be trained in:

- ☐ Verbal commands
- ☐ Soft and hard hand control techniques
- ☐ Use of pepper spray (including decontamination procedure)

- ☐ Use of batons (and potential injuries)
- ☐ Basic first aid (to give medical support to injured suspects)

In this example security officers should also consider using empty/soft hand control techniques and hard hand control techniques, before resorting to the use of pepper spray, and finally, batons.

3.3 FORCE OPTIONS FOR ARREST BY ARMED PRIVATE SECURITY PERSONNEL AND PUBLIC SECURITY FORCES (WITH DEFENSIVE EQUIPMENT AND FIREARMS)



In this example we see force levels and options for use by armed *private security personnel* and public security forces that are trained and authorised to use defensive equipment and firearms.

Since *security personnel* are armed and authorised to use defensive equipment and firearms, they have the ability and **discretion to use firearms** to arrest dangerous or armed suspects and persons, provided that this is **done in compliance with country laws on arrest and the use of force and firearms**.

In cases where security personnel are authorised, equipped, and trained to use defensive equipment and firearms, their use should, as far as possible,

always be **preceded by the use of non-lethal force options and minimal force options.**

The fact that you have access to defensive equipment and firearms does not imply that you can use them as you want.

In this example, security officers should be trained in:

- ☐ Laws guiding the use of force, weapons and firearms
- ☐ Soft and hard hand control techniques
- ☐ Use of pepper spray (including decontamination procedure)
- ☐ Use of batons (and potential injuries)
- ☐ Use of firearms (including safety training, licensing, and the effects of different types of ammunition)
- ☐ Basic or advanced first aid (to give medical support to injured suspects)

If *private security personnel* do not have the authority to use defensive equipment and firearms, then they should call their local law enforcement agency for support.

REFLECTION

Q Are you authorised to use any defensive equipment or firearms to arrest or detain a person?

Q What types of defensive equipment or firearms are you authorised to use?

Q When may defensive equipment and firearms be used to arrest or detain a suspect?

Q What type of training would security personnel with these force options require?

KEY POINTS TO REMEMBER

1. Force used to arrest or bring a suspect under control must always proportional, lawful, and necessary. Remember to apply the PLAN principle.
2. To have different means/force options you need to have the necessary security equipment and training to use such equipment.
3. The use of firearms should always be a last and final force option and those working with firearms must also have access lesser-force options and defensive equipment such as pepper spray and batons.
4. Only use the force options and the security equipment that you are authorised and trained to use.
5. Ask your supervisor to explain the use of force options and the use of force continuum that applies to your security duties.

DEMONSTRATION

Activity 1: Arresting or bringing an unarmed compliant suspect under control

Demonstrating the use of professional presence, negotiation, dialogue, persuasion, verbal commands and empty/soft hand control techniques to arrest or bring a compliant suspect under control, with handcuffs.



REFLECTION

Q What would you have done different to arrest or bring the suspect under control? Explain.

Q What did to we do to ensure that the minimum force was used to arrest the suspect?

Q What did we do to ensure that the rights of the suspect were respected during his/her arrest?

Activity 2: Arresting or bringing a dangerous, armed suspect under control

Demonstrating the use of professional presence, negotiation, verbal commands, empty hand control techniques, defensive equipment, and a firearm, to arrest and bring under control a dangerous suspect. This excludes the use of lethal force.



REFLECTION

Q What would you have done different to arrest or bring the suspect under control? Explain.

Q What did to we do to ensure that the minimum force was used to arrest the suspect?

Q What did we do to ensure that the rights of the suspect were respected during his/her arrest?

4. USE OF FORCE DURING PROTESTS

In *Module 3: Roles and Responsibilities* we already discussed the rights of protestors. Let's use some time now to take a closer look at examples of force options available for protests, assemblies and crowd control.

4.1 PROTESTS AGAINST THE COMPANY

People have a right to participate in **lawful and peaceful protests** and to voice their grievances, in accordance with the principles embodied in the *Universal Declaration on Human Rights* and the *International Covenant on Civil and Political Rights*, and according to the laws and process of the country.

If the protests are **unlawful and/or violent**, then public security forces may be called to intervene in the interest of public safety, employee safety, or to enforce a court order that prevents protestors from further disrupting and harming company business operations.

Companies who is committed to doing business with respect for human rights, wish to work with aggrieved individuals and groups to try and find mutually acceptable solutions to their grievances, and by doing so, try and prevent demonstrations/ protests that have the potential to result in security conflict situations with private security and public security forces.

Such an approach requires companies, private security providers, and public security forces to **work closely together when dealing with protestors** – before, during and after dealing with protestors.

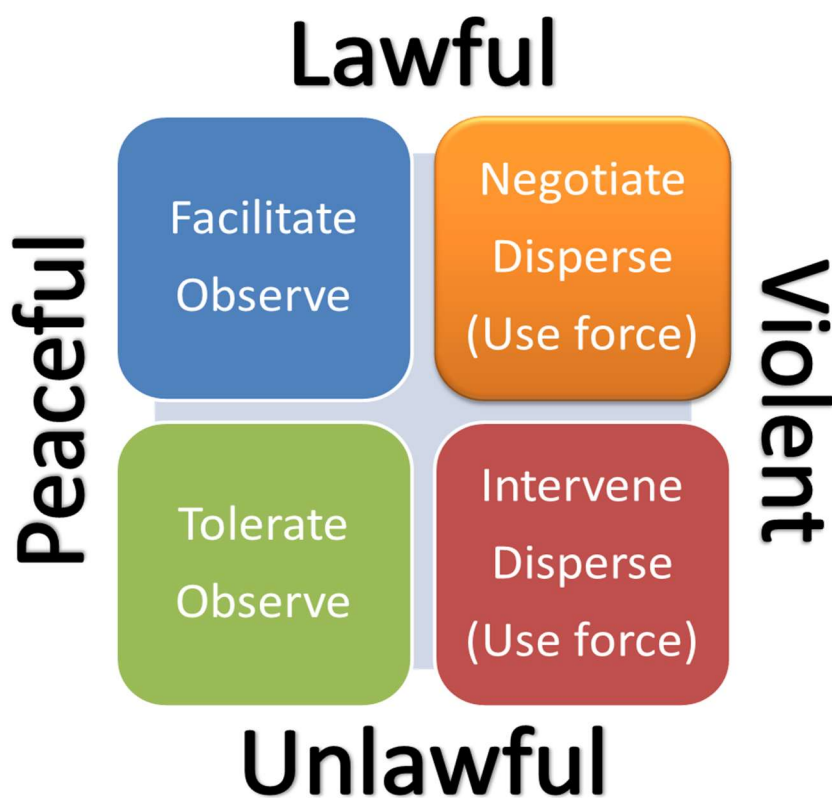
4.2 BEFORE DEALING WITH PROTESTORS

Before dealing with protestors, we need to:

- ☐ Understand the reason/ root cause(s) for the protest, as well as the demands
- ☐ Know who is leading the protest and can we negotiate?
- ☐ Determine if the protest is lawful, unlawful, peaceful or violent protest
- ☐ Try to avoid doing things that can escalate further levels of violence

- ☐ If unlawful, but peaceful, consider if you really need to intervene
- ☐ Consider the rights of the protestors vs the rights of the company
- ☐ Understand if the protest is taking place on company property or in public space
- ☐ Determine who is mandated by law to deal with protestors and do crowd management
- ☐ Determine if you are appropriately equipped and trained to deal with the protest. If not, who is?
- ☐ Understand the role of company vs private security vs private security in dealing with protestors
- ☐ Clarify the security objective: To monitor, block, isolate, arrest, control, and/or disperse protestors?
- ☐ Have a plan and know who is in charge
- ☐ Ensure that your use of force protocol includes the use of lesser force options
- ☐ Have a communication plan and mechanism in place between company, private security and public security forces
- ☐ Brief all security partners (i.e. company, private security personnel and public security forces) on the plan and ensure they understand their respective roles and responsibilities
- ☐ Notify emergency response services to be ready to give medical support
- ☐ Maintain a log to record all decisions, actions and outcomes

4.3 PRINCIPLES GUIDING THE USE OF FORCE DURING PROTESTS



If the assembly is **lawful and peaceful**:

- Monitor and observe the situation.
- Use no force.

If the gathering is **lawful (there is permission) and violent**:

- Consider to negotiate with, and disperse the crowd.
- Use only the force needed to disperse the crowd.

If the gathering is **unlawful (there is no permission) and violent**:

- Intervene, and disperse the crowd using approved tactics and techniques of crowd control.
- Use only the force needed to disperse the crowd.

If the gathering is **unlawful and peaceful**:

- Be tolerant and continue to observe the behaviour of the crowd.

If the situation becomes **violent**:

- Law enforcement officials or **authorised** public security personnel (forces) will have to intervene and use force.

Remember that having to use force to disperse an assembly or crowd does not exempt law enforcement officers from respecting the human rights of persons assembled.

4.4 PRINCIPLES GUIDING THE USE OF FIREARMS DURING PROTESTS

In terms of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers -

- ☐ In the dispersal of assemblies that are **unlawful but non-violent**, law enforcement officials are encouraged to **avoid the use of force or firearms**, where that is not practicable, shall **restrict such force to the minimum extent necessary** (*principle 13*).
- ☐ In the dispersal of **violent** assemblies, law enforcement officials may **use firearms only when less dangerous means are not practicable and only to the minimum extent necessary**. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in *principle 9*.

My Notes

4.5 COUNTRY LAW ON THE USE OF FORCE AND FIREARMS FOR PROTESTS

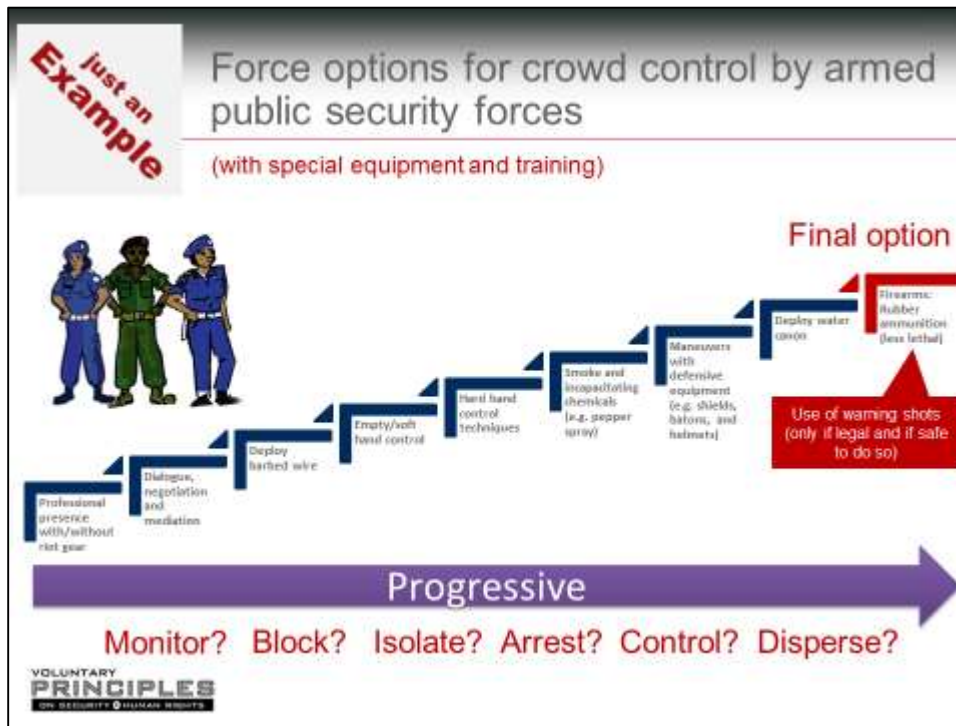
My Notes

4.6 COMPANY POLICY AND PROCEDURE ON THE USE OF FORCE AND FIREARMS FOR PROTESTS

My Notes

4.7 FORCE OPTIONS FOR CROWD CONTROL BY ARMED PUBLIC SECURITY FORCES

The example includes force levels and options for use by armed *public security* forces that are equipped, trained and authorised to use deal with protests.

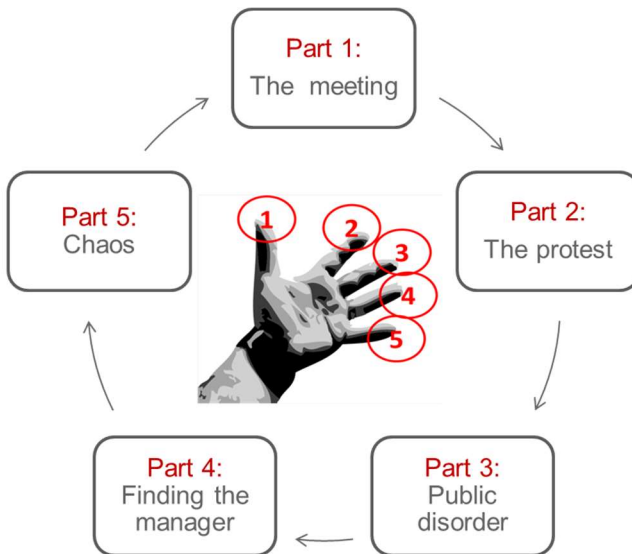


In this example, public security forces should be trained in:

- ☐ Laws guiding the use of force, weapons and firearms for protests
- ☐ Soft and hard hand control techniques
- ☐ Use of smoke and pepper spray (including decontamination procedure)
- ☐ Tactical maneuvers with defensive equipment such as batons, shields, and helmets
- ☐ Use of specialized equipment such as barbed wire and water cannons
- ☐ Firearms training and the use of rubber ammunition
- ☐ Basic first aid (to give medical support to injured protestors)

5. ACTIVITY: DISCUSSION AND SCENARIO ON THE USE OF FORCE DURING PROTESTS

1. Your facilitator will introduce you to a five- part scenario requiring you to reflect on force options and the use of force in response to protests.
2. The various parts expect you to make a clear distinction between the duties and responsibilities of public security forces and private security personnel in dealing with protests.
3. You will also be required to reflect on:
 - ☐ The rights of the protestors, mining company, community, employees and security personnel.
 - ☐ The principles guiding the Use of Force and Firearms on protestors.
 - ☐ Relevant country laws and company policy and procedures.
 - ☐ Force options to deal with protestors.
4. Throughout the scenario, you need to apply the five steps for the use of force:



Part 1: The meeting

Q What are the rights of the community members?

Q What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with the 'protestors'?

Part 2: The protest

Q What are the rights of the protestors?

Q What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 3: Public disorder

Q What are the rights of the protestors?

Q What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 4: Finding the manager

Q What are the rights of the protestors?

Q What are the rights of the mining company?

Q What are the rights of the employees?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 5: Chaos

Q What are the rights of the protestors (including the injured)?

Q What are the rights of the mining company?

Q What are the rights of the employees?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Q What would you have done different? Explain.

CONCLUSION

This module introduced you to some basic principles and guidelines for the use of force (UOF) by all security personnel who support company security operations.

You have to ensure that you use force according to the laws of your country.

You also have a responsibility to make sure that you use force according to the company's security policies and guidelines. Only use force if you are **AUTHORISED** to do so and never use more force than what is **NECESSARY** to achieve your objective.

Remember that the UOF limits basic human rights such as the right to life, liberty, and security.

If and when you use force, you need to **immediately** report it to your supervisor who has a responsibility to make sure that it is reported to relevant managers and the local authorities.

Remember:

Think before you act.

ALWAYS use the PLAN principle.

My NOTES

[illegible]

PLAN Principle

NECESSARY force is the force you must use when you no longer have peaceful ways of dealing with the situation.

Proportional

PROPORTIONAL force is the minimal amount of force needed to deal with the situation.

Necessary

ACCOUNTABLE force is the force which you yield ethically and for which you can be held accountable.

Accountable

LEGAL force is the what kind and how much force that the law and Rio Tinto policies say you are allowed to use.

Legal

1

Respect is key

2

Apply the PLAN principle

3

Take charge of the situation

4

Act as a team

5

Communicate

PLAN Principle

NECESSARY force is the force you must use when you no longer have peaceful ways of dealing with the situation.

Necessary

Proportional

PROPORTIONAL force is the minimal amount of force needed to deal with the situation.

Legal

ACCOUNTABLE force is the force which you yield ethically and for which you can be held accountable.

Accountable

LEGAL force is the what kind and how much force that the law and Rio Tinto policies say you are allowed to use.

Module 1: Human Rights Framework for Global Operations and Security Practices

Module Objective	At the end of this module, participants will be familiar with human rights frameworks, principles, concepts, and norms regulating security related duties and responsibilities.	
Assessment	Assessment will occur through specifically designed group activities and sessions requiring participants to apply the knowledge and skills acquired throughout the module.	
Sections	Introduction	0 h 03 min
	1. Human Rights (HR) and Voluntary Principles on Security and Human Rights (VPSHR) Framework	0 h 40 min
	2. International HR Instruments	0 h 10 min
	3. HR Violations	0 h 45 min
	4. Potential Areas of HR Violations for a Company	0 h 20 min
	Conclusion	0 h 02 min
Total Time	2 h 00 min	

Introduction

0 h 03 min

Plenary Discussion

0 h 03 min

Introduce the module objective:

- At the end of this module, you will be familiar with human rights frameworks, principles, concepts, and norms regulating security related duties and responsibilities.

Explain to participants:

- Key content to be covered during this module includes:
 - What are human rights (HR)?
 - What is international humanitarian law (IHL)?
 - International HR instruments applicable to public and private security providers.
 - HR during states of emergency.
 - HR in the extractive industry.
 - Specific company HR practices.
 - Monitoring and reporting on HR and HR violations.
- We will spend 30 minutes on a presentation of HR and the Voluntary Principles on Security and Human Rights (VPSHR).
- Following the presentation, we will engage in a number of fun activities that involve the use of skits and look at potential areas of HR violations for the company.

Note to facilitators:

It is important that you draw a distinction between private security personnel and public security personnel (forces). Explain to participants that for all practical purposes there are two categories of security personnel: 1) private security personnel will be dealt with as one category; and 2) public

security personnel (forces) operating in support of, or near, company operations.

1. Human Rights (HR) and Voluntary Principles on Security and Human Rights (VPSHR) Framework

0 h 40 min

Preparation

Setup and **test** the notebook and multimedia LCD projector.

Review *SP: HR and VPSHR Framework*.

Presentation and Plenary Discussion

0 h 40 min

Note to facilitators:

Slides in this presentation consist of:

- Various images used to form storyboards.
- Limited text in bullet form.
- Diagrams in support of processes, principles, and steps.

Detailed content is provided in the *Participant Handbook* and will be useful for literate to partially literate audiences.

In the event of illiterate audiences, you will be required to explain the relevance of images and diagrams used.

Additional information is provided to facilitators using the *Note to facilitator's* boxes.

Inform participants:

- All the content discussed during this presentation is included in your *Participant Handbook*.
- *Listen* to the explanation provided in support of each slide.

Begin *SP: HR and VPSHR Framework*.

Slide 1 **Company Logo**

Slide 2 **Module 1: HR and VPSHR Framework**

Slide 3 HR

Ask participants:

Q What are HR?

Anticipated Response:

- Rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.
- We are all equally entitled to our human rights without discrimination.

Notes:

- HR are divided into three different categories:
 - Civil and political rights.
 - Economic, social, and cultural rights.
 - Environmental and developmental rights.

Note to facilitators:

Examples of *civil and political rights* are:

- The right to life.
- The right to be free from torture.
- The right to be protected from discrimination.
- Freedom of expression.
- The right to a fair trial.
- The right not to be held in slavery.

Examples of *economic, social, and cultural rights* are:

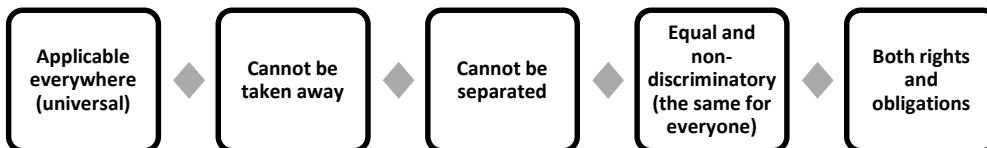
- The right to join a trade union.

- The right to education.
- The right to food.
- The rights to housing and medical care.
- The rights to social security and to work.
- The right to equal pay for equal work.

Examples of *environmental and developmental rights* are:

- The right to an environment and living conditions that support good health, well-being and full development of the human personality.
- The right to sustainable development.

- The principles of human rights are as follows:



Note to facilitators:

Applicable everywhere (universal):

- The principle of universality of HR is the cornerstone of international HR law.
- It is the duty of Member States (*i.e. governments*) to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

Cannot be taken away:

- HR cannot be taken away, except in specific situations and according to due process.

- For example: The right to liberty may be restricted if an employee is found in possession of stolen goods, arrested, and found guilty of a crime by a court of law.

Cannot be separated:

- HR cannot be separated, whether they are civil and political rights (such as the right to life, equality before the law and freedom of expression), economic, social and cultural rights (such as the rights to work, social security and education), or collective rights (such as the rights to development and self-determination).
- HR are indivisible, interrelated and interdependent.

The same for everyone:

- All human beings are born free and equal in dignity and rights.
- Every human being is entitled to them irrespective of his/her race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Equality and non-discrimination is key to the concept of HR.
- Examples include: International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women.

Both rights and obligations:

- HR entails both rights and obligations.
- A state fulfils its human rights obligations through the actions of actors such as parliamentarians, judges, the police, the armed forces, ministries, and other local authorities.
- They are responsible for protecting the population and addressing their needs.
- Actors who may not formally be part of the government or state machinery, but who are acting on behalf the State will also have human rights obligations.

- Governments to put into place domestic measures and legislation compatible with their treaty obligations and duties.
 - Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individuals, complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.
- HR can be limited. There are limitation clauses that allow for this to happen. For example:
 - UDHR, Article 29(2):
 - *In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.*
 - ICCPR, Article 21:
 - *The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.*
 - Examples of **universal HR instruments** include:
 - Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948
 - International Covenant on Civil and Political Rights (ICCPR) of 1966
 - Convention on the Elimination of All Forms of Discrimination Against Women of 1981
 - Examples of **regional HR instruments** include:

- European Convention on Human Rights of 1950
- American Convention on Human Rights of 1969
- African Charter of Human and Peoples Rights of 1981

Slide 4 **UN HR**

Notes:

- The Charter of the United Nations was signed in June 1945, following the Second World War, and came into force in October the same year.
- According to article 1 of the UN Charter the UN was (among other) established to:
 - *...achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character and in **promoting and encouraging respect for human rights and for fundamental freedoms for all** without distinction as to race, sex, language, or religion.*
- The background photo shows the UN Commission on Human Rights meeting in 1947 to draft the **International Bill of Human Rights**.
- The **International Bill of Human Rights** refers to three major human rights instruments:
 - Universal Declaration of Human Rights (UDHR)
 - Covenant on Civil and Political Rights (CCPR)
 - Covenant on Economic Social and Cultural Rights (CESCR)

Slide 5 **Universal Declaration of Human Rights (UDHR)**

Notes:

- The Commission on Human Rights compiled the UDHR in 1947 and 1948 and it was adopted by the United Nations General Assembly in 1948.
- The UDHR sets out, for the first time, fundamental human rights to be universally protected.
- Examples of the rights included in the UDHR:

- Article 1: All human beings are born free and equal in dignity and rights.
- Article 3: Everyone has the right to life.
- Additional treaties (also called conventions, covenants or agreements), declarations, guidelines, or guiding principles) have been developed since the Universal Declaration on Human Rights. These say how the States will promote, protect and fulfil those human rights.

Note to facilitators:

Charter-based bodies:

- Human Rights Council
- Universal Periodic Review
- Commission on Human Rights (replaced by the Human Rights Council)
- Special Procedures of the Human Rights Council

Treaty-based bodies:

There are 10 human rights treaty bodies that monitor implementation of the core international human rights treaties:

- Human Rights Committee (CCPR)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee against Torture (CAT)
- Subcommittee on Prevention of Torture (SPT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearance (CED)

Source: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Slide 6 **Why are HR important to you?**

Ask participants:

Q Why are HR important to you?

Anticipated Response:

- All security personnel are expected to promote, protect and respect human rights when performing their duties and responsibilities.
- You are a role model and an “ambassador” for your organization.
- You are required to equally promote human rights for all, without any discrimination against the persons you deal with.

Explain the **PLAN** principle to participants.

Notes:

- When security personnel limit the rights of others, such limitations on rights should only be to the extent that it is **necessary** and **legal**.

- **PLAN** principle:

- Proportionality
- Legality
- Accountability
- Necessity



- Only use the minimum force or action that is necessary to solve or deal with the situation (**proportionality**). *(Are my actions proportional to the goals I seek to achieve? Am I using the least amount of force needed to contain the situation?)*
- Only act within the law (**legality**). *(Does then national law or company security policies and procedure give me authority to do this?)*
- Only act when it is necessary to act (**necessity**). *(Is it really necessary for me to act in this way? What other options or means do I have available to solve or deal with the situation?)*
- Act in an ethical way, knowing that you will be held accountable for your actions (**accountability**). *(Am I willing to take full responsibility*

for my actions? Is my behaviour ethical and according to the company's code of conduct (COC)?

- In other words, to be able to say that our actions protect and respect the rights of others, such actions need to comply with the PLAN principle.

Conclude by asking participants:

Q Do you think and apply the PLAN principle before you act?

Anticipated Response:

- (Open ended).

Slide 7 International Humanitarian Law (IHL)

Notes:

- Even during times of public (*also known as civil*) emergencies and “States of Emergency”, or armed conflict, security personnel have a responsibility to respect and protect the basic human rights of all people.
- During public emergencies and “States of Emergency” which threaten a country, the Government may choose to temporarily suspend some human rights to maintain public order and the rule of law. Before this happens, the Government needs to inform the UN and the population of the “State of emergency”.
- Even in times of emergency, the Government have an obligation to maintain **non-derogable** rights (*i.e. they cannot be suspended*). These are rights that the Governments and *government security personnel (forces)* cannot suspend. This is done to ensure that basic human rights are always protected without discrimination on the basis of sex, gender, social origin, religion, or language.
- In times of armed conflict, International Humanitarian Law (IHL) helps protect all persons affected by the armed conflict.
- IHL is also known as the “law of armed conflict” and applies to all persons participating in the armed conflict. It even protects people who are not taking part in the hostilities (i.e. civilians, health workers and aid workers) or who are not (or are no longer) participating in hostilities (i.e., the wounded, sick and shipwrecked soldiers, and prisoners of war).

- IHL comprises of The Geneva Conventions of 1949 and their Additional Protocols. All together, they define the acts permitted and prohibited during armed conflict.
- All countries have ratified the Geneva Conventions, making them universally applicable.
- The International Committee of the Red Cross (ICRC) is the lead agency of the Red Cross/Red Crescent Movement in the field of conflict that monitor and report on IHL.

Note to facilitators:

Acts prohibited during armed conflict:

“Murder; torture; corporal punishment; mutilation; outrages upon personal dignity, including rape; hostage-taking; collective punishment; executions without regular trial; cruel, inhuman or degrading treatment or punishment.”

“Reprisals against the wounded, sick and shipwrecked; medical personnel and services; prisoners of war; civilians; civilian and cultural objects; the natural environment; and works containing dangerous forces.”

Source: Geneva Conventions of 1949 and their Additional Protocols

Slide 8 Why is IHL important to you?

Ask participants:

Q Why is IHL important to you?

Anticipated Response:

- Even during times of public emergencies and or armed conflict, security personnel have a responsibility to respect and protect the basic human rights of all people. Any human rights violations observed must be reported.

Notes:

- Even in times of emergency, the Government have a responsibility to maintain **non-suspending** rights. These are rights that the Government and *public security personnel (forces)* cannot suspend. This is done to ensure that basic human rights are always protected without discrimination on the basis of sex, gender, social origin, religion, or language.
- As non-combatants, *private security personnel* will not be required to assist or deal with civil/ public emergencies or “States of emergency”.
- The protection of human rights does not cease to apply during war or armed conflict. IHL and Human Rights Law both still apply in situations of armed conflict.
- *Private security personnel* are not part of government armed forces and will not engage in any activities during armed conflict.

Slide 9 **HR Organizations**

Notes:

- There are a number of non-government organizations (NGOs), local, national, and international agencies that monitor, report and investigate allegations or incidents of HR violations, and partner in implementation of various projects.
- Some of the main HR organizations include:
 - Office of the United Nations High Commissioner for Human Rights (OHCHR)
 - Amnesty International
 - Human Rights Watch
 - Local organizations looking out for the rights of minorities and vulnerable groups.

Slide 10 **Business and HR**

Notes:

- The growing reach and impact of mining and resource enterprises has resulted in a global debate about the roles and responsibilities that these firms have with regard to human rights.
- The United Nations established an agreement known as the *UN Global Compact* between the United Nations and many large companies to uphold a set of core values in the areas of human rights, labour standards, environmental practice and anti-corruption.
- The *Guiding Principles on Business and Human Rights: Implementing the UN Protect, Respect and Remedy Framework* was approved by the UN Human Rights Council in June 2011.
- **Human Rights** require companies to respect all human rights; they no longer have the option of picking and choosing to deal with only those issues with which they feel comfortable.
- The guiding principles give guidance on three main issues:
 - The governments' duty to protect human rights.
 - The corporate responsibility to respect human rights.
 - The need for access to remedies when HR and obligations are breached.
- Companies also have a responsibility to respect the **International Bill of Human Rights** and the fundamental rights set out in the **International Labour Organization's Declaration on Fundamental Principles and Rights at Work**.
- Companies have a responsibility to protect and respect the human rights of others and to think about the negative effects and impact that doing business has on the human rights of others. To this, companies do research and talk to stakeholders and the communities to ensure that its policies and business practices respect the human rights of others.

- Companies are expected to work with or participate in any legal process that aims to remedy the negative effects or impacts on the HR of the communities they work in.

Slide 11 **Statement of Business Practice**

Notes:

- A company's statement of business practice symbolises its commitment to implement human rights as part of its business and security operations.

• [Insert language regarding company's commitment to human rights]

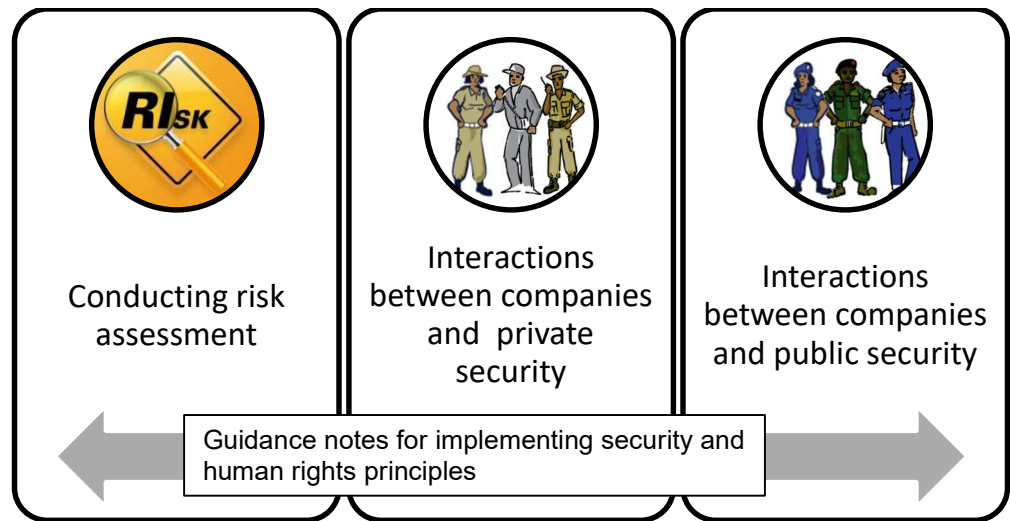
Slide 12 **Voluntary Principles on Security and HR (VPSHR)**

Explain to participants:

- Protecting people and assets from security threats is a vital task.
- Companies recognise the need for any security arrangements to respect the human rights of employees, members of the communities in which we live, as well as others affected by the Group's operations.
- In simple terms, if you fail to treat people with basic dignity or otherwise harm their human rights, this can create risks for a company.
- Implementers of the **VPSHR**, are committed to avoid violations of fundamental human rights through its security arrangements.
- Companies take steps to avoid becoming a part of any human rights violations by its own or private security personnel, or the public security personnel (forces) supporting their operations.
- Implementers of the **VPSHR** are committed to avoid violations of fundamental HR through its security arrangements and to take steps to avoid complicity in such violations by private and public security personnel.

Notes:

- The VPSHR provide guidance related to three main spheres of activities:



- 1) Conducting risk assessment:

The company will:

- Identify and take measures to address security risks and the potential for violence in the area of operations (i.e. **security risk assessment and management**) that can lead to HR violations.
- Understand the **contextual risk** of the area, how the operation might add to (or reduce) conflict risk – and not only risk *to* the operation, but risk *from* the operation to the community.
- The company will attempt to identify and understand the root causes and nature of local conflicts (i.e. **conflict analysis**) and determine if how this is relevant to HR and IHL standards.
- Consider the **HR records** of private and public security providers before deciding to work with them.
- Determine if the local prosecuting authority and judiciary's ability to hold perpetrators responsible for HR abuses and violations (i.e. **rule of law**).
- The company will **not transfer or give equipment** to public and private security personnel that can be used to commit HR violations.

- 2) Interactions between companies and private security:

Depending on the security risk level faced by a site/project, there may be a need to hire private security providers as a complement to internal security resources (if any). In this case, the company is responsible for minimizing the risk that private security providers exceed their authority and harm HR in any way.

Before dealing with private security the company will:

- Look at the background/reputation of private security that they intend to employ, particularly with regard to criminal background and the use of and excessive force.
- Talk and meet with other companies, home country officials, host country officials, and civil society to talk about their experiences with private security.
- Ensure that private security guards are free of lethal weapons (unless approved).
- Ensure private security is aware of and observes the company's policies regarding ethical conduct, HR, IHL, and rule of law.

Private security providers will:

- Maintain high levels of technical and professional proficiency, especially on the use of local force and firearms (if applicable).
- Have in place and implements policies, training and standard operating procedures regarding appropriate conduct and the local use of force (e.g. continuum on the use of force).
- Provide only preventative and defensive services and not to engage in activities that is exclusively the responsibility of state military or law enforcement authorities.
- Conduct background checks on all security personnel.
- Not employ individuals credibly implicated in human rights abuses or who have a criminal record to provide security services.
- Use force only when strictly necessary and to an extent proportional to the threat.

- Not violate the HR of individuals as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work. This includes the **right to exercise freedom of association and peaceful assembly**, and to engage in collective bargaining.
- Record and immediately report all allegations of HR violations to company management. All credible allegations will be properly reported, investigated, and monitored.
- Investigate and report cases where physical force is used and report on the incident to company management. If needed the matter will be referred to local authorities and/or disciplinary action will be taken.
- Provide medical aid should be to injured persons, including to offenders, if force is used.
- Train their personnel to respect the HR of employees and the local community, which include gender considerations and any other persons affected by company operations.

The company will also:

- Monitor private security personnel to ensure they act in a lawful manner, and they apply the international guidelines regarding the local use of force. This includes the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.
 - Terminate the use of a private security provider where there is credible evidence of unlawful or abusive behaviour by private security personnel, including breaches of HR.
- 3) Interactions between companies and public security
 - In some cases, and after having closely analysed the security risk and the decisions of management, company management may decide that there is a need for a greater support from the **public forces** to help protect the company's people and assets.
 - This support can take two forms:

1. **Ad hoc or emergency requests for assistance in the management of security incidents:** if the risk analysis shows that it is possible that the site may have to call on public security in the case of a violent incident or uprising, an agreement will be entered into with the local public security forces to ensure that controls are in place to deal with emergencies and to limit chances of HR violations.
 2. **Contractual agreement for provision of security services** (armed and unarmed).
- In both cases the site/project manager will ensure that:
 - Risks for HR violations are determined before using the support of public security forces.
 - Nothing else can be done to ensure the protection of the company's people and assets.
 - Where permitted and where possible, a Memorandum of Understanding (MOU) may be signed between company and the relevant public forces.

Summarize by saying:

- By implementing the VPSHR companies are committed to ensure that security arrangements take HR into account.
- Companies should demonstrate their strong willingness to ensure its security arrangements will take HR into account wherever they operate.
- All global projects/business operations have to comply with the VPSHR.
- All projects/operations will ensure that the VPSHR is implemented, and that all security personnel assist the company to comply with the VPSHR.
- All security personnel working for, at or with the company are expected to comply with the VPSHR.

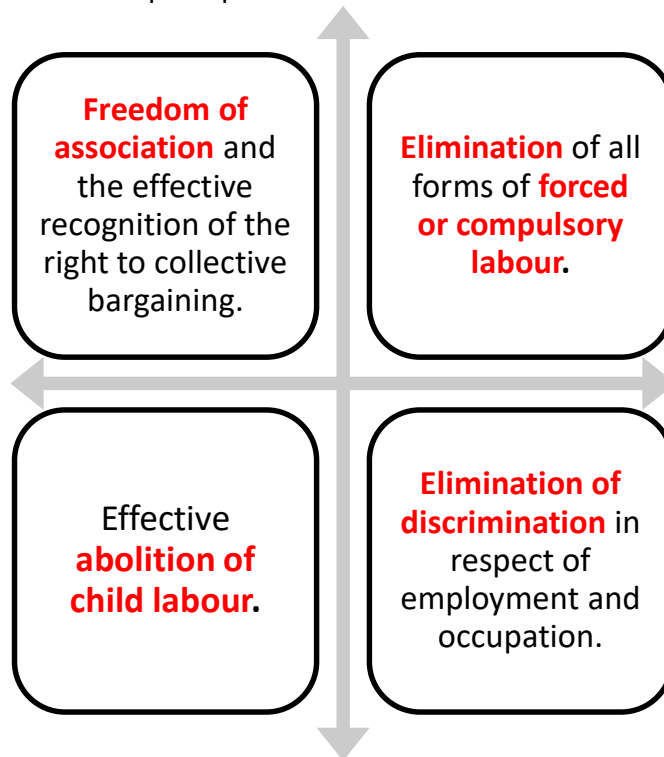
Slide 13 **Declaration on Fundamental Principles and Rights at Work and its Follow-up**

Explain to participants:

- The company also supports the Declaration on Fundamental Principles and Rights at Work and its follow-up.
- The declaration outlines the fundamental principles and rights of workers.

Notes:

- The fundamental principles are as follows:



- The company will also not engage in any labour practices that involve the use of children, forced labour, or the use of convicted persons serving sentence in a correctional facility.
- The company will as far as possible ensure that employees work in a safe work environment, with fair wages, and no discrimination.

Slide 14 Dealing with Allegations and Incidents of HR Violations

Refer participants to *LT: HR Violations - Process and Steps*.

Ask participants:

Q What happens if you break the law?

Anticipated Response:

- punished
- sentenced
- sanctioned
- service termination

Explain to participants:

- The company is committed to deal with any allegation or incident that may involve a HR violation.
- The company will not protect own, private and public security personnel that engage in HR violations.
- The company has a process and steps in place to deal with any allegation or incident that involves a HR violation.
- Public security personnel (forces) also have an ethical and professional obligation to report any allegation or incident involving a HR violation to their supervisors. Such reports will be made using the processes and steps prescribed by their respective organizations.

Note to facilitators:

If possible, facilitators should obtain a copy of the process and steps used by *public security personnel (forces)* to report allegations or incidents involving HR violations. A copy of the process and steps can be provided as a handout to participants.

Refer participants to the process and steps provided to deal with allegations and incidents of HR violations in the *Participant Handbook*.

Briefly explain the process and steps.

- Step 1: Record the allegation or incident:
 - All allegations/incidents concerning abusive conduct by company or private security personnel will be recorded and reported to the appropriate host government authority.

- A register will be kept for all grievances, such as for land and compensation issues, environmental impact, and damage to property in addition to human rights-related allegations.
- Where businesses are aware of alleged violations within their area of operations, whether or not a grievance is raised, record the allegation and any actions taken.
- Step 2: Establish the facts: determine the credibility, severity and cause of the incident:
 - Quickly establish the basic facts:
 - What happened and who was involved.
 - Whether the business caused the event either directly or through its contractors and security providers.
 - Whether reports are credible and what the actual or potential consequence of the event is.
 - In determining the level of consequence, refer to the usual company risk consequence descriptors.
 - Log and retain securely any information gathered through this process.
- Step 3: In case of major breach: report the incident to senior line and Group Security:
 - If an incident appears credible and serious (major breach) the relevant line manager and Group Security will be notified.
 - Additional notifications to Group executives will be done in accordance with the company practice for risk reporting.
- Step 4: Investigate the incident:
 - An investigation will be conducted where there is evidence that our actions or omissions may have played a role in the alleged abuse – including those occurring outside the company work environment.

- Investigation teams should draw upon security, communities, communications and external affairs professionals.
- Where an incident triggers significant concern from external stakeholders, an external investigation can be arranged to determine the facts.
- Investigations and responses will as far as possible be gender sensitive and appropriate.
- Step 5: Notify stakeholders:
 - The host government will be the first external stakeholder to be notified of a significant HR-related incident.
 - The company will highlight to the host government its willingness to assist and cooperate.
 - Policies regarding ethical conduct and human rights will be communicated to ensure that the incident is investigated and action is taken to prevent any recurrence.
 - In the event of an incident that generates major external stakeholder concern and publicity employees and other external stakeholders will also be notified.
- Remember, these steps are mandatory and are there to ensure that HR violations are properly reported and investigated.

Slide 15 **Company Logo**

Conclude by saying:

- This presentation provided you a basic overview and understanding of the HR framework and the VPSHR applicable to company security operations.
- The framework also applies to you because you form part of company security personnel and operations.
- When you perform your duties and responsibilities, you need to make sure that you respect and protect the HR of the people you deal with.

- For now, it is important that you understand that you have an obligation to support the company to respect, protect, and uphold human rights, IHL, and the VPSHR. You also have an obligation to report any HR violation or report using the process and the steps explained.

2. International Human Rights Instruments

0 h 10 min

Guided Discovery and Plenary Discussion

0 h 10 min

Refer participants to their copies of the following key HR instruments in the *Participant Handbook*:

- Extracts from the Universal Declaration of Human Rights (UDHR) (Annexures A)
- Extracts from the International Covenant on Civil and Political Rights (ICCPR) (Annexure C)
- Voluntary Principles on Security and Human Rights (Annexure E)

Explain to participants:

- During the presentation we mentioned these three instruments.
- There are many other HR instruments, but these ones in specific are of importance to you, and for company security practices.

Briefly refer participants to some of the key principles contained in each of the instruments

- Universal Declaration of Human Rights (UDHR) (Annexure A): Articles 3, 4, 5, 6, 7, 9, 10, 11, 20, and 29(2).
- International Covenant on Civil and Political Rights (ICCPR) (Annexure C): Articles 6, 7, 9, 10, 14, 15, 16, and 21.
- Voluntary Principles on Security and Human Rights (VPSHR) (Annexure E).

Note to facilitators:

Briefly refer to the headings on 1) Risk assessment; 2) Interactions between companies and public security; and 3) interactions between companies and private security. Just refer participants to the instrument. This document was already discussed during the presentation.

Ask participants:

Q Whose rights are protected by these instruments?

Anticipated Response:

- mine and yours
- company employees
- community
- suspects
- protestors
- witnesses
- men, women, children, and vulnerable groups
- foreign nationals

Q What is the importance of these instruments for security practices?

Anticipated Response:

- We have to consider and respect these rights when we perform our duties as security personnel.

Q Why do you have to be aware of these instruments? How are they relevant to you as an individual?

Anticipated Response:

- My actions as a security officer have the ability to will limit these rights. When I perform my duties I need to understand that I should limit these rights only if I am authorised to do so, and only to the extent needed to do my job.

Q What can we do to ensure that all security personnel are familiar with these rights?

Anticipated Response:

- training
- internal communications
- poster boards
- mentoring and coaching
- self-study
- additional reading
- asking someone if you do not know

Q Do you have a responsibility to ensure that the rights outlined in each of these documents are protected?

Anticipated Response:

- Yes, we have a responsibility to identify and familiarise ourselves with the HR instruments.
- We have to ensure that our actions comply with the **PLAN** principle.

3. HR Violations

0 h 45 min

Preparation

Study each of the cards of *LT: HR Violations Card Set*.

Each of the cards represents a different set of HR principles. **Familiarize** yourself with the different HR principles on the cards, which are explained in the notes below:

Notes:

UDHR (adopted by UN General Assembly Resolution 217 A (III) of 10 December 1948)

- Article 3: Everyone has the right to life, liberty and security of person.
- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- Article 11: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed...
- Article 20: Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

ICCPR (adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976)

- Article 6 (2): In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
- Article 9 (2): Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
- Article 14 (1): All persons shall be equal before the courts and tribunals.
- Article 14 (2): Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
- Article 14 (7): No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.
- Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

Place *LT: HR Violations Card Set*, comprising of six cards, in a hat/box.

Select one of the cards and **prepare** a short skit to demonstrate to participants.

Prepare and **post** a chart that will be used to keep score during the activity.

Group	Skit					Score
	1	2	3	4	5	
Group 1						
Group 2						
Group 3						
Group 4						
Group 5						

Use *HO: HR Violations Score Sheet* to keep score.

Introduction
0 h 05 min

Divide the class into five small groups of five participants each.

Introduce the activity by saying:

- During the presentation and the guided discovery you were introduced to two key HR instruments, namely the UDHR and the ICCPR.
- The following activity will require you to demonstrate how you, as a security officer, can violate some of the human rights principles mentioned in these instruments.

Explain the rules for the activity:

- Each group will randomly select a set of human rights principle by drawing a card from the hat/box.
- Groups will then meet to discuss and prepare a skit to demonstrate violating the HR principles selected.
- All group members have to participate in the skit.
- Skits may not be longer than one minute. After one minute you will be stopped.
- Skits presented should consider your roles and responsibilities as a security officer.
- Think of some practical examples from your own experience or work environment, from stories, media reports, or by simply using your imagination. The idea is to make this a fun and memorable event!
- Skits demonstrated should not include the use of an actual weapon or instrument that may risk the safety or wellbeing of other participants (i.e. using a pistol to demonstrate shooting an unarmed suspect).
- Following each skit, other groups will each have 30 seconds to share what they perceive to be the HR principles violated in the skit.
- While groups give feedback, facilitators will use a score sheet to judge whether groups were correctly identified the HR principles violated.

- After all groups have shared their response, the group presenting the skit will reveal the HR principles violated in their skit.
- The group will also explain why their actions cannot be justified in terms of the PLAN principle (**recall the PLAN principle**).
- Groups, who managed to correctly identify one or more of the HR principles violated during the skit, will each receive one point.
- Group scores will be shared at the end of each skit, after all groups have given feedback.
- The decision of the judges (facilitators) is final.
- In the end, after all skits have been presented, facilitators will announce the group who scored the highest, thus announcing the winners of the game!

Demonstrate the skit prepared by facilitators.

Following the skit, **ask** participants:

Q Can the actions of security personnel be justified in terms of the PLAN principle?

Q What HR principles were violated in the skit?

Note to facilitators:

After all groups have shared their answers, one of the facilitators will share the correct answer. Groups, who managed to correctly identify the HR principle violated, scores a point each.

Group Activity: Preparation
0 h 10 min

Ask a representative from each group to draw a card from the hat/box. Groups should not disclose the principle on their card to other groups.

Inform groups that may leave the classroom if they wish to meet in private to prepare for their skit.

Before leaving the classroom, **ask** groups to briefly meet, discuss, and familiarize themselves with the HR principle assigned to their group.

Note to facilitators:

Ensure that all groups know and understand the HR principle assigned to them. If the group has difficulty reading or understanding the principle, then facilitators need to briefly meet with each group to explain and ensure common understanding of the HR principle.

Ensure that all groups have a timekeeper and that they understand the importance of being back in time.

Group Activity: Skits and Conclusion
0 h 30 min

Groups have one minute to present their skits.

After each skit, groups have 30 seconds to **share** what they perceive to be the HR principle violated in the skit.

Use *HO: HR Violations Score Sheet* to record and score groups during feedback for each skit.

Note to facilitators:

Following each skit and round of group feedback, a facilitator will transfer the scores allocated to the flipchart.

Conclude by saying:

- Today you witnessed skits in which basic HR principles were violated.
- In the skits, you may also have been the perpetrator limiting or violating the rights of persons.
- Fortunately these were just skits, used to help us identify and better understand how these HR principles can be violated by means of our actions or omissions as security personnel.
- In reality, your work as a security officer may place you in a situation or position where you will witness for real how these HR principles are violated.

- You should never be the perpetrator of these violations.
- You have a responsibility to respond to and report any HR violation witnessed, observed, or suspected.

4. Potential Areas of HR Violations for a company

0 h 20 min

Group Activity

0 h 10 min

Explain to participants:

- According to the Human Rights Compliance Assessment (HRCA) for business, potential areas of HR violations for companies fit into three categories:
 1. employment practices
 2. community impact
 3. supply chain management
- From a security management perspective, the company understands the need for an additional category that can contribute to HR violations, namely:
 4. security practices

Assign one of the four categories to each group.

Give an example in support of each category assigned to start discussions:

- Group 1: **employment practices**: by only employing men to work on a project, women are being discriminated against.
- Group 2: **community impact**: pollutants from a mining operation spread into the local river and, as a result, the fish die and local fisherman and their families go hungry.
- Group 3: **supply chain management**: all food supplies and consumables used by the mining operation are purchased from one supplier, the trusted friend of the mine manager; as a result, local businessmen complain about preferential treatment, nepotism, and corruption.
- Group 4: **security practices**: the local newspaper reports that company security personnel are rude and sometimes beat employees who refuse to subject themselves to screening and identification at access control points to the mine.

Instruct each group to think of and prepare two more examples.

Note to facilitators:

Ensure that all groups know and understand what is expected from them. If groups have difficulty reading or understanding the category assigned, then facilitators should explain and guide the group in their discussion.

Plenary Feedback and Reflection
0 h 10 min

Ask each group to share their examples.

Once all examples have been given, **ask** participants to think specifically about the category which has been assigned to them and **ask**:

- Q** Do you think that HR violations in this category can result in conflict that will impact the security of company projects/operations?
- Q** Do you think that the company can afford/permit HR violations in this category?

Ask participants to share their ideas.

Conclude by saying:

- The company is committed to continuously identify and assess potential HR violations as part of corporate practices.
- Once identified it is also committed to take reasonable measures in consultation with stakeholders, to remedy such consequences and repeat HR violations.
- Security personnel are requested to report any practices or actions to company management that they perceive to constitute HR violations in any of these categories.
- Actual or alleged HR violations have the potential to result in conflict with the community or company employees. This in turn has the potential to increase security risks for the company and its' employees. It can also lead to a costly burden on security practices.

Conclusion

0 h 02 min

Plenary Discussion

0 h 02 min

Revisit the module objective:

At the end of this module, you will be familiar with human rights frameworks, principles, concepts, and norms regulating security related duties and responsibilities, applicable to company operations and security practices.

Explain to participants:

- You now have a better understanding of HR and VPSHR.
- The content covered in this module to help you has included:
 - Overview of HR.
 - Overview of IHL.
 - Overview of HR in the extractive industry.
 - Company HR policy
 - The implementation of the VPSHR.
 - Monitoring and reporting on allegations and incidents of HR violations.
- Skits and group discussions were also used to introduce you to violations of basic HR principles and introduce you to the potential categories of HR violations for the company as a global corporate enterprise.

Ask participants:

Q Do you feel that you have achieved the objective for this module? If so, why? If not, why not?



Course on Voluntary Principles

Protecting and respecting the rights of those we work with.





Module 1: Human Rights Framework for Security Practices

*Understanding who has what rights..
Understanding our responsibility to protect and respect these rights..
Understanding business and human rights..
Understanding the Voluntary Principles for Security and Human Rights..*



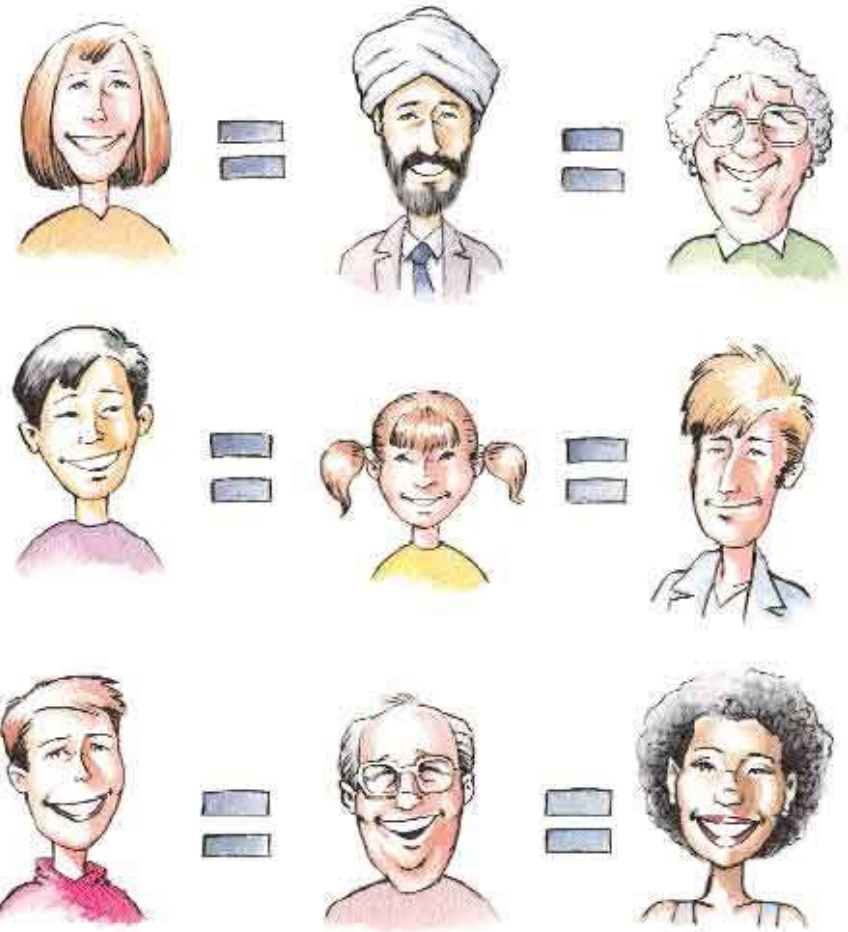
Human Rights



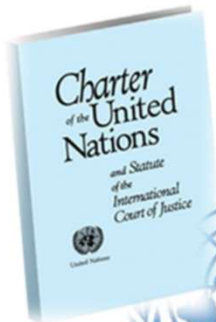
**EVERY
HUMAN
HAS
RIGHTS**



**WE
ARE
ONE
RESPECT
OUR RIGHTS**



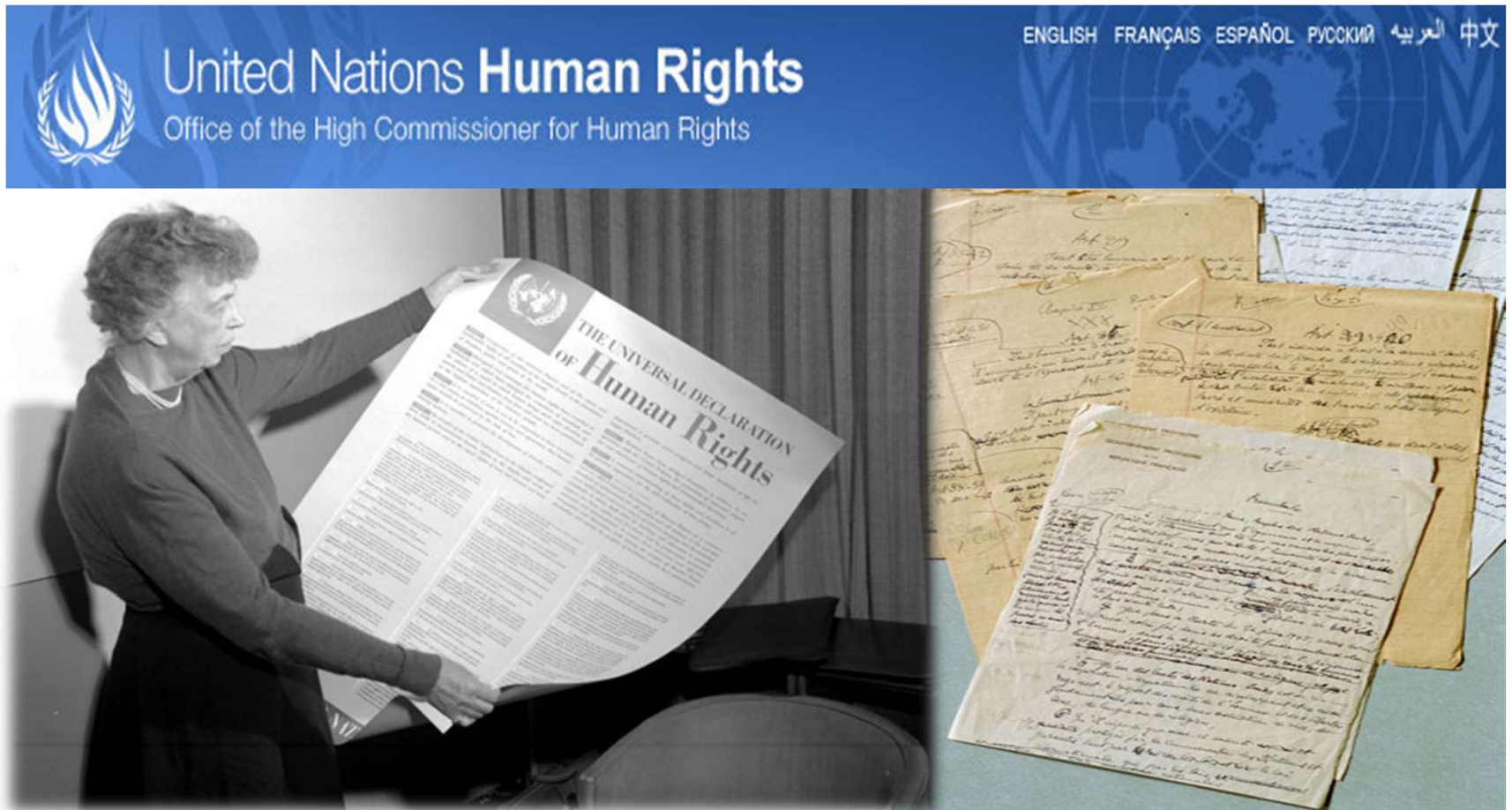
Human Rights



“...promoting and encouraging respect for human rights and for fundamental freedoms for all...”



Universal Declaration of Human Rights



Why are human rights important to you?



Human Rights in Times of Civil Emergency and Armed Conflict



ICRC



INTERNATIONAL FEDERATION OF RED CROSS
AND RED CRESCENT SOCIETIES



VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS

Why is IHL important to you?



Business and Human Rights: Protect, Respect, Remedy



REPRESENTANT SPECIAL
DU SECRETAIRE GENERAL



Human Rights Council

Seventeenth session

Agenda item 3

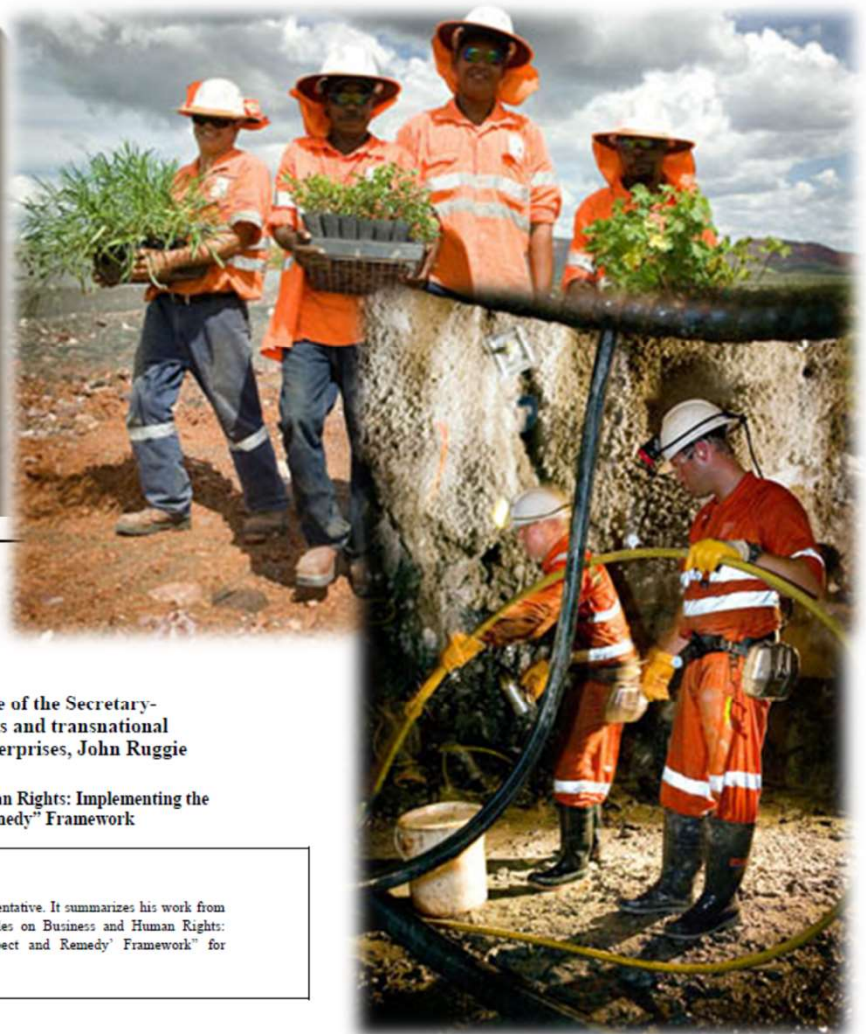
Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development

Report of the Special Representative of the Secretary-
General on the issue of human rights and transnational
corporations and other business enterprises, John Ruggie

Guiding Principles on Business and Human Rights: Implementing the
United Nations "Protect, Respect and Remedy" Framework

Summary

This is the final report of the Special Representative. It summarizes his work from 2005 to 2011, and presents the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework" for consideration by the Human Rights Council.



VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS

Company Code of Conduct

Voluntary Principles



1) Conducting risk assessment



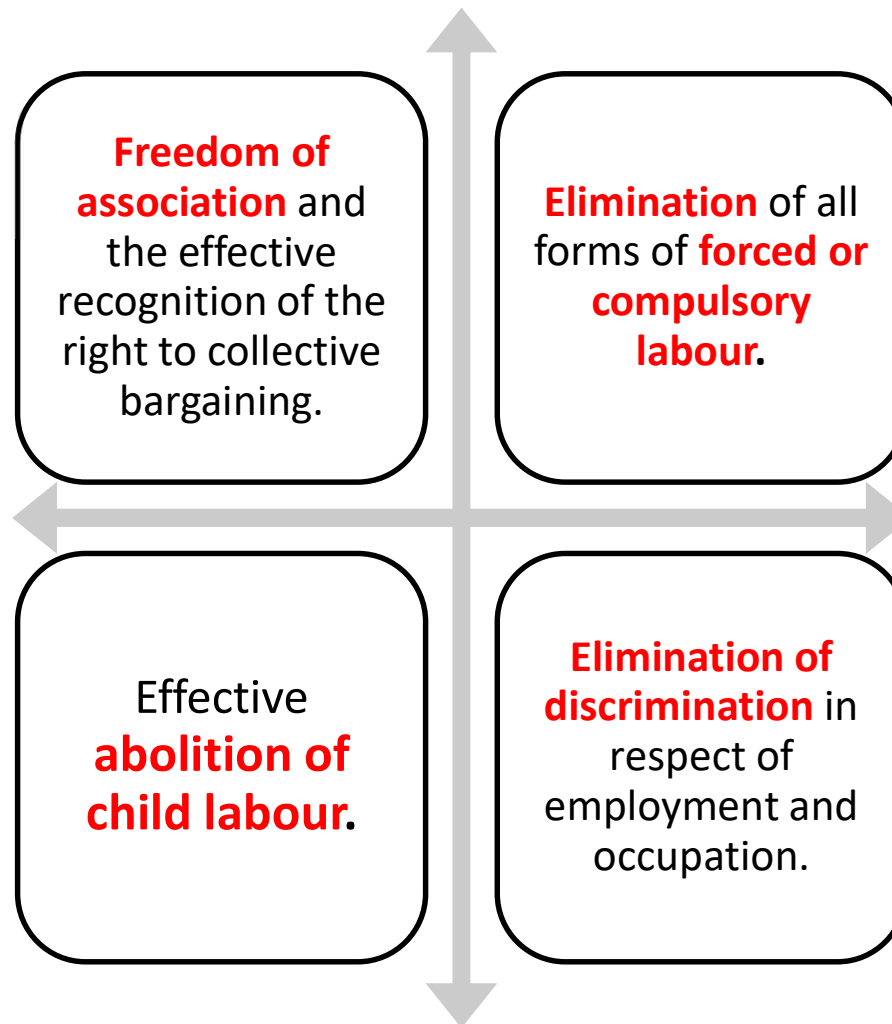
2) Interactions between companies and private security



3) Interactions between companies and public security

← Guidance notes for implementing security and human rights principles (November 2011) →

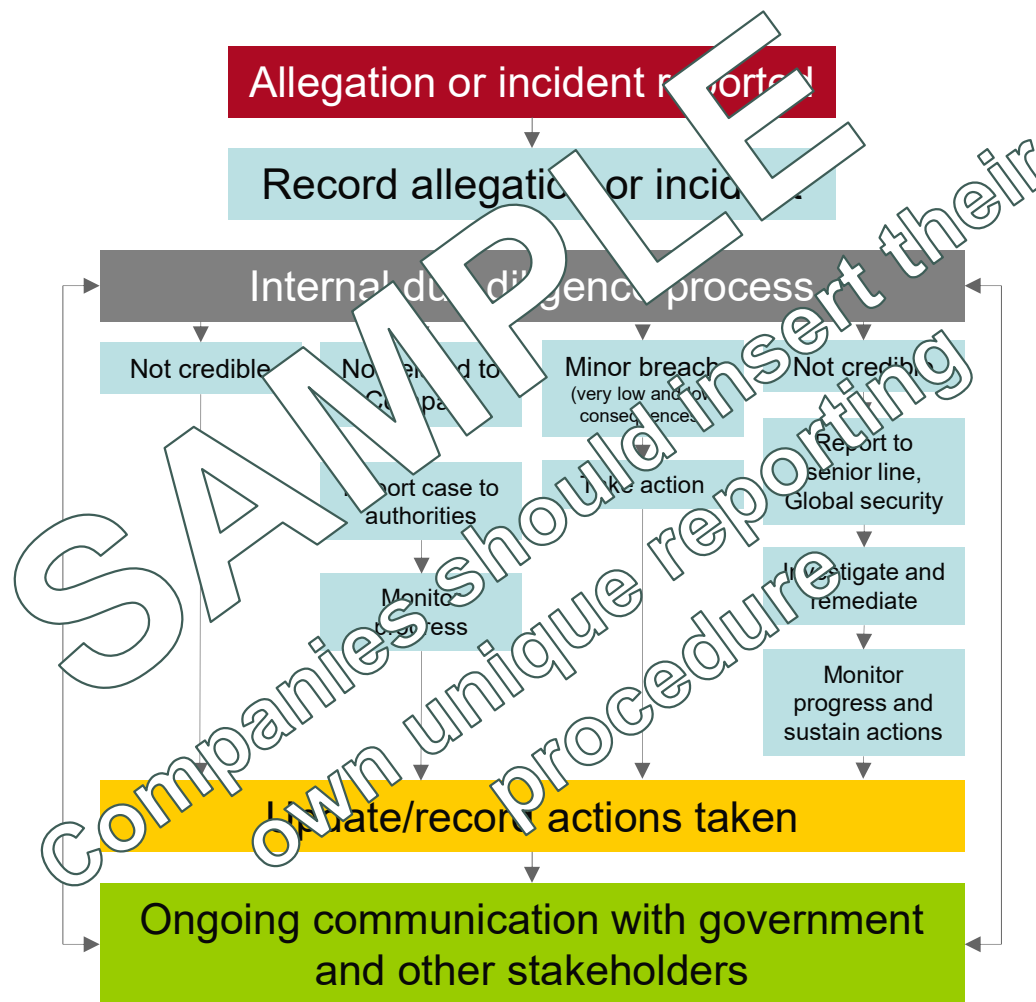
Declaration on Fundamental Principles and Rights at Work and its Follow-up:



Incident Reporting



Company Incident Reporting Procedure





Course on Voluntary Principles

Protecting and respecting the rights of those we work with.



Module 2: Human Rights and Ethics

Module Objective	At the end of this module, participants will be able to conduct their duties and responsibilities as security personnel according to various codes of conduct, by applying their skills and knowledge to specific scenarios.																
Assessment	The application of knowledge and skills will be assessed using specifically designed group activities and sessions requiring that participants reflect on the use and application of knowledge and skills acquired, as part of company security activities.																
	<table> <tr> <td>Introduction</td><td>0 h 05 min</td></tr> <tr> <td>1. What is ethics?</td><td>0 h 15 min</td></tr> <tr> <td>2. Activity: Doing the right thing</td><td>0 h 25 min</td></tr> <tr> <td>3. Codes of conduct (COCs)</td><td>0 h 30 min</td></tr> <tr> <td>4. Activity: Skits on Code of Conduct</td><td>0 h 30 min</td></tr> <tr> <td>5. Dealing with misconduct and unethical behaviour</td><td>0 h 20 min</td></tr> <tr> <td>6. Case studies/scenarios</td><td>0 h 50 min</td></tr> <tr> <td>Conclusion</td><td>0 h 05 min</td></tr> </table>	Introduction	0 h 05 min	1. What is ethics?	0 h 15 min	2. Activity: Doing the right thing	0 h 25 min	3. Codes of conduct (COCs)	0 h 30 min	4. Activity: Skits on Code of Conduct	0 h 30 min	5. Dealing with misconduct and unethical behaviour	0 h 20 min	6. Case studies/scenarios	0 h 50 min	Conclusion	0 h 05 min
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Conclusion	0 h 05 min																
Total Time	3 h 00 min																

Introduction

0 h 05 min

Plenary Presentation
0 h 05 min

Introduce the module objective:

At the end of this module, you will be able to conduct your duties and responsibilities as security personnel according to various codes of conduct, by applying your skills and knowledge to specific scenarios.

Explain to participants:

- This module builds on the two previous modules.
- You have learned about human rights and rights of groups and people that we deal with. You also have a better understanding of your duties and responsibilities as security personnel and the human rights principles that apply to them.
- In this module, we address the following:
 - What is ethics?
 - Ethical dilemmas and the steps suggested to help you make ethical choices.
 - Codes of conduct that apply to your duties as a security officer.
 - The policy and procedure that deals with unethical behaviour by security personnel.
 - Sample scenarios that cover typical ethical issues that security personnel may face as part of their duties.

1. What is Ethics?

0 h 15 min

Plenary Presentation

0 h 15 min

Begin the *SP: Human Rights and Ethics*.

Slide 1 **Company Logo**

Slide 2 **Human Rights and Ethics**

Introduce the topic.

Slide 3 **What is Ethics?**

Discuss with participants their meaning of ethics, including what ethics means to them, and that ethics may be different among individuals.

Notes:

- Ethics means: being able to answer the questions: “What should I do?” aligned with “What do I do?”
- Ethics helps us do the right thing, in the eyes of ourselves or our employer.



Slide 4 **Ethical Values**

Explain that there are a different values linked to ethics, and that people have different values.

Briefly **discuss** with participants the ethical values on the slide and ask whether they align with the participants.

Notes:

- **Trustworthiness** – people can depend on you to do the right thing.
- **Fairness** – you do the right thing and do not exceed your authority.
- **Loyalty** – you do what is right for the company and the human rights of others.
- **Honesty** – always telling the truth, even if it means getting in trouble.
- **Accountability** – always taking responsibility for your actions.
- **Courage** – being willing to stand up for and protect the human rights of others.
- **Integrity** – doing your work in such a way that it respects the rights of others and they respect you.

Use the following open-ended questions to help participants link and make a positive association with the ethical values discussed.

Q Which one of the ethical values do you think are the most important?

Q Is one really more important than the other?

Q Do you know someone or a person who works with you that best represents one or more of these values? Please share with us.

Q Why does this person make you think of these values? Why does he/she represent them? Please share with us.

Slide 5 **Ethical Decision Making**

Notes:

- It's all about doing the right thing and making the right decision.
- You are not only required to do your job. You are required to do your job in the best possible way and in an ethical manner that protects and respects the rights of the community and people that you deal with.
- It is also not a question of just something right once; it is about doing the right thing every day.
- As security officers, we are often confronted with situations that require difficult decisions and that ask us to look for the right decision.
- To help you make ethical decisions, we will now look at some useful tips that can help you make the right decision.
- We will now look at five simple steps for ethical decision making:
 - 1. Assess the situation.
 - 2. Examine the facts.
 - 3. Choices!
 - 4. Consider.
 - 5. Decide and discuss.

Slide 6 **Assess the situation**

Notes:

- Stop and assess the situation
- Think of what is happening.

Explain the process must start with careful observation of the situation.

Slide 7 **Examine the facts**

Notes:

- What is the dilemma?
- What rules and laws are involved?
 - Human Rights Laws
 - National Law
 - What do Company Policies and Standards say about this?
 - Who will be affected?
 - Which people?
 - The community?
 - Employees?

Conclude by saying:

- Every dilemma and situation is different.
- You have to look carefully at the facts for each one of them.

Slide 8 **Choices!**

Notes:

Inform participants to consider the following questions:

- Consider what choices/options you have.
- Consider the risks and benefits for each choice.
 - Is this choice legal?
 - Is it consistent with human rights laws?

- Is this choice consistent with Company policies?
- What would my family, friends and neighbours think?
- Would I prefer to keep this secret?
- Would I want my actions reported in the newspaper?
- “Doing nothing” is not acceptable.
- “Doing the wrong thing” just to say you did something is not acceptable.
- “Doing the right thing” based on the facts and the situation is more acceptable.
- “Doing the right thing” is easy when you know what the right thing is.

Slide 9 **Consider**

Notes:

- Consider the people and their rights
- Consider the community of their rights
- Consider Company and its commitment to protect and respect the rights of the community and persons with which they work.

Slide 10 **Decide and discuss**

Notes:

- Remember: Make the right choice
- Talk to others about your decision
 - Your manager or supervisor
 - Hotline

Make participants aware of the hotline.

Give participants the telephone number and contact information for their country/facility.

Remind them that the program is confidential and accessible 24 hours a day, seven days a week.

Note to facilitators:

Background note: Hotline

“The Company maintains an open door approach to employee concerns. Our hotline system is available to supplement other avenues of issue identification and resolution, such as speaking to a manager, or contacting a human resources representative, or a member of the legal, security, assurance or compliance teams.

The hotline generally operates as a mechanism for employees to report any type of concern or suggestion; however, in some regions (such as in the EU) it is limited to reporting serious breaches of law, such as financial irregularities, insider trading, competition law allegations, or bribery or fraud issues.

Hotline callers can choose to remain anonymous.

Slide 11 Steps for ethical choices

Use this slide to provide a brief summary of the steps that participants can use to help them make ethical choices.

Distribute *MC: Ethical choices* to each participant.

Explain to participants:

- This card is yours.
- Use it to help you deal with and make ethical choices.

Conclude by saying:

We will now have a look at some ethical dilemmas that will give you an opportunity to apply these steps.

Pause the *SP: Human Rights and Ethics*.

2. Activity: Doing the Right Thing

0 h 25 min

Preparation

Read the ethical dilemmas.

Assign one facilitator to each group to guide them in the discussion of the ethical dilemmas.

Note to facilitators:

Facilitators may, depending on the groups' literacy level, be required to read each dilemma to them.

Introduction

0 h 05 min

Divide participants into three groups.

Refer participants to the five ethical dilemmas in the *Participant Handbook*.

Refer participants to *MC: Ethical choices* and inform them that they can use it during this activity.

Inform participants:

- You will now be introduced to five ethical dilemmas that security personnel may encounter as part of their work.
- You will first read each dilemma. Your facilitator will help you do this if needed.
- You will then think of the situation and the facts presented. See yourself in the shoes of the security officer.
- As a group, you then have to decide on how you will respond to each of the dilemmas.
- You have three minutes to discuss each dilemma.
- After fifteen minutes we will return to plenary and together share the results of our discussions.

Small group work
0 h 15 min

Dilemma 1: A very nice present

You work as a security officer at a large company mine. Your duties are to guard and control the access and exit of goods and persons from a mining area. A young man approaches you with a bag in his hand. The man looks like a company employee and he wants to exit the mining area. When you tell him you must look in his bag before he leaves, he asks you not to look inside the bag, and says he will give you a very nice present instead.

- Q** What is not right about this?
- Q** What should you do?

Dilemma 2: Help me get the job

You work in the security department at a new company mine. There is a need to build new guard houses. The operations manager tells you he is looking for someone to build the guard houses. Your brother just so happens to own a small building company. Your brother asks you to use your influence to get him hired to build the guard houses.

- Q** What is not right about this?
- Q** What should you do?

Dilemma 3: Make fun of them

In the morning, workers arrive at the mine's main gate. Des is a security officer assigned to work there with you. Every day, he makes fun of the workers. Many of them are foreign workers from neighbouring countries. He taunts them and laughs at the way they pronounce words. He sometimes calls them bad names.

- Q** What is not right about this?
- Q** What should you do?

Dilemma 4: Long breaks

You work as a security officer at a large company mine. On the premises there is a canteen for the staff. Your colleague Peter likes to go there to buy cigarettes during his break. Breaks should only last 15 minutes, but Peter always spends at least 45 minutes on breaks. You have reminded him that the mine's policy states that breaks are only 15 minutes. He dismissed your comments and said those rules were for "stupid people" and not for him.

Q What is not right about this?

Q What should you do?

Dilemma 5: I need some information

You work in the office of the security department at a company facility. You are a clerk who handles all the files in the office, including personnel files. One of your neighbours approached you yesterday. He owns a house that one of the guards wishes to rent. The neighbour wants to get the best price for the house, and doesn't want to rent it to someone who will cause problems. He asks you to look in the files and find out how much the guard earns, and if he has been a trouble maker.

Q What is not right about this?

Q What should you do?

Plenary debriefing

0 h 05 min

Ask groups to reflect on the following questions:

Q Were the decisions difficult to make?

Q Are these dilemmas more difficult to answer if you are the one that have to deal with them?

Q What did you use to guide you in making your decisions?

3. Codes of Conduct

0 h 30 min

Preparation

Read *The way we work*.

Post *LT: Poster – The way we work* so that it is visible to all participants.

Note to facilitators:

When dealing with *contracted private security personnel or public security personnel (forces)*, find out if they have a Code of Conduct (COC) in place. If so, obtain a copy thereof and use it as a reference during the presentation and discussion to follow. This will help participants make the link with their own COC, as well as the company's.

Presentation

0 h 15 min

Continue the *SP: Human Rights and Ethics*.

Slide 12 **Codes of conduct (CoC)**

Explain to participants:

- In the previous activity, you were asked if something was not right in the dilemmas presented to you.
- They were not right because people were violating a code of conduct.

Notes:

- A Code of Conduct (COC) is a set of rules by which we live.
- Ethics is about “doing the right thing”.
- The code of conduct is what allows you to decide “what is the right thing”
- The code of conduct helps you respect and protect human rights.

Slide 13 **Company Code of Conduct**

Notes:

- The Company has developed codes of conduct outlining how employees and contractors are to behave.

Show participants *LT: Poster – The way we work*. Take a few moments to review the poster with the group, and make links with the previous activity.

Use a summarized version of *The way we work* in the *Participant Handbook* to point out and explain some of the key values and principles.

Conclude by saying:

The Company is all about the principles and values in the COC.

- The Company expects all its' employees and everyone who provides security on its behalf to follow it.

Slide 14 **International Code of Conduct for Private Security Providers**

Notes:

- In 2010 the International Code of Conduct for Private Security Service Providers (ICoC) was compiled as a set of principles for private security providers, based on the guidelines of the *Montreux Document*.

Note to facilitators:

In 2008 the International Community of the Red Cross (ICRC) developed the *Montreux Document* on Private and Military Security companies (PMSCs) to outline the obligations that they have to respect and protect HR and IHL during armed conflict.

- The document provides guidelines and minimum standards for private security providers on numerous issues ranging from training, use of force, safety, human rights, employment conditions, etc.
- *International private security companies* voluntary sign and commit to this Code of Conduct.

- Apart from this, private security contractors may also have their own set of company values or COC that they want their employees to practice.

Note to facilitators:

Use this opportunity to introduce and make reference to any COC applicable to the *public security personnel (forces)* supporting the Company's security operations.

Slide 15 **UN Code of Conduct for Law Enforcement Officials**

Notes:

- In 1979 the UN compiled a code of conduct for all law enforcement officials and agencies.
- If you are a member of the public security forces, responsible for law enforcement, then this applies to you.
- Apart from this, public security personnel (forces) may also have their own COC that they want their employees to practice.

Note to facilitators:

Use this opportunity to introduce and make reference to any COC applicable to the *public security personnel (forces)* supporting company security operations, and protecting human rights.

Use the summarized version of *UN Code of Conduct for Law Enforcement Officials* in the *Participant Handbook* (Appendix G) to point out and explain some of the key values and principles guiding the conduct of law enforcement officials.

Slide 16 **Soldiers Rules**

- Rules have been adopted for military personnel.
- These include not torturing, stealing, and avoiding unnecessary harm or damage.

- They include respecting human rights.
- The laws of war relate to combat situations.

Slide 17 **UN Convention Against Corruption**

- In 2003, the UN compiled a code of conduct to prevent corruption.
- Each country has a code of conduct to prevent corruption by public employees. If you are a member of the public security forces, then this applies to you.
- Each country also has a code of conduct to prevent public corruption committed by private companies. If you are a member of the Company security forces, or are part of a security company, then this applies to you.
- The Company also has an anti-corruption policy that applies to you.

Conclude by saying:

- The Company supports the values and principles contained in the *UN Code of Conduct for Law Enforcement Officials*, and the *UN Convention Against Corruption*, and asks that *public security personnel (forces)* acting as law enforcement officials, do the same.
- The Company also asks that you comply with your organisations' COC and anti-corruption policy.

Pause the SP: *Human Rights and Ethics*.

Plenary Discussion
0 h 15 min

Guide participants through a reflection on the codes of conduct and how they apply to them.

Use the following questions to guide the discussion:

Q Do you have a COC at this site?

Anticipated Response:

- Company code of conduct
- Codes of conduct guiding contracted private security (specific to company)
- Codes of conduct guiding public security personnel (forces) (specific to government department or the law enforcement agency)
- International codes of conduct such as the UN Code of Conduct for Law Enforcement Officials.
- International laws on anti-corruption
- Company anti-corruption policy
- Soldiers' rules

Q What is the relevance of a COC for security personnel?

Anticipated Response:

- It is the set of rules that tell me how I should act and do my job
- Tells me what the right thing is to do
- Helps me respect and protect human rights.
- *(Open- ended)*

Q Who creates the COC?

Anticipated Response:

- The Company
- My own organization or government department
- Professional bodies and organizations of the industry
- *(Open-ended)*

Q Who ensures that the COC is implemented?

Anticipated Response:

- Management
- Supervisors
- Security personnel
- Me and you

Q Who is excluded from the COC?

Anticipated Response:

- No-one at the company is exempted from its codes of conduct.
- Codes of conduct applicable to *public security personnel (forces)* may not be applicable to *the company and private security personnel*.

Q Can you decide not to uphold the COC?

Anticipated Response:

- No
- If it applies to you then you have an obligation to uphold it.

Q Can someone order you not to follow the COC?

Anticipated Response:

- No
- If it applies to you then nobody can order you to violate it.

Q What do you think will happen if there is no CoC?

Anticipated Response:

- Unprofessional behaviour
- Lack of trust
- Questionable conduct
- Legal violations
- Human rights violations
- *(Open-ended)*

Q How does having a COC support implementing the VPSHR?

Anticipated Response:

- Ensures ethical behaviour is based on values of integrity and respect that helps to protect and uphold the rights of the people and community that we work in.
- If you do the right thing, then chances are slim that you will violate or disrespect the rights of others.

Conclude by saying:

- You have to make sure that you know and understand the codes of conduct applicable to you.
- If you are not sure, ask your supervisor.

4. Activity: Skits on Codes of Conduct

0 h 40 min

Preparation

Refer to the company COC.

LT COC Cards display the principles of the code of conduct. Using the cards, **identify** the four principles that you think are most applicable to participants. **Extract** these cards from the cardset.

Note to facilitators:

Your choice of four principles to highlight will depend on local **context**. **Prior to the course**, ensure you have **discussed** these principles with company managers and know if any particular concerns need to be addressed.

Introduction

0 h 05 min

Divide participants into five groups.

Explain to participants:

- You will prepare and present a very short skit to demonstrate one of the principles in the code of conduct.
- I will go around and secretly assign to each group a principle. The principle will be written on cards.
- Do not say out loud, or repeat the principle to members of other groups.
- You will plan and perform a skit of no longer than a minute, to demonstrate how you will apply this principle as a security officer working for or at the company.
- You have ten minutes to prepare your skit.
- After your presentation, the other groups will have to guess which principle you demonstrated.

Ensure everyone has heard and understood the time constraint.

Confirm everyone understands the instructions before they all begin.

Circulate and assign each group with a key principle from the various COC.

Note to facilitators:

Adapt your choices based on the abilities of the group. If the group is weaker, select only simple items from the company COC.

If the groups are of limited literacy, you may need to read the card to them.

Small-group Preparation
0 h 10 min

Participants **prepare** their skits.

Circulate among small-groups to ensure they are working well and that skits are prepared.

Skit Presentations and Debrief
0 h 25 min

Participants **present** their skits.

After each skit is presented, other groups attempt to **guess** what principle was demonstrated.

Use the following questions to debrief each skit presented.

Q Can you give an example of acts or behaviour in your work as a security officer that goes against the principle?

Anticipated Response:

- *(Open ended)*

5. Dealing with Misconduct

0 h 20 min

Note to facilitators:

The next session requires of you to share the site specific policies and procedures to deal with misconduct by:

- Company and private security personnel
- Other Company employees
- Public security personnel

There may be a specific Human Resource policy dealing with this issue. Topics to be dealt with include the following:

- Company policy on misconduct
- Reporting channel and contact details
- Duty of security personnel and supervisors to report misconduct
- Rights of security personnel suspected of misconduct
- Consequences of misconduct
- Reference to local labour laws that guide disciplinary procedures and actions

Discuss these issues with the security manager, site Manager, or the Human Resource Department.

Consider using a guest speaker such as the security manager or person dealing with disciplinary matters, for this purpose.

Confirm the attendance of the guest speaker, or person assigned to present this session.

Introduction
0 h 03 min

Explain to participants:

- We will now have a look at the consequences of violating the COC.

Ask participants:

Q What do you think will be possible consequence for violating the COC?

Anticipated Response:

- Reporting to the company and the appropriate authorities
- Investigation
- Media coverage
- Service termination
- Possible criminal charges
- Penalties, or fines
- Name and shame

Inform participants:

- We have touched on some of the general consequences of unethical behaviour.
- We will now have a look at how the company will deal with misconduct by security personnel.

Introduce the guest speaker.

Guest Presentation
0 h 15 min

Note to facilitators:

The guest speaker will use this opportunity to BRIEFLY share with participants the site specific policies and procedures to deal with misconduct by:

- Company and private security personnel
- Other company personnel
- Public security personnel (forces)

Issues that will be dealt with, include:

- Company policy on misconduct
- Reporting channel and contact details
- Duty of security personnel and supervisors to report misconduct
- Rights of security personnel suspected of misconduct
- Consequences of misconduct
- Reference to local labour laws that guide disciplinary procedures and actions

Conclusion
0 h 02 min

Thank the guest speaker for his her presentation.

Conclude by saying:

- There will be consequences for security personnel who break the COC.
- Consequences may vary depending on the seriousness of your actions.
- Why get into trouble? Just do the right thing.

6. Scenarios on Ethical Security Issues

0 h 50 min

Preparation

Read the scenarios.

Assign one facilitator to each group to guide them in the discussion of their scenario.

Note to facilitators:

Facilitators may, depending on the groups' literacy level, be required to read the scenario to the group.

Introduction

0 h 03 min

Introduce the topic.

Divide participants into three groups.

Explain to participants:

- Each group will be assigned a scenario.
- Each scenario presents an ethical dilemma related to security duties and responsibilities.
- You will examine the scenario and:
 - Identify the code of conduct principles violated
 - Identify human rights violations
 - Select and explain the approach that you will follow to deal with the situation.
- You have fifteen minutes to discuss your scenario.
- After ten minutes, we will return discuss the scenarios.

Divide the participants into three groups and assign them their scenario cards.

Group discussion
0 h 15 min

Assign one facilitator to each group to guide the review and discussion of the scenario.

Scenario 1: The home

You are patrolling the buildings on your site where miners and their families are housed. It is late at night. The noise of someone crashing into something, and a man's angry voice catch your attention. You walk to where the sound seems to be coming from.

Outside a small home, a security officer like you is standing over a woman. She seems to be sobbing. He kicks her and angrily yells at her, and she is curled up on the ground. When the officer sees you, he stops hitting the woman. You ask what is going on and who she is.

You recognise him. His name is Peter. He has been working for the mine for some time.

He tells you that this woman lives with him. He says she does not listen to him and needs to be taught a lesson. He says she used to listen to him, but needs to be "adjusted."

The girl rolls over and you recognize her. Three weeks ago, you were guarding the infirmary and she came in for treatment for a black eye and bloody nose.

Peter tells you: "This is a private issue, so turn around and leave." He turns to her, and says, "You are lucky to be here, and if you tell anyone else about this I will throw you out on the street."

Scenario 2: Pay day

You have known Bob for many years. You are both cousins and very good friends. Both you and Bob work for the company's mine security. Bob works during the day and you work at night. The mine has been expanding and many new people have been hired at security on as there are more buildings and more property to protect. Lately, Bob has been wearing nice clothes. First it was a fancy new shirt, then boots. Every time you see him, Bob is wearing new expensive clothing. Today, he has what appears to be

an expensive watch on his wrist. You both work at the same place, and you know he cannot earn much more than you.

You ask him how he can afford all those nice things. Bob winks and pulls you aside. In a whisper he says:

“Do you remember our cousin Gladys? She now works at the mine office. I have made an arrangement with her. She handles the files for all the people who are hired to work. I bring her men who are looking for work, and she puts their names on top of the list. In return, they share their salary with us. When payday comes and they come to collect their pay, I make sure I am on guard duty. On the way out, I ‘take a little something’. If you know anyone, you may want to join in.”

Scenario 3: Diamonds

Both you and Paul work for the company’s diamond mine. Paul works as an employee in the mine, and you work as a security guard at the main gate.

One day you arrive and find Paul sitting in the guard house with Ivan who is also a security officer. On the desk is a rock: you recognise it as a rough diamond. Ivan shows you the rock and tells you he has caught Paul with the diamond. He also informs you that he has called the police and that he will detain Paul until they arrive to arrest him.

You have known Paul for a long time and do not want to see him lose his job, or go to jail. Ivan then turns to Paul and asks him how much money he has on him. Paul pulls out some bills from his pocket. There is a fair amount of money there. Ivan also asks Paul for his watch.

Ivan then puts the money and the watch in his pocket. Without a word, he sweeps the rough diamond off the table, picks up a pebble from the floor, and places it on the table where the diamond was.

He turns to you and says: “Here is what we’ll do. When the police come, we will show them the pebble and say we made a mistake. I will share with you what’s in my pocket, and your friend can go free. Okay?”

Scenario 4: The Bar

It has been a very busy month for you and other company's security officers at a Company copper mine. There were national elections, which meant that some of the local police were reassigned to the capital. The local community also gets energized by the elections, which often leads to vandalism and attacks on company property and employees.

One night, the phone rings in the security office. Bill, another security officer, takes the call. Bill has been on duty for 10 days straight, as have the other security officers at the company. Bill hangs up and says, "It was just another complaint. She said three of our security guards are at a local bar. They've been there for a while drinking, and now are saying they're going beat up people up who come too close to the mine."

You say, "Shouldn't we go get them?"

Bill responds, "No, they're just blowing off steam, and aren't going to hurt anyone." He laughs and says, "Actually, this is the fourth call this week complaining about our guys at the bar, and we always just let it go. These guys will find their way home sooner or later."

Scenario 5: The Supervisor

You work for mine security, under the supervision of Tom. Tom has worked for the company for 7 years. Before that, he worked for the state police.

One day late in the afternoon, Tom comes back to the security office. He is clearly upset. He starts packing his bag to go home for the day. He doesn't say much to you, but you hear something about a fight that just happened, and a local community member saying he was physically abused. He does not give you more details before walking out the door. Tom does not record or report the allegation or the details of the fight or tell anyone else about it in the office.

You know Tom and like him, and know that he is a good supervisor and security officer. You assume that if there was a fight, Tom probably didn't do anything wrong.

Three weeks later, Tom comes back to you. He says, "Do you remember that fight I told you about a few days ago? Someone complained that there was a human rights violation, if you can believe that. I need a favor. A company investigator is coming to investigate and I need you to tell him that you were there and that I didn't do anything wrong. Will you do that for me?"

Plenary discussion and reflection 0 h 30 min

Review one scenario at a time.

Ask a participant from each small-group to quickly read (or read it yourself if there are literacy concerns) the scenario presented to them.

Ask teams members to state their answers for the following questions:

Q What principles from the code of conduct were violated?

Q Were any human rights violated?

Q How will you deal with this situation?

Ask other participant-groups:

Q Do you agree?

Q What will you do different? Why?

Q What can be done do to prevent a similar problem from occurring at your facility?

Q What would be the consequences if this were not reported?

Move on to the next group and repeat the process.

Conclude the activity by saying:

- There are many potential scenarios, and many ethical issues and temptations that you will face as a security officer. It is impossible to cover them all, but all least we have a COC and steps that we can use to deal with them.
- Remember, you are not alone. If you are not sure what to do, ask a colleague or ask your supervisor.

Conclusion

0 h 05 min

Inform participants:

- In this module we had a look at:
 - What ethics is
 - Ethical dilemmas and the steps suggested to make ethical choices
 - Codes of conduct that apply to your duties as a security officer
 - The policy and procedure that deals with unethical behaviour by security personnel.
 - Sample scenarios that cover typical ethical issues that security personnel may face as part of their duties.

Revisit the objective for this module.

Ask participants:

Q Do you think we have achieved the objective set for this module?

Anticipated Response:

- Yes

Conclude by saying:

- Now that we have a common understanding of codes of conduct and how they apply to you, you have a responsibility to ensure that you behave in an ethical manner in accordance with the guidelines in the various codes of conduct.

Module 2: Human Rights and Ethics

Performing my security duties and responsibilities in an ethical and professional manner..

Working according to applicable codes of conduct

Speaking out against those that do the wrong thing..



What are ethics?

- Ethics is the study of **what is the proper course of action** for people.
- Ethics answers the question:
“What do I do?”

Ethical values



What are your values?

Ethical decision making

1. Assess.



2. Examine the facts.



3. Choices!



4. Consider.



5. Choose and discuss.



*It is all about doing the
right thing!*

1. Assess

Stop and assess the situation



2. Examine the facts

- What is the dilemma?

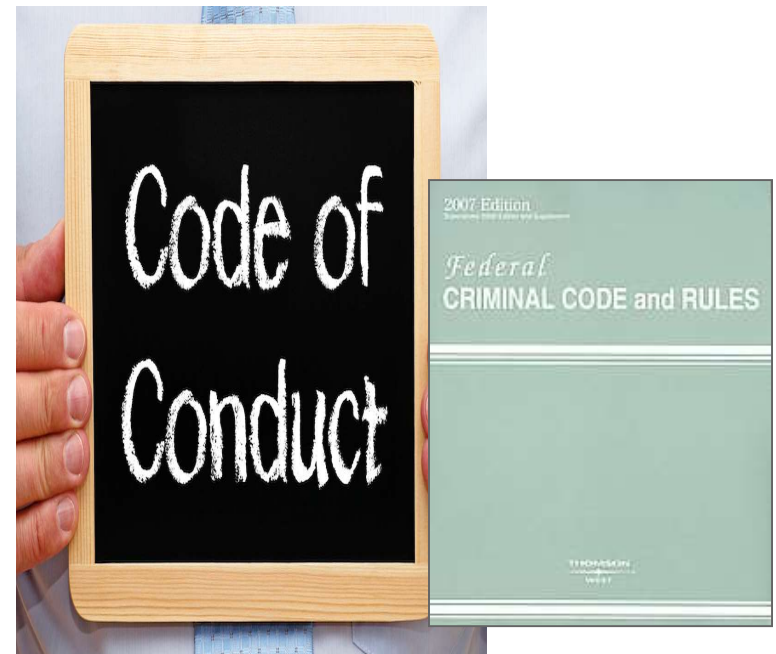


- What rules and laws are involved?

- Human Rights Laws
- National Law
- Company Policies and Standards

- Who will be affected?

- Which people?
- The Company?



3. Choices

- What are your choices?
- What are the risks and benefits for each choice?
 - Is this choice legal?
 - Is it consistent with human rights laws?
 - Is this choice consistent with company policies?
 - What would my family, friends and neighbours think?
 - Would I prefer to keep this secret?
 - Would I want my actions reported in the newspaper?



4. Consider

- Consider the people.
- Consider the community.
- Consider the company.

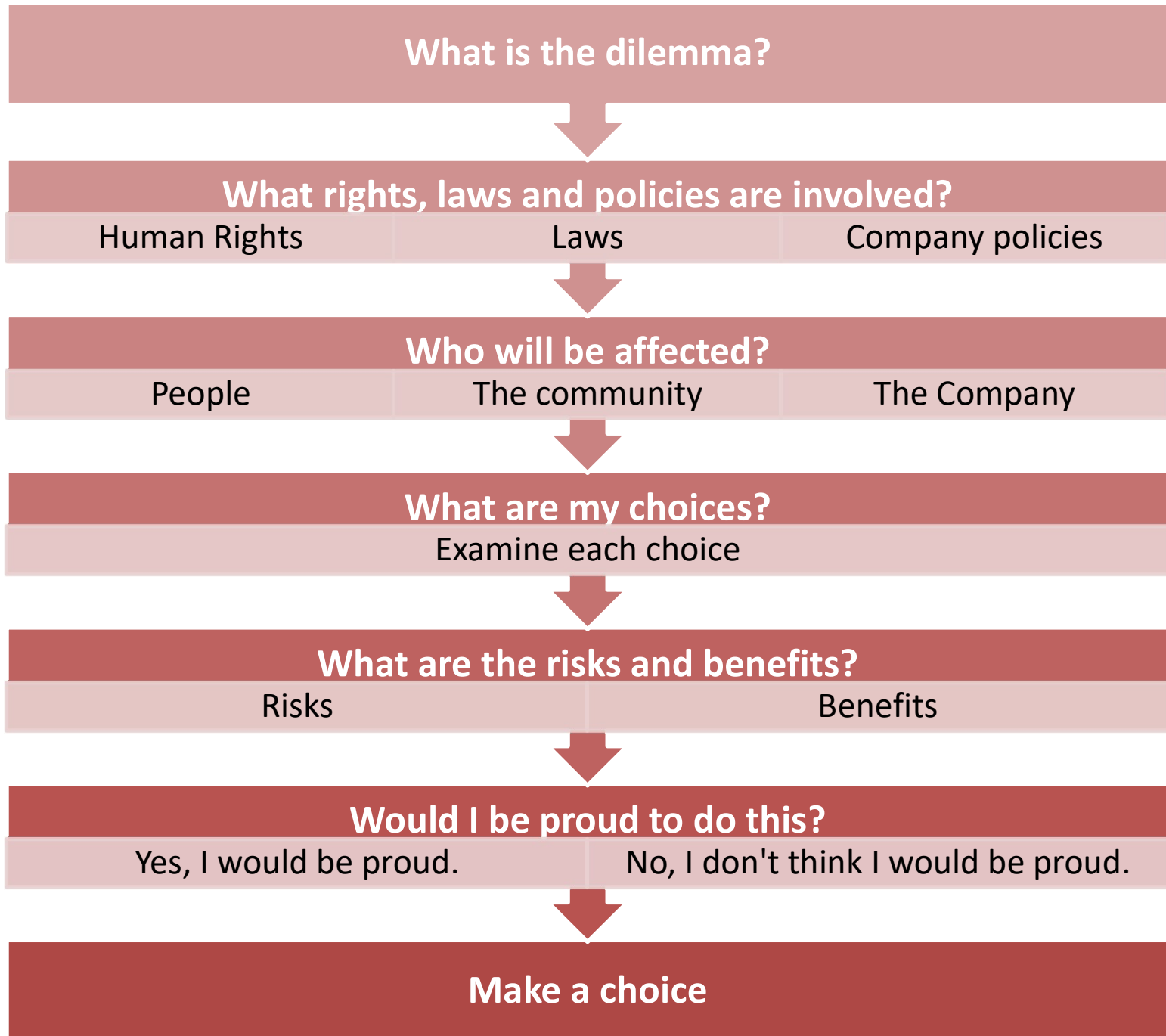


5. Decide and discuss

- Ethics is about doing the right thing.
- Talk to others about your decision:
 - Your manager or supervisor
 - Hotline



Steps for ethical choices



Code of conduct (COC)

A code of conduct is a set of rules defining the responsibilities of people and organizations and how they should behave.



Company COC

Insert Photo of
Company Code of
Conduct Here

Respect

We recognise and consider the views of others and treat them as we would want to be treated.

Integrity

We act fairly, honestly and consistently in what we say and do and we speak out when necessary.

Accountability

We take responsibility for our actions and hold others to account for theirs.

Teamwork

We work together and learn from each other to achieve our goals.

International COC for Private Security Providers



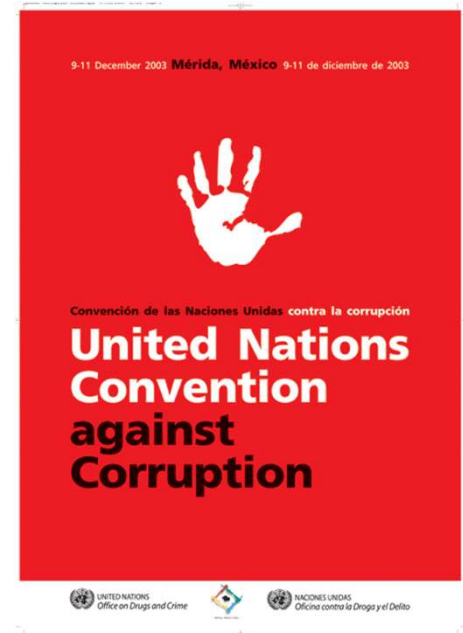
UN Code of Conduct for Law Enforcement Officials



Soldiers' Rules



UN Convention Against Corruption





VPSHR Course

Protecting and respecting the rights of those we work with.



Module 3: Roles and Responsibilities of Security Personnel

Objective	At the end of this module, participants will be able to perform their duties and responsibilities as security personnel according to human rights (HR), national laws, company policies, and the Voluntary Principles of Security and Human Rights (VPSHR), by applying their skills and knowledge to specific scenarios and activities.	
Assessment	The application of knowledge and skills will be assessed using specifically designed group activities and sessions requiring that participants reflect on the use and application of knowledge and skills acquired, as part of the company's security activities.	
	Introduction	0 h 05 min
	1. Roles and responsibilities of Security Personnel	0 h 20 min
	2. Regulatory Framework for Security Practices	0 h 40 min
	3. Activity: Dealing with Vulnerable Groups	0 h 35 min
	4. Activity: HR and Security Actions	1 h 05 min
	5. Activity: Dealing with Assemblies, Crowd Control and Evictions	0 h 30 min
	Conclusion	0 h 05 min
Total Time	3 h 20 min	

Introduction

0 h 05 min

Plenary Discussion

0 h 05 min

Introduce the module objective:

At the end of this module, you will be able to perform your duties and responsibilities as security personnel according to human rights (HR), national laws, company policies, and the Voluntary Principles of Security and Human Rights (VPSHR), by applying your skills and knowledge to specific scenarios and activities.

Explain to participants:

- Key content to be covered during this module includes:
 - Your duties and responsibilities as security personnel.
 - The “regulatory framework” guiding our security operations.
 - The importance of a gender-sensitive approach to security.
 - The need and importance of partnerships and cooperation between security personnel and the local community.
 - Your duty and responsibility to protect and respect HR during security actions that involve temporary detention, arrest, search and seizure, as well as dealing with assemblies, crowd control, and evictions.
 - Your duty and responsibility to ensure that the rights of vulnerable groups such as children, women, foreign nationals, and the victims of crime are protected and respected.
 - The need to monitor and report on you performing your duties and responsibilities.
- First, we will identify and discuss the different duties and responsibilities of *company and private security personnel*, compared to the duties and responsibilities of *public security personnel (forces)*. This discussion will help you understand the role and responsibility of all security personnel contributing to our security operations.

- *Module 1: Human Rights Framework for Global Operations and Security Practices* already introduced you to the international HR framework.
- The discussion will now focus on the national laws, policies, and HR guidelines applicable to your job. This is also called the “regulatory framework” that lays down the standards that guide us in doing our job in such a way that we still consider, protect and respect the HR of the people and communities we work with.
- We will also discuss our duty and responsibility to ensure that the rights of vulnerable groups such as children, women, foreign nationals (workers), and the victims of crime are protected and respected.
- Group discussions, a presentation, role-play and scenarios will be used to facilitate your learning in this module.

Encourage participants to:

- Actively **participate** in discussions and activities.
- **Share** their own practical experiences or examples from your job/work environment.
- **Consider** how what we discuss applies to them doing their job as security officers.

1. Roles and Responsibilities of Security Personnel

0 h 20 min

Preparation

Display the *LT Poster Who does what*. You will refer to it during your explanations of the roles and responsibilities of security personnel. Place the poster in a location where it is visible to all. Refer to it during the course whenever you need to point out the difference between the various security personnel. A copy is included in the *Participant Handbook*.

Setup and **test** the notebook and multimedia LCD projector.

Review *SP: Roles and Responsibilities of Security Personnel*

Note to facilitators:

Use the following list of guiding questions to help you plan, prepare, and direct discussions, feedback, and learning:

- Q** Are there differences between the duties and responsibilities of *company and private security personnel*, compared to *public security personnel (forces)*? If so, explain.
- Q** What can *our company and private security personnel* do that *public security personnel (forces)* cannot do? Why?
- Q** What can *public security personnel (forces)* do that *company and private security personnel* cannot do? Why?
- Q** Who or what authorises *security personnel* to perform their duties and responsibilities?
- Q** How may executing your duties and responsibilities as security personnel limit or infringe on the rights of company personnel, the community, and/or suspects temporary detained or arrested?
- Q** Are there any laws, policies or documents that you know of that inform security personnel what they are expected to do?
- Q** According to which rules, standards, and guidelines will security personnel perform their duties?

Presentation and plenary discussion
0 h 10 min

Divide the class into four small groups.

Assign group questions using the slides.

Facilitate feedback in plenary.

Begin *SP: Roles and Responsibilities*

Slide 1 **Company Logo**

Slide 2 **Topic**

Slide 3 **What is the difference?**

Display the slide in the background.

Inform participants:

- In the picture you will see two different groups of security personnel.
- These groups include:
 - Company and private security personnel (*left*)
 - Public security personnel (forces) comprising of government security forces (*right*)

Ask participants to briefly discuss and give feedback on the following question:

Q What is the difference between *company and private security personnel* compared to *public security personnel (forces)*?

Anticipated Response:

- Company security personnel (own)

Refers to our own employees that have been recruited, appointed, and trained to perform security duties at a company project/operations site.

- Private security personnel

Refers to external private security personnel that have been contracted to ensure safety and security at company global operations sites. They work with and for our company. There are small differences between the duties and responsibilities of company and private security personnel and for practical purposes they are referred to as one group of people.

- Public security personnel (forces)

Refers to government security force (e.g. police or military) mandated to maintain law and order in the community wherein the company's global operations site is situated.

Inform participants that the duties and responsibilities of security personnel working for, with and at the company's global operations may be different due to one or more reasons such as:

- authority
- professional limitations
- equipment
- nature and size of the project or business operation
- geography and location
- the security situation and risk around operation
- agreements

Note to facilitators:

- **Authority** (e.g. *Company and private security personnel* only have jurisdiction on company property, while *public security personnel (forces)* have a mandate to respond to incidents on company property and in public – outside our property).
- **Professional limitations** (e.g. *Company and private security personnel* are not allowed to process evidence, or conduct investigative interviews with suspects or witnesses, while *public security personnel (forces)* may be sworn law enforcement officials authorised to do so).
- **Equipment** (e.g. unless authorised, *company and private security personnel* will be unarmed; subsequently they cannot respond to armed attacks or be expected to deal with dangerous suspects).
- **Nature and size of the project or business operation** (e.g. a diamond mine may place stronger emphasis on screening, access control as opposed to a coal mine).
- **Geography and location** (e.g. the location, size, terrain, and weather conditions may require the use of vehicle patrols instead of foot patrols special equipment to conduct perimeter).
- **Security situation around operation** (e.g. is there a high rate of crime, conflict, or a history of past incidents that warrants higher risk and improved security measures).
- **Agreements** (e.g. The company will have a contract with *private security providers* and a memorandum of understanding (MOU) with *public security personnel (forces)* that support company security operations).

Conclude by saying:

- Both categories of security personnel support our company's security operations.
- Before working with any security personnel, the company will ensure that all security personnel understand the HR framework and VPSHR that form part of our security operations.

Slide 4 **Who does what?**

Display the slide in the background.

Inform participants:

- Company and private security personnel have an employment or service contract with the company (*left*).
- Public security personnel (forces), comprising of government security forces such as the police and military has a memorandum of understanding (MOU) with the company (*right*) to agree on how they will support our security operations.
- These documents form the basis for the duties and responsibilities performed by security personnel in support of our security operations.
- These documents also ask security personnel to perform their duties and responsibilities in such a way that they respect, protect, and fulfil the HR of company personnel, the community, and/or suspects or persons dealt with.
- *Company and private security personnel* will perform the same duties and responsibilities in support of our security operations.

Ask participants to:

- **Briefly** discuss and give feedback on the following two questions:

Q What are the duties and responsibilities of *company and private security personnel*?

Anticipated Response:

- Access (entry) control to company facilities and operations
- Egress (exit) control from company facilities and operations
- Perimeter control of company facilities and operations

- Identification and screening of persons and goods
- Control of movement of persons and restricted goods
- Prevent access to restricted areas and security zones
- Search vehicles for the movement of restricted persons and goods onto, within, and out of company facilities and operations
- Perimeter control that includes foot patrols, vehicle patrols, and the inspection of perimeter and security fences
- Escorting of persons and goods in restricted areas
- Detection and removal of dangerous, controlled or unwanted goods
- Routine searching of persons and vehicles for controlled or restricted goods
- Setting up vehicle checkpoints and roadblocks
- Search, seizure, and control of restricted or prohibited goods on company property
- Crime prevention duties
- Respond to on-site alarms and service calls
- Conduct routine inspections and reports
- Temporary detention and handing over of suspects to the local law enforcement agency
- Control and limit access to crime scenes
- Preserve and hand over evidence that may be used a part of criminal investigation
- Assist the police a requested, with the permission of your supervisor

Q What are the duties and responsibilities of *public security personnel (forces)* in support of company security operations?

Anticipated Response:

- Maintain law and order.
- Protect and serve the community.
- Ensure the safety and security of citizens, non-citizens and the local community.
- Ensure the safety and security of the company as a corporate citizen.
- Respond to service calls and emergencies that pose an imminent threat to company personnel, facilities, and operations, or exceeds the company's capability to respond.
- Protect and respect HR.
- Arrest and detention of suspects.
- Dealing with assemblies, crowd control and evictions.
- Investigate crimes.

Slide 5 **How do we work together?**

Display the slide in the background.

Inform participants:

- All security personnel need to work together to support company security operations.
- All security personnel need to work together to ensure that HR is protected and respected.

Ask participants:

Q What do you suggest would improve cooperation between *all security personnel*?

Anticipated Response:

- **Get to know one another**; this includes obtaining a better understanding of why and how duties and responsibilities are performed.
- **Do not exceed your authority**; do only what you are allowed to do.
- **Share critical information** needed to prepare, prevent, or respond to a security situation. If you are not sure if you can share information, first ask your supervisor.
- **Participate in joint training and exercises** on the use of force and human rights.

Notes to Facilitators:

The following background reading will help you prepare and better understand the relationship of the company with contracted private security providers and public security providers (forces). This may be helpful to clarify questions and explanations to participants.

The *Guidance notes for implementing security and human rights principles* state that the company is responsible for minimizing the risk that private security providers exceed their authority and harm HR in any way.

Regarding **private security**, the company will inform security personnel of:

- Our policies regarding ethical conduct and HR;
- The law and professional standards of the country in which they operate;
- Emerging best practices developed by industry, civil society, and governments; and
- The importance of promoting the observance of international humanitarian law.

Contractual provisions in agreements with **private security** involve the following:

- Reviewing the background/reputation of private security they intend to employ, particularly relating to criminal background and the use of and excessive force.
- Consulting with other companies, home country officials, host country officials, and civil society regarding experiences with private security.
- Ensuring that private security guards are free of lethal weapons (unless approved).
- Making private security aware of, and ensuring that they observe, the company's policies regarding ethical conduct, human rights, International Humanitarian Law (IHL), and rule of law.
- Ensuring that private security maintains high levels of technical and professional proficiency, particularly regarding the local use of force and firearms (if applicable).
- Ensuring private security acts in a lawful manner, exercises restraint and caution in a manner consistent with applicable international guidelines regarding the local use of force, including the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.
- Ensuring private security has in place and implements policies, training and standard operating procedures regarding appropriate conduct and the local use of force (e.g. continuum on the use of force).
- Ensuring that all allegations of human rights abuses by private security will be recorded and immediately reported to the company. All credible allegations will be properly reported, investigated, and monitored.
- Ensuring that private security provides only preventative and defensive services and do not engage in activities exclusively the responsibility of state military or law enforcement authorities.
- Ensuring that private security will (a) conduct background checks on all security guards; (b) not employ individuals credibly implicated in human

rights abuses or who have a criminal record to provide security services; (c) use force only when strictly necessary and to an extent proportional to the threat; and (d) not violate the human rights of individuals as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work. This includes the right to exercise freedom of association and peaceful assembly, and to engage in collective bargaining.

- Ensuring that cases involving the use physical force is properly investigated by the private security and reported to the company. Private security will 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.
- Ensuring that private security will maintain the confidentiality of information obtained because of its role as security provider.
- Ensuring that private security personnel are adequately trained to respect the human rights of employees the local community, which includes an understanding of gender considerations and any other persons affected by the company's operations.
- Agreeing to the termination of an individual's contract and or the relationship with the contractor by the company where there is credible evidence of unlawful or abusive behaviour by private security personnel, including breaches of human rights.
- The company consulting and monitoring private security providers to ensure they fulfil their obligation to provide security in a manner consistent with the principles outlined above.

Regarding the use of **public security personnel** (forces), the company will include the following aspects in the MOU:

- Requiring the government/public security forces to give assurance that none of its members assigned to the site/project has been involved in credible allegations of human rights violations.
- Allowing for the arrangement with public security forces to be made public while keeping commercial confidentiality in mind. Requiring public security forces and company representatives to meet regularly with local leaders/communities to discuss common issues of security, including any issues relating to the conduct of the public security.

- Requiring public security forces and company representatives to meet regularly with local leaders/communities to discuss common issues of security, including any issues relating to the conduct of the public security.
- Acquiring demonstration/certification that the public security forces' members have received security and human rights training. Note: This might mean the company would facilitate such training, possibly in cooperation with other companies or entities operating in the country.
- Communicating company policies regarding ethical conduct and human rights to public security forces. Expressing the company's desire that security is provided in a manner consistent with those policies and by personnel with adequate and effective training.
- Equipment imports, and exports should comply with all applicable law and regulations.
- Communicating the importance for the company that force be used only when strictly necessary and to an extent proportional to the threat.
- Communicating the importance for the company that the human rights of individuals, as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work, should not be violated, including the right to exercise freedom of association and peaceful assembly, the right to engage in collective bargaining, or other related rights of company employees.
- In cases where physical force is used by public security, such incidents should be reported to the appropriate authorities and to the company.
- Where force is used, medical aid should be provided to injured persons, including to offenders.
- The type and number of public security forces deployed should be competent, appropriate and proportional to the threat.

We will ensure that our own security personnel:

- Are screened for human rights violations and criminal records before employment.

- Are trained in human rights and the use of appropriate force.
- Are not issued with lethal weapons to perform their job (unless approved and trained).
- Apply the ethical conduct and human rights policy of the company.
- Apply the laws and professional standards of the country in which they operate.
- Apply site specific security policies and procedures.
- Record and investigate all allegations of human rights abuses by company security personnel.

Slide 6 **Community Considerations &**

Slide 7 **Involving the community**

Display the slide in the background.

Notes:

- All security personnel need to work with the community to ensure that their HR are protected and respected.
- Generally, conflict can be minimized by engaging with and working with the surrounding communities. This requires the building of mutual trust and understanding.
- Consider questions such as, "How does community's interests differ from yours, and from the company's interests?"
- Security and other challenges should be discussed with local communities and stakeholders. Consider the question, "What drives problems in the community?" The local law enforcement agency must form part of these discussions.
- Discussions need to consider and include women, children, community leaders, local organizations, and any other group that will benefit or be affected by business or security arrangements.

- The company will also involve security personnel and other employees or representatives in discussions with the community and work with them to share information, views and objectives.
- Creating a shared understanding of the security challenges with the local community implies that everyone is involved and can work together to ensure a safe and secure environment for all. Together problems can be discussed and solved using a community-based security approach (CBSA).

Slide 8 **Community-based security approach**

Notes:

- A community-based security approach is based on partnership, problem-solving and prevention.
- Models such as SARA can be used to help problem-solve human rights issues.

SCAN



- Have you identified a human rights problem?
- Where can you find more information about the human rights problem?
- Have you identified the consequences of the human rights problem?
- Have you confirmed that the human rights problem really exists?

ANALYZE



- Why does the human rights problem exist?
- What is the main cause of the human rights problem?
- What else can you do to better understanding the human rights problem?
- Who else do we have to talk to?

RESPOND

R

- What can we do to solve the human rights problem?
- Have you selected the best solution?
- What can we do to limit the consequences of the human rights problem?
- What do you want to achieve with your solution?
- Did we consult all our partners? Do we have their support?
- Who will be responsible to implement the solution?

ASSESS

A

- Did we manage to implement the solution?
- Did the solution work?
- Did we solve the problem?
- Do we need more information?
- Do we need another solution?

Ask participants:

- Q** How will company security operations benefit from involving the community in its security practices?
- Q** How can involving the community help identify and address human rights and security issues at projects/global operations sites?

Anticipated Response:

- The community will help to:
 - Identify and solve actual and potential human rights issues and violations.
 - Identify vulnerable groups within the community that are specifically vulnerable to human rights violations.
 - Obtain information from the community to help you better understand the causes, consequences, and effects of human rights issues and violations.
- Work with the community to identify and select practical solutions to prevent and respond to human rights issues and violations.

- Use the community to help identify meaningful projects that will help promote human rights, including the rights of vulnerable groups in the community.

Reflection
0 h 10 min

In plenary, **ask** and have participants reflect on the following questions:

Q Is there a difference between the duties and responsibilities of *the company and private security personnel* compared to the duties and responsibilities of *public security personnel (forces)*? If so, explain.

Anticipated Response:

- Yes
- *The company and private security personnel* will perform their duties and responsibilities at company facilities, projects and operations – on company owned and controlled property.
- *Public security personnel (forces)* will primarily perform their duties and responsibilities outside the company-controlled facilities and property. When requested, or authorised, they will help the company deal with security situations that they cannot deal with.
- *Company and private security personnel* do not have the same mandate, authority and jurisdiction as *public security personnel (forces)*.
- A memorandum of understanding (MOU) between the company and *public security personnel (forces)* will determine how they support company security operations.

Q What can *company, and private security personnel* do that *public security personnel (forces)* cannot do? Why?

Anticipated Response:

- Control access to restricted areas of company property as part of their duties and responsibilities. Not all areas may be accessible to all staff.

- Deny the access or movement of unauthorised persons or restricted goods on company premises according to company approved security policies and procedures.

Q What can *public security personnel (forces)* do that *company and private security personnel* cannot do? Why?

Anticipated Response:

- Search with a warrant; *company and private security personnel* are not sworn law enforcement officials and are not authorised to do searches with a warrant.
- Detention and imprisonment; *company and private security personnel* can only temporarily detain a person or goods with the intention to immediately hand them over to the local law enforcement agency who have a choice to arrest, charge, or detain such a person with the intent of bringing him/her before a court of law.
- Criminal investigations; *company and private security personnel* can only protect a crime scene and evidence and then hand it over to the local law enforcement agency and the appointed investigating officer who will collect evidence, and interview the witnesses, suspects and victims.
- Dealing with assemblies and crowd control; if authorised *company and private security personnel* may remove protestors illegally trespassing on company property whilst *public security personnel (forces)* may be mandated and equipped to deal with assemblies and crowd control on and outside company property.

Q Who or what authorises *security personnel* to perform their duties and responsibilities?

Anticipated Response:

- Job descriptions
- Employee contract from the company

- Service contract between the company and the contracted private security provider
- HR and IHL (including the VPSHR)
- National laws, policies and guidelines
- The company Security standard, policies and guidance notes
- Security policies and procedures that apply to the specific company projects or operations

Note to facilitators:

Do not discuss this in too much detail. The next topic, dealing with the regulatory framework will explore these issues in more detail. You only want to get participants thinking of what gives them the authority to do their job.

You may wish to discuss and clarify this matter with company managers/supervisors during your preparation.

Q What situations do you think require of *public security personnel (forces)* to assist *company and private security personnel*?

Anticipated Response:

- Arrest of a suspect
- Conducting a full body search of a suspect, or his/her property
- Dealing with armed and dangerous suspects
- Dealing with assemblies and crowd control
- Emergency situations (incidents of public and political violence, a bomb threat, a hostage situation, etc.)
- Evictions
- Dealing with crimes committed on company property

Q Is there an overlap between the roles and responsibilities of *company and private security personnel* compared to the duties and responsibilities of *public security personnel (forces)* as far as company security operations are concerned?

Anticipated Response:

- Yes
- *Company security and private personnel* will deal with internal security duties and responsibilities.
- When *company and private security personnel* are unable to deal with a situation, they will receive assistance from *public security personnel (forces)*.
- *Public security personnel (forces)* can also support company security operations as agreed in the MOU.

Q Have you thought of how your duties and responsibilities may limit or infringe on the rights of company personnel, the community, and/or suspects or persons dealt with?

Anticipated Response:

- Security actions have the potential to limit the fundamental rights associated with life, liberty, freedom, equality, and justice.
- When we implement security actions as part of our job, we must ensure that we still respect and protect the rights of others. We also must ensure that our actions comply with the PLAN principle.

Conclude by saying:

- Security personnel may have different duties and responsibilities due to law, mandate, or jurisdiction.
- Depending on the MOU with *public security personnel (forces)* and security policies there may be some overlap in the duties and responsibilities of *the company and private security personnel* and *public security personnel (forces)*.
- There is a major difference in the mandate and authority of *company and private security personnel* compared to *public security personnel (forces)*.
- All security personnel have a responsibility to work together to ensure that HR are protected and respected.
- Actions taken by *all security personnel* must be proportional, legal, accountable and necessary (PLAN).

- To ensure accountability, and to ensure that the needs and rights of the persons and the community are considered, the community must as far as possible be involved and consulted on security issues affecting the rights of communities and people.

Regulatory Framework for Security Practices 0 h 40 min

Preparation

Review SP: Roles and Responsibilities of Security Personnel

Note to facilitators:

The slide on **Country laws and treaties** require of you to identify and share national laws that authorise or limit the actions of security personnel, as well as examples of international treaties and human rights instruments ratified by the country.

Examples of country specific laws include:

- The constitution
- Police laws
- Military laws
- Private security laws
- Criminal law and criminal procedure law
- Bylaws
- Religious laws

Examples of international treaties include:

- Universal Declaration of Human Rights
- Geneva conventions
- African Charter of Human Rights
- Declaration on the Elimination of Violence Against Women
- Etc.

The objective is to make sure that security personnel **understand that it is not up to the company** to decide what they want to; duties and responsibilities must be performed within and in **compliance** with the law (**rule of law**) and **must consider international HR** standards.

There are laws that the company must respect, and there are laws that security personnel must respect. If these laws are not respected, then security personnel and the company may be found guilty of an offence.

The slide on **Site specific security policies and procedures** requires you to identify site specific security policies and arrangements that influence the duties, responsibilities, and actions of security personnel.

Operations specific arrangements include:

- Other duties and responsibilities
- Restricted or controlled goods
- SOPs
- Equipment available and approved for use
- Use of force policy applicable to private and public security personnel

Provider arrangements to be considered include:

- Contracted private security (as per contract)
- Public security personnel (forces) (as per MOU)

The objective is to **make sure that security personnel understand that their duties and responsibilities** must be performed in **compliance** with the company and site-specific security policies and procedures. Contracts and agreements will be used to ensure that *contracted private security personnel* and *public security personnel (forces)* understand how they are required to do their work, protect and respect human rights, and support company security operations.

The slide on **Community considerations** require of you to identify and share site specific community issues that impact on the actions of security personnel and the rights of the community.

Examples of community considerations include:

- Traditions and values
- Cultural practices
- Environmental issues and concerns
- Religious issues
- Security risks and threats

The objective is to **make sure that security personnel understand that duties and responsibilities must** respect local customs and traditions and protect and respect the rights of the community that they work in.



Presentation and group discussion
0 h 40 min

Continue SP: Roles and Responsibilities of Security Personnel

Slide 9 Regulatory Framework

Notes:

- In *Module 1: Human Rights Framework for Global Operations and Security Practices*, we already discussed human rights, IHL, and the VPSHR. We also looked at how these apply to security personnel.
- Several rules, laws, policies, procedures and best practices inform you:
 - What to do
 - Why you can do it
 - What you cannot do
 - How to do it
 - When to do it
 - Why you must do it
- Combined these laws, policies, procedures and best practices form the “regulatory framework” applicable to *all security personnel* and company security operations.

Slide 10 Authority, mandate, jurisdiction?

Notes:

- The laws, policies, procedures and best practices that inform you how to do your job may be different depending on who you are, where you work, and what you are authorised to do.
- For example: *Company and private security personnel* will never be expected to respond to service calls from the public; service calls in public is part of the mandate of the local law enforcement agency. Depending

on their mandate *public security personnel (forces)* may be obliged to respond to all service calls from the public and community.

- *The company and private security personnel* working on company premises must comply with the company security policies and procedure.
- *Public security personnel (forces)* work in public and within the community. They have national laws and departmental policies and procedures with which they must comply. The company forms part of the community and based on the MOU in place public security will be asked to assist company security operations.

Slide 11 **Country laws and international treaties**

Notes:

Note to facilitators:

Use this opportunity to share country specific laws that authorise or limit the actions of security personnel, as well as examples of international treaties and human rights instruments that the country are signatories to.

Conclude by saying:

- The company has assigned you certain security duties and responsibilities.
- You do not have “unlimited authority and powers”.
- Your duties must be performed according to the laws, policies and procedure that apply to you.
- Company security policies and procedure applies to all security personnel working at, with, or supporting company security operations.

Slide 12 **Site specific policies and procedures**

Notes:

Note to facilitators:

Use this opportunity to share site specific security policies and procedures guiding the actions of security personnel, as well as contracts and MOUs in place with *private security providers* and *public security personnel (forces)*.

Conclude by saying:

- We want to ensure that you understand your duties and responsibilities and that you perform them in compliance with local laws and company specific security policies and procedures.
- *All security personnel* need to observe and honor the contracts and agreements that the company has in place with them or their employers.

Slide 13 **Community considerations**

Notes:

Note to facilitators:

Use this opportunity to share community-specific considerations that impact on the actions of security personnel, and the rights of the communities that they work in.

Conclude by saying:

- The company wants to be a good corporate citizen and a good neighbour.
- The objective is to make sure that you understand that your duties and responsibilities must be performed in such a way that it respects local customs and traditions and that you have an obligation to ensure that the rights of the community are protected and respected always.

- The better your understanding of your community, the easier it will be for you to respect their rights and work with them to problem-solve security issues.

Slide 14 **Gender and security**

Notes:

Explain to participants that

- **Gender and security requires that:**
 - Your actions should equally benefit or limit the rights of women and men.
 - Security arrangements need to recognize that men and women are different and that they have different needs.
 - Women security personnel can better respond to the needs of women.
 - You need to treat women and men equally.
 - This is a security imperative, that is not optional and fundamental to providing HR compatible security arrangements.
- **Equal opportunities imply:**
 - Acknowledging the important role and importance of involving women as part of law enforcement and security practices.
 - Ensuring equal career, training, and education opportunities for female and male security personnel.
 - Ensuring equal remuneration and benefits.
 - Ensuring equal involvement and participation for women and men at all occupational levels.
 - Taking steps to address past discrimination and restore the balance between men and women
- **Equal treatment implies:**

- Not discriminating against a victim, complainant, suspect, or colleague based on his/her sex or gender.
- Affording the same rights to women and men in all aspects of your work.
- Treating men and women equally with the dignity and respect that they deserve.
- Avoiding harassment and sexual harassment.
- Remember: Equality does not necessarily mean the same. But it does mean that you must be fair to everyone.
- You also need to recognize the different needs of women and girls as suspects, victims of crime, and a vulnerable group of society.

Slide 15 **Company Logo**

Conclude by saying:

- You now have a better understanding of your roles and responsibilities as security personnel.
- You have also been introduced to national laws and security policies and procedure that tell you what you are authorised to do.
- The company wants you to respect the laws of the country and to do your job as set out in the security policies and procedures discussed.
- You also now have a better understanding of the duties and responsibilities of *public security personnel (forces)* who may be called to assist company security operations.

End SP: *Roles and Responsibilities of Security Personnel*

2. Dealing with Vulnerable Groups

0 h 35 min

Preparation

Prepare four sets of *LT: Vulnerable Groups Flash Cards*.

Read the section in the *Participant Handbook on Dealing with vulnerable groups*.

Note to facilitators:

The discussion to follow is based on key international human rights applicable to women, children, foreign nationals (workers), and victims of crime.

You can identify and share the national laws (e.g. the constitution, criminal law, or criminal procedure law) that protect or support the rights of these groups.

Also have participants identify the vulnerable groups in the communities that they work in.

Introduction:

0 h 01 min

Inform participants:

- The company acknowledges the rights, special needs, and vulnerability of children, women, foreign nationals (workers), victims of crime, and victims of human trafficking.
- These groups deserve to be treated with the same dignity and respect as other persons. Security personnel (you and me) need to take special care to ensure that the rights of these groups are protected, and that we ourselves do EVERYTHING POSSIBLE to respect and protect their HR.
- The next activity will have us explore and discuss the rights of these vulnerable groups.

Group Activity
0 h 10 min

Divide the class three small-groups.

Present each group with a set of four flashcards (*LT: Vulnerable Groups Flash Cards*).

Inform groups:

- Your set of flashcards includes images of four vulnerable groups:
 - Flashcard 1 - Children
 - Flashcard 2 - Women
 - Flashcard 3 - Foreign nationals (workers)
 - Flashcard 4 - Victims of crime

Instruct participants:

- Each group will be assigned a different vulnerable group.
- In small-groups, **identify** three rights that you feel the assigned vulnerable group have that you (*as security personnel*) can limit or violate.
 - Group 1: Flashcard 1 - Children
 - Group 2: Flashcard 2 - Women
 - Group 3: Flashcard 3 - Foreign nationals (workers)
- Think of the rights of these persons as individuals, suspects, members of the community, employees, or victims of crime.
- Also, **identify** three responsibility you feel you must protect the rights of these persons.
- You have 10 minutes for this part of the activity.
- Following your group discussions, we will return and share our feedback as a group, in other words in plenary.

- Your *Participant Handbook* contains a summary on the rights of these vulnerable groups, as well as an overview of the roles and responsibility of *all security personnel* to protect these rights.
- Each group will be assigned a facilitator to guide you in your discussion and preparation.

Note to facilitators:

One facilitator is assigned to each group.

Keep the discussion focused and on track.

Highlight some of the rights and examples of roles and responsibilities that participants must protect the rights of the vulnerable group.

Group Feedback and Discussion
0 h 15 min

Group 1: Children

Inform participants:

- Children need special care and protection; they are dependent upon the aid and assistance of adults until they become adults.
- The UN Convention on the Rights of the Child (CRC) recognizes the need for special safeguards and care, including appropriate legal protection for children both before and after birth.
- Article 1, on the Convention on the Rights of the Child, defines a child as *...every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.*
- Sometimes security personnel must deal with children or must detain or arrest a child suspected of committing a crime.

Ask groups to share the three rights, and three responsibilities that they identified to protect the rights of children.

Ensure that the feedback on rights support those provided for in the UN Convention on the Rights of the Child (CRC) (1989).

Supplement the rights discussed by participants with the following:

Notes to Facilitators:

The UN CRC (1989) outlines the basic rights of children. Extracts of these rights include:

- not be discriminated against (article 2,3)
- not be punished based on their status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (article 3)
- to have actions taken in his/her best interest (article 4)
- to life (article 6)
- to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (article 19)
- to have cases of maltreatment investigated (article 19)
- to the highest standard of health (article 24)
- to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development (article 32)
- for a minimum age for submission to employment (article 32)
- to be protected from all forms of sexual exploitation and sexual abuse (article 34)
- not to be abducted, sold or trafficked (article 35)

- not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life-imprisonment without possibility of release (article 37)
- if deprived of liberty, to be treated with humanity and respect (article 37)
- to be arrested, detained, or imprisonment according to law, and as a measure of last resort and for the shortest appropriate period (article 37)
- to be excluded from armed force if under the age of 15 years (Article 38)
- to be presumed innocent until proven guilty (article 40)
- to be informed of the charges against him/her (article 40)
- to as quickly as possible be brought before a court of law (article 40)
- not to be forced to give testimony (article 40)
- the free assistance of an interpreter (article 40)
- have a minimum legal age determined for accountability (article 40)

Supplement the feedback on the roles and responsibilities of participants with the following:

Notes to Facilitators:

Roles and responsibilities implied for the detention or imprisonment of a child:

- It shall be a last resort and as short as possible.
- They shall be separated from adult detainees.
- They shall receive visits and correspondence from family members.

- Non-judicial proceedings and alternatives to institutional care shall be provided for.
- The child's privacy shall be respected, and records will be kept confidential.
- The use of physical restraints and force on children is to be exceptional and employed only when all other control measures have been exhausted and have failed, and only for the shortest possible time.
- Weapons shall not be carried in juvenile institutions.
- Discipline shall respect the child's dignity, and shall instill a sense of justice, self- respect and respect for human rights in the child.
- Officials dealing with juveniles shall be specially trained and personally suited for that purpose.

Conclude by saying:

- The rights of children are protected by instruments such as:
 - The UN Convention on the Rights of Child (1989), and additional protocols
 - The Universal Declaration on Human Rights (1948)
 - The International Covenant on Civil and Political Rights (1979)
- International instruments that govern the administration of juvenile justice, include:
 - United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
 - United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
 - United Nations Rules for the Protection of Juveniles Deprived of their Liberty
 - United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules)
- You have a responsibility to:

- Protect children against abuse, neglect and exploitation. (CRC, articles 32 to 36).
- Know and apply the reasons for and the conditions under which children can be lawfully deprived of their liberty, as well as the entitlements of the child who is accused of committing a crime (CRC, Articles 37 and 40).
- Familiarise yourself with all local laws dealing with children.
- Immediately report any allegations or incidents of human rights violations against children.
- *Company and private security personnel* will immediately hand over to the local law enforcement agency children detained or suspected of committing a crime.
- Under no circumstances may security personnel punish a child. This is the responsibility of a judge.
- The company will not employ children or tolerate them being physically or sexually exploited. Any suspicion must immediately be reported. If you have any concerns, discuss this with your supervisor, manager, or call Speak OUT.

Group 2: Women

Inform participants:

- Women are entitled to equal enjoyment of all human rights. This includes political, economic, social, cultural, and civil rights.
- These rights include the right to life; equality; liberty and security of the person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; favourable conditions of work; and freedom from torture and other cruel, inhuman or degrading treatment or punishment.
- Violence against women, in all its forms, violates the human rights and fundamental freedoms of women. Where women are the victims of serious violent crimes and sexual offences, security personnel should deal with them in a sensitive and discreet manner. Calm the victim,

ensure that she is safe, cover the victim with a blanket if her clothes are torn, meet in private, take statements in private, and secure medical assistance.

Ask groups to share the three rights, and three responsibilities that they identified to protect the rights of women.

Ensure that the feedback on rights support those provided for by the UN Declaration on the Elimination of Violence Against Women (2003).

Supplement the rights discussed by participants with the following:

Note to facilitators:

Supplement the feedback on the roles and responsibilities of participants with the following:

- Have women security personnel deal with women victims and suspects. Women shall be detained separately from male detainees.
- Prevent further victimization of women victims of crime. Be sensitive and caring and treat her with dignity and respect that she deserves.
- Report and act to ensure that any crimes or acts of violence against women are reported and investigated by the local law enforcement agency.
- Violence against women is a crime - report it. Also help women report domestic violence. If needed provide or arrange a temporary place of safety to prevent further abuse or harm.
- Do not discriminate against or exploit women detained or arrested.
- Women detained should be interviewed and supervised by women security personnel.
- Pregnant women and nursing mothers shall be provided with special facilities while being detained.

Conclude by saying:

- Whether they are victims or suspects, the rights of women must be protected and respected always.

Notes to Facilitators:

The rights of women are protected by:

- Universal Declaration on Human Rights (1948)
- UN Declaration on the Elimination of Violence Against Women (2003)

Apart from sexual and gender-based violence (SGBV), women, children, as well as men, also fall victim to trafficking in persons. This involves persons trapped or deceived into migrant work, domestic work, bonded labour, prostitution, servile marriage in the form of mail order brides, and child labour.

- The United Nations Convention against Transnational Organized Crime in Palermo (General Assembly resolution 55/25 of 15 November 2000) promotes cooperation between States to prevent and combat transnational organized crime more effectively.
- The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplements the United Nations Convention against Transnational Organized Crime, and requests states to:
- Aid, and protection of victims of trafficking in persons (article 6).

Assist with the repatriation of victims of trafficking in persons (article 8).

Prevent the trafficking in persons by means of policies, programs and other measures (article 9).

Sources:

- UN Human Rights Training Manual for Police. Chapter 17: Law enforcement and the rights of women. Page 207 to 208, Page 222 to 223
- Commonwealth Manual on Human Rights Training for Police: Chapter 10: Vulnerable groups: Women. Page 123

Group 3: Foreign nationals (workers)

Inform participants:

- A foreign national refers to:
 - a person who is not a citizen of the host country in which he or she is residing or travelling
 - a person who is not a citizen or a permanent resident in the country
 - or a person, who is a citizen in another country, working at company operations, facilities, or projects
- Foreign nationals (workers) have the same human rights as country nationals. It does not matter if they are in the country legally or illegally: their human rights are to be respected and protected.

Ask groups to share the three rights, and three responsibilities that they identified to protect the rights of foreign nationals (workers) of the company.

Ensure that the feedback on rights support those provided for in the Article 36 of the Vienna Convention on Consular Relations (VCCR) (1963).

Ensure the discussion includes reference to the following rights. If not, mention them yourself:

- In the event of the unforeseen injury or death, to immediately inform the consulate and family;
- To immediately report any foreign national not in possession of valid travel documents, identification documents, or work documents to the applicable local authorities (i.e. the police, customs, or immigration).

Remind participants that the company does not break the law. If participants are aware of illegally employed foreign workers, or of any violations of the law, they will report it to their supervisor or manager.

Reference to facilitators:

Article 36 of the Vienna Convention on Consular Relations (VCCR) (1963) confers specific **rights on all foreign detainees and prisoners:**

- To be **informed without delay** by the arresting authority of the right to consular communication
- To **choose** whether to have the consulate contacted
- To have the consulate **contacted promptly** by the arresting authority
- To **communicate freely** with the consulate
- To **accept or decline** any offered consular assistance

Also,

- In the event of the unforeseen injury or death, to immediately inform the consulate and family;
- To immediately report any foreign national not in possession of valid travel documents, identification documents, or work documents to the applicable local authorities (i.e. the police, customs, or immigration).

Indicate to participants that refugees and internally displaced persons (IDPs) are vulnerable and may need their help. As security personnel, they will likely not be involved in operations directly dealing with refugees or IDPs. They should contact their supervisor or manager for guidance and ask for assistance from the local law enforcement agency to best deal with these groups.

Conclude by saying:

- Foreign nationals (workers) have the same rights as country nationals.
- They also have special rights protected by the Vienna Convention on Consular Relations (1963).

Guided Discussion
0 h 08 min

Refer groups to Flashcard 4 - Victims of crime

Inform participants

- As security personnel, you are often the first person to receive a complaint or report of crime. This means that you are the first person to deal with the victim of crime.

- **Ask** participants:

Q Have you or any of your family members ever been the victim of crime?

Anticipated Response:

- Yes
- Crime affects us, those we know, as well as other innocent victims.

Q What rights do victims of crime have?

Anticipated Response:

- To be treated with compassion and respect. Be kind, supportive and caring to the victim.
- Access to justice. Report the crime, and if you are the police immediately respond to the call – do not turn a blind eye or allow crimes to go unreported.
- To be kept informed about the progress of their case, especially if it is a serious crime.
- To be provided material, medical, psychological and social assistance.
- To be provided safety and to have their privacy respected. Prevent further harm, intimidation, or retaliation against the victim or his/her family.
- To be compensated for wrongful arrest or detention.

- To be explained why force or firearms were used against them.
- To have abuses investigated and make those responsible accountable for their actions.

Q What is your role and responsibility when dealing with a victim of crime?

Anticipated Response:

- *(Depending if it is company and private security personnel or public security personnel (forces), see below)*

Responsibility of public security personnel (forces) responsible for law enforcement:	Responsibility of company and private security personnel:
<ul style="list-style-type: none"> • Ensure the safety and well-being of the victim and his/her property: <ul style="list-style-type: none"> ▪ provide or secure first aid and medical support at the crime scene ▪ if injured, accompany victim to emergency medical services ▪ refer the victim to agencies who can provide victim support or counseling ▪ secure the property of the victim ▪ arrest the suspect 	<ul style="list-style-type: none"> • Ensure the safety and well-being of the victim and his/her property: <ul style="list-style-type: none"> ▪ provide or secure first aid and medical support at the crime scene ▪ if injured, accompany victim to emergency medical services ▪ secure the property of the victim ▪ if authorized, consider a citizen's arrest of the suspect
<ul style="list-style-type: none"> • Respect and protect the rights of the victim: <ul style="list-style-type: none"> ▪ treat the victim with dignity and respect ▪ take reasonable action to prevent the victim being subjected to further harm or injury ▪ inform the victim of his/her rights ▪ have a female police officer deal with female victims of sexual and domestic violence ▪ inform the victim about how to protect evidence 	<ul style="list-style-type: none"> • Respect and protect the rights of the victim: <ul style="list-style-type: none"> ▪ treat the victim with dignity and respect ▪ take reasonable action to prevent the victim being subjected to further harm or injury ▪ inform the victim of his/her rights ▪ have a female security officer deal with female victims of crime ▪ report the crime to the law enforcement agency
<ul style="list-style-type: none"> • Collect evidence and investigate the crime: <ul style="list-style-type: none"> ▪ contain and preserve the crime scene for purposes of evidence collection ▪ collect evidence ▪ process evidence 	<ul style="list-style-type: none"> • Preserve evidence and the crime scene: <ul style="list-style-type: none"> ▪ inform the victim about how to protect evidence ▪ cordon off and preserve the crime scene ▪ do not touch evidence or allow anyone access to the crime scene

Responsibility of public security personnel (forces) responsible for law enforcement:	Responsibility of company and private security personnel:
<ul style="list-style-type: none"> ▪ identify witnesses and take witness statements ▪ conduct investigation ▪ arrest the suspect 	<ul style="list-style-type: none"> ▪ identify potential witnesses and record their details ▪ hand over the crime scene to the first responder police officer ▪ communicate the details of witnesses to the police
<ul style="list-style-type: none"> • Personally, follow-up with the victim after 24 to 48 hours. 	<ul style="list-style-type: none"> • Cooperate with the police during the investigation of the crime.
<ul style="list-style-type: none"> • Provide the victim with the following information: <ul style="list-style-type: none"> ▪ the name and details of the investigating officer ▪ regular feedback during the investigation on the status of investigation ▪ the date of the trial of his or her case ▪ cancellation of any trial, and new dates ▪ the date on which the convicted person will be sentenced ▪ the outcome of the trial and the sentence that was passed ▪ the place where and time when, and the person from whom, any confiscated property of the victim may be collected ▪ the details of any public provisions that exist for victim's compensation, support services, etc. 	<ul style="list-style-type: none"> • Provide the victim and the investigating officer with your name and contact details.

Conclude by saying:

- The rights of victims of crime are guaranteed by:
 - The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Victims Declaration) (1985)
- Think of yourself as a victim of crime and treat others in the way you want to be treated.
- Always show respect, compassion and assistance towards the victim of crime.

Conclusion
0 h 01 min

Conclude, by saying:

- The company acknowledges the rights, special needs, and vulnerability of children, women, foreign nationals (workers), victims of crime, and victims of trafficking.
- These groups deserve to be treated with the same dignity and respect as others and you have a professional and ethical obligation to support the company in doing so!
- What is an ethical obligation? We will discuss ethics in Module 3.

3. Activity: Human Rights and Security Actions

1 h 05 min

Preparation

Note to facilitators:

- **Study** the three role-plays.
- **Assign** character roles to each facilitator.
- **Plan, prepare, and practice** the role-plays the day/evening before presenting them in class.
- You will need the following equipment for the role-plays: a classroom, a security uniform, a police uniform, crime scene tape and any small items that can be used to represent stolen goods.
- **Supplement** the content with national laws in support of temporary detention, arrest, search, seizure, and the investigation of crime.

Introduction

0 h 05 min

Inform participants:

- The next activity will introduce you to specific security actions and the human rights applicable to temporary detention, arrest, search and seizure, and the investigation of crime.
- You will also be required to use your understanding of your mandate and authority to reflect on your duties and responsibilities in each of these actions.
- Your facilitator will demonstrate three role-plays. After each role-play you will be required to reflect on:
 - The action itself
 - Human rights guidelines applicable to the actions taken
 - Your roles and responsibilities in these actions

- Role-play 1 will focus on temporary detainment and arrest (20 minutes)
- Role-play 2 will focus on search and seizure (20 minutes)
- Role-play 3 will focus on the investigation of crime (20 minutes)

Role-play, Discussion, and Reflection
0 h 20 min

Role-play 1: Temporary detainment and arrest

Read the scenario to participants. This will help to set the scene and context for participants.

Demonstrate the role-play.

Note to facilitators:

Scenario

A security officer doing access control finds an employee in possession of stolen goods during a routine rudimentary body search at an access control point to a restricted mining area. The employee (suspect) is locked in a room, and the local police are informed. The police respond to the call and arrest the employee for theft. The suspect is handcuffed for transportation to the police station. The employee (suspect) is never informed of his/her rights.

Role-play instructions:

Facilitator 1: Security officer

- Be calm and polite to the employee, even when he/she refuses to answer you.
- Ask the employee if the stolen goods are his/hers.
- Inform the suspect that he/she must wait in the room whilst you call the police to come and solve the problem.
- When the police arrive, say to the police officer: "I locked the thief in the room so that he/she cannot escape".
- Hand over the suspect and the stolen goods to the police officer.

Facilitator 2: Employee (suspect)

- Do not resist to be searched.

- Say nothing when the security official talks to you; remain silent.
- Comply with the instructions of the security officer.
- Once the police officer arrives, inform him/her that you have no idea where the goods come from, or how it ended up in your possession.

Facilitator 3: Police officer

- Say to the suspect: “Now you are in deep trouble”.
- Do not ask the security officer to explain what happened.
- Handcuff the suspect; do not inform him/her that he/she is being arrested.
- Do not inform the suspect of his/her rights.
- Slap the employee on the head and say: “Let’s go to prison.”

Inform participants:

- This section will focus on temporary detention and arrest.
- Your response should also only focus on the temporary detention and the arrest of the suspect, as well as the actions of the security and police officer.

Ask participants:

Q What would you have done differently? Why? Explain.

(Use this question to gain an understanding of the level and experience that participants have on the topic)

Anticipated Response:

- Open ended

Q What is the difference between temporary detention and arrest?

Anticipated Response:

- Temporary detention refers to persons or suspects temporarily deprived of personal liberty on suspicion of committing a crime with the intent to immediately hand them over to local law enforcement agency.

- **Arrest** refers to the act of apprehending a person for the alleged commission of an offence or crime. Only sworn law enforcement officials or persons authorized by law may arrest a person. Typically, law enforcement officials and government security forces have powers to lawfully arrest a suspect. Arrest is used to secure the attendance of a suspected criminal at his or her trial.

Q Who can temporary detain and who can arrest a suspect?

Anticipated Response:

- Sworn law enforcement officers, authorised to do so in terms of national law may arrest a suspect. **Public security personnel (e.g. police of government military forces)** assisting company security operations may, depending on their mandate, be authorised to arrest a person on company property. In such cases, the company security manager should be informed of the arrest.
- **Company and private security personnel will not arrest suspects** – they will only **temporary detain** them and **immediately hand them over** to the local law enforcement agency. The local law enforcement agency will then decide if they are going to arrest or further detain the person or suspect for a crime.

Q Do you need a warrant to arrest a suspect?

Anticipated Response:

A person can be arrested with or without a warrant.

- Arrest with a warrant means that the person performing the arrest are in possession of a legal document that allows him/her to arrest the person mentioned in the document. Warrants for arrest are usually issued by a magistrate, judge, judicial officer or, in certain instances, a senior law enforcement officer (depending on national law).
- Arrest without a warrant normally takes place when a person commits a crime – or attempts to commit a crime – in the presence of a sworn law enforcement officer, or a person authorized to make an arrest.

- Depending on the national law, or assigned legal authority, it may be possible for a private person (*including company and private security personnel*) to perform a “citizen’s arrest”. If authorized, a law enforcement officer can ask *the company and private security personnel* to help him/her arrest a suspect on company property. If this is the case, immediately your security manager who will tell you what to do and whether you should help or not.

Q When and how would you have informed the suspect of his/her rights?

Anticipated Response:

- Inform the suspect of his/her rights during arrest.

This includes:

- The right to remain silent and not to admit guilt, and that silence will not be interpreted as an admission.
- The right to contact a relative or close friend and be visited by such person.
- The right to contact a legal representative and communicate with him or her confidentially.
- The right that a legal representative will be appointed if the suspect is unable to pay for a lawyer.
- The right to be brought before a court within a reasonable time and to apply for bail (as stipulated in the law of each country).
- The right to be questioned in the presence of a legal representative, unless the right is waived; and, if the suspect is a foreign national.
- The right to contact diplomatic or consular officials of his or her country.

Q What important data should be recorded in support of the arrest?

Anticipated Response:

- the reasons for the arrest
- the time of the arrest
- the time transferred to a place of custody
- the time of appearance before a judicial or other authority
- the identity of the law enforcement officials concerned
- precise information concerning the place of custody
- the details of questioning or interrogation
- the property of the detained person kept by the police
- the date and time that the individual was brought into custody
- the medical condition of the individual at the time of arrest and at the time of detention
- each visit by detention officers, lawyers, doctors and family or friends
- exercise periods
- time and date of transfer to detention facility or release

Conclude by saying:

- Before arresting someone, the person arresting a suspect should ask himself/herself the following questions:
 - Who may arrest a person?
 - Am I authorised to arrest a person?
 - What laws authorise me to arrest a person?
 - Do I know these laws?
 - When may I arrest a person?

- Do I have the means to restrain the person arrested?
- Am I allowed to carry and use weapons and security equipment to arrest the person?
- What is the use of force policy for arrest?
- What are the rights of the person arrested?
- What do I have to do before I arrest a person?
- If I am not a sworn law enforcement officer, can I still arrest this person (“citizen’s arrest”)?
- When may I perform a citizen’s arrest?
- What do I have to do during the arrest?
- What do I have to do after I arrested a person?
- When should I not arrest someone?
- The arrest of a person seriously limits his/her rights to liberty, dignity, and freedom of movement.

Role-play, Discussion, and Reflection
0 h 20 min

Role-play 2: Search and Seizure

Read the scenario to participants. This will help to set the scene and context for participants.

Demonstrate the role-play.

Note to facilitators:

Scenario

Following the “temporary detention” of the suspect, the security officer informs the police officer that he/she suspects that the employee may have more stolen goods hidden on his/her person. The security official also

suspects that there may be more stolen goods hidden in the employee's vehicle parked on company property.

The police officer conducts a body search and finds more stolen goods. The police officer and the suspect accompany the security officer to the suspects' car and forces open the trunk. More stolen goods are found in the vehicle. The security officer, accompanying the police official identifies the goods as stolen mine property.

Role-play instructions:

Facilitator 1: Security officer

- Inform the police officer that you have a suspicion that the suspect may be hiding more stolen property on his body.
- Also inform the police officer that a CCTV camera recording of the parking area suggest that the suspect may have more stolen goods in his/her vehicle parked on mine property.
- Accompany the police official and suspect to the suspect's parked vehicle.

Facilitator 2: Employee (suspect)

- Do not resist the body search.
- Inform the police official that you prefer to be searched by a person of the opposite sex.
- Say nothing when more stolen goods are found during the body search; look surprised.
- Complain about the damage caused force-opening your vehicle.
- Ask the police officer: "Why didn't you ask for the key?"
- Say to the police officer: "You are going to pay for the damages?"

Facilitator 3: Police officer

- Conduct a body search of the suspect.
- When you find more stolen goods on the suspect, say to the suspect: "Is this yours?"
- Point out the stolen goods found to the security officer.
- Have the suspect accompany you and the security officer to the parked vehicle
- Do not ask the suspect if the vehicle belongs to him/her.
- Pretend to force-open the trunk of the vehicle.

- Point to the stolen goods found in the trunk of the vehicle; show it to the security officer.
- Say to the suspect: “Now you are in really deep trouble”.
- Inform the security official that you wish to leave the evidence as is for the investigation officer.

Inform participants:

- This section will focus on search and seizure.
- Your response should only focus on the search of the suspect, vehicle, and seizure of evidence.

Ask participants:

Q What would you have done differently? Why? Explain.

(Use this question to gain an understanding of the level and experience that participants have on the topic.)

Anticipated Response:

- Open ended.

Q Who is best suited to conduct a body search of the suspect – the police officer or the security officer?

Anticipated Response:

- Basic searches can be performed by authorised *company and private security personnel* on company property, based on site specific security policies and procedures, the consent of the person searched, or as a condition to enter or exit a restricted security or work area.
- Searches are usually conducted by law enforcement officials following the arrest of a person or based on reasonable grounds or a reasonable suspicion that a person is in possession of illegal or restricted goods.

Q Is it permissible to have a person of the opposite sex conduct a body search?

Anticipated Response:

- No.
- Only women shall search women, and only men shall search men.

Q Do you need a warrant to search the suspects' vehicle?

Q Can employees be searched at random for the possession of stolen goods?

Q Can employees be searched to control the access of persons and restricted goods to and from company property?

Anticipated Response: (Combined)

Searches can be conducted with and without a search warrant:

- Depending on national law, police officers may be permitted, based on reasonable grounds or a reasonable suspicion, to search without a warrant if a delay in obtaining such a warrant will defeat the objective of the search.
- Depending on site specific security policies and procedures or as a condition of access to and from company premises, persons, vehicles, and goods may be searched.
- During the arrest of a suspect to ensure that the person arrested is free from objects that can cause injury, or to seize goods for purposes of evidence, or safekeeping.
- If the persons searched provides his/her consent to the search.

Q What are the guidelines for search of persons, and seizure of goods?

Anticipated Response:

Search of persons

- The search conducted should comply with the PLAN principle.
- Treat the person searched with dignity and respect. Women security personnel should search women, and men should search men.

- Use only the force necessary to conduct the search.
- Intimate body and cavity searches should be conducted by a qualified medical practitioner, under the supervision of a law enforcement official with the same sex as the suspect.

Seizure of property

- Keep record of all restricted goods seized for temporary safekeeping at access control points (i.e. mobile phones, firearms).
- Restricted or dangerous goods seized on company property must be dealt with according to site specific security policies and procedure.
- Hand over seized property that will be used as evidence to the local law enforcement agency.

Q What are the guidelines for search of private property, and the seizure of goods?

Anticipated Response:

- The search must be lawful – meaning you must be authorised to conduct a search.
- Do not cause unnecessary damage to property.
- Search only in places where articles may possibly be found.
- Inform the owner or occupier that you intend to conduct a search.
- Use minimum and proportional force.

Q What will the result be of unlawful searches, and/or the unlawful seizure of property?

Anticipated Response:

- Humiliation
- Harassment
- Malicious damage to property

- Inadmissibility of evidence
- Possible civil action

Conclude by saying:

- Before you search or seize, ask yourself the following questions:
 - What does the company security policy and procedure say about search and seizure?
 - Who may search a person, vehicle, or goods on company property?
 - What goods are permitted/ restricted on company property?
 - Am I authorised to search a person?
 - What laws authorise me to search?
 - What laws authorise me to seize?
 - Do I know these laws?
 - When may I search a person or goods?
 - Do I have equipment to help me search?
 - Am I authorised to use such equipment?
 - Do I know how to use the equipment?
 - What is the use of force policy for search?
 - What are the rights of the person searched?
 - What do I have to do before I search a person or property?
 - What do I have to do during the search?
 - What do I have to do after I searched a person or property?
 - If I am not authorised to search a person, then who can?

- When may I search a person?

Role-play, Discussion, and Reflection
0 h 20 min

Role-play 3: Investigation of crime

Read the scenario to participants. This will help to set the scene and context to participants.

Demonstrate the role-play.

Note to facilitators:

Scenario

Following the search of the suspect and the suspect's vehicle, the police officer declares the suspects' vehicle a crime scene. He asks the security officer to protect the crime scene until the investigating officer arrives. The security officer watching the vehicle is bored and decides to look what else is hidden inside the vehicle.

Later the investigating officer arrives at the crime scene to interview the security officer and get his/her statement of events. No notes are made or recorded during the interview, and the security official is asked to sign a statement that the detective prepared in advance.

Role-play instructions:

Facilitator 1: Security officer

- You are bored looking after the crime scene.
- In the absence of any police officer, climb inside the vehicle and start looking around for more evidence.
- You find some money inside the vehicle and slip it into your pocket.
- Later, when the investigating officer arrives, try to tell him/her what happened.
- Ask the investigating officer if you can help him interview the suspect, and the person operating the CCTV camera.

Facilitator 2: Investigating officer (police detective)

- Inform the security official that he/she has contaminated and destroyed the crime scene; as a result, you will not be able to collect further evidence from the crime scene.
- When the security official tries to tell you what happened, you tell him/her and that you already know, and that you are not interested in his/her account of the events.
- Inform the security official that you have taken the initiative to prepare a statement on his behalf and that all that remains to be done is for the security official to sign it.
- Inform the security official that you are responsible for the investigation of the alleged crime and that you do not want him/her to interfere any further.

Inform participants:

- This section will focus on criminal investigations.
- Your response should only focus on the rights of the victim, the rights of the suspect and witnesses, the protection of the crime scene, and the criminal investigative process.

Ask participants:

Q What would you have done differently? Why? Explain.

(Use this question to gain an understanding of the level and experience that participants have on the topic)

Anticipated Response:

- Open ended.

Q Who is authorised to conduct the criminal investigation?

Anticipated Response:

- The local law enforcement agency – the police officer appointed as the investigating officer.

Q What are the principles that apply to criminal investigations?

Anticipated Response:

In investigations, the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:

- Everyone has the right to security of the person.
- Everyone has the right to a fair trial.
- Everyone is to be presumed innocent until proven guilty in a fair trial.
- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence.
- No one shall be subjected to unlawful attacks on his honour or reputation.
- No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.
- Torture and other inhuman or degrading treatment is absolutely prohibited.
- Victims and witnesses are to be treated with compassion and consideration.
- Confidentiality, and care in the handling of sensitive information, is to be exercised always.
- No one shall be compelled to confess or to testify against himself.
- Investigatory activities shall be conducted only lawfully and with due cause.
- Neither arbitrary, nor unduly intrusive, investigatory activities shall be permitted.

Q Why should the crime scene be preserved?

Anticipated Response:

- To allow for the discovery and collection of evidence that will be used to establish facts to prove the guilt or the innocence of the suspect.

Q Why are the police obliged to investigate crimes?

Anticipated Response:

The local law enforcement agency is mandated to investigate all crimes, and will take the lead in all criminal investigations of crimes:

- By company employees
- On company property
- Outside company facilities and premises (in public)

Criminal investigations are conducted by the local law enforcement agency to:

- Identify suspects
- Identify witnesses
- Identify victims
- Discover and collect evidence
- Present evidence collected with the purpose to discover the truth and determine guilt or innocence of a suspect
- Arrest perpetrators
- To identify other crimes

Q What are the rights of the suspect?

Anticipated Response:

- To remain silent, and not to testify against himself/ herself, or to confess guilt.
- Not to be tortured.
- To be informed of the nature and cause of the charge against him/her.
- To have enough time and facilities to prepare with his/her council for defense.
- To be tried without undue delay.
- To have the right to defence
 - to defend oneself in person
 - to choose one's own counsel
 - to be informed of the right to legal counsel
 - to receive free legal assistance
- To call and examine witnesses
- To have the free assistance of an interpreter
- Not to be testify against himself/herself.
- Not to confess guilt.

Q What are the rights of the witness?

Anticipated Response:

- To security of the person and family.
- To be treated with dignity and respect.
- To be treated with compassion and consideration.
- To be informed of their role in the legal proceedings.

Q What should the police do to ensure that human rights are respected and protected during criminal investigation?

Anticipated Response:

- If you are not sure if what you are doing is legal, first ask your supervisor.
- Treat all suspects as innocent persons, politely, respectfully and professionally.
- Keep a detailed record of all interviews conducted and evidence collected.
- Always advise the victim, witness or suspect of his or her rights before interviewing.
- Before taking any investigatory action, ask yourself:
 - Is it legal?
 - Will it hold in court?
 - Is it necessary?
 - Is it unduly intrusive?

Q What can the security officer do to ensure that human rights are respected and protected during the investigation?

Anticipated Response:

- To identify and communicate the details of witnesses and evidence discovered.
- To protect any crime scene or evidence until the police arrives. Use barrier tape to cordon off a crime scene.
- To hand over the crime scene to the first responding police officer.
- Do not touch or tamper with any evidence.
- To take notes and report to your supervisor.

- Do not interfere with the duties of the investigative officer.
- To give an accurate statement of events witnessed to the investigative officer.
- To testify in legal proceedings.
- To report any crime or suspicion of a crime to your supervisor and the police.

Conclude by saying:

- Local law enforcement agencies and their assigned investigating officer are authorised to conduct criminal investigations.
- *Company and private security personnel* do not have any legal authority to conduct criminal investigations; they will give **limited assistance** to the law enforcement agency and the investigating officer.
- The assistance provided by company security personnel will be limited to minor activities such as crime scene protection, evidence protection, and helping to identify witnesses.
- It is suggested that any *security personnel (forces)* **authorised** to participate in criminal investigations, receive proper training in criminal investigation, crime scene management, as well as the interview of witnesses, victims, and suspects.

4. Activity: Dealing with Assemblies, Crowd Control and Evictions

0 h 30 min

Note to facilitators:

- **Study** the three scenarios.
- **Test** play *SP: Assemblies, Crowd Control and Evictions*.
- **Supplement** content with national laws on crowd control, and site-specific security policies and procedure for dealing with assemblies, crowd control, protests, or public disorder on/at company property.

Briefing
0 h 03 min

Begin *SP: Assemblies, Crowd Control and Evictions*

Slide 1 **Company Logo**

Slide 2 **Security situation**

Inform participants:

- Welcome to the company mining operations.
- My name is Bob Rodgers – the company security manager.
- We have a few security situations that you need to help us deal with.
- More specifically, we need to deal with assemblies, crowd control and evict some people illegally occupying mine property.
- As you know protestors have the right to freedom of liberty, freedom of speech and association, the right to protest and express themselves, and to be treated with dignity and respect. Similarly, evictees have the right to be dealt with respect and dignity.
- The company wants to respect these rights and find the best possible way to deal with the situations at hand.

Slide 3 **Handing over of petition**

Display the slide in the background.

Notes:

- Situation 1 deals with a peaceful and authorised union strike.
- Protestors have assembled at the main gate, just outside the mine premises. They want to hand over a signed petition to the manager.
- The group seems to be peaceful.
- Group 1, you must deal with the situation.
- I want you to identify and discuss the roles and responsibilities of *the company and private security personnel* compared to the duties and responsibilities of *public security personnel (forces)* (e.g. the police) in dealing with the situation.
- Tell me who will do what, when, where, and why?
- Please consider the rights of the protestors. The last thing we want to do is have more problems on our hands.

Slide 4 **Violent protest**

Display the slide in the background.

Notes:

- Situation 2 deals with a group protesting the unfair dismissal of a fellow employee.
- The employee was caught stealing and was fired (dismissed).
- The assembly seems to be violent and we have received reports that the group of protestors are throwing rocks at vehicles entering and exiting company premises.
- Group 2, you must deal with the situation.

- I want you to identify and discuss the roles and responsibilities of *company and private security personnel*, compared to the duties and responsibilities of *public security personnel (forces)* in dealing with the situation.
- Tell me who will do what, when, where, and why?
- Please consider the rights of the protestors and the safety of company property and personnel.

Slide 5 **Eviction**

Display the slide in the background.

- Situation 3 deals with the eviction of a group of community members who decided to illegally occupy a mine hostel (block of flats) that have been abandoned for some months.
- The mine hostel is unsafe to live in.
- The mine hostel is on company property.
- The company Health and Safety Manager demands that the illegal occupants be evicted from the property.
- The company cannot afford to have people trespassing on mine property and live in conditions that may be hazardous to their life and general well-being.
- Group 3, you must deal with the situation.
- I want you to identify and discuss the roles and responsibilities of *company and private security personnel*, compared to the roles and responsibilities of *public security personnel (forces)* in dealing with the situation.
- Tell me who will do what, when, where, and why?
- Please consider the rights of the evictees.

Slide 6 **Company Logo**

Notes:

- Thank you for attending the security briefing.
- Please report back in ten minutes so that we can discuss how we can best deal with each of these issues.

Group Discussion
0 h 10 min

Instruct small-groups:

- Meet and discuss your assigned scenario.
- Prepare to give feedback in 10 minutes.

Assign one facilitator to each group.

Note to facilitators:

Refer to the notes provided for dealing with assemblies and crowd control in the *Participant Handbook*.

Refer participants to their scenario in Module 2 of the *Participant Handbook*, and the list of questions provided.

Guide your assigned group by asking the following questions:

- Q** What are the duties and responsibilities of *company and private security personnel* dealing with assemblies and crowd control?
- Q** What are the duties and responsibilities of *public security personnel (forces)* to deal with assemblies and crowd control?
- Q** What rights do the protestors have?
- Q** What rights do the evictees have?
- Q** Who will be responsible to evict people from company property?

Keep discussions to the point. Groups only have ten minutes.

Group Feedback and Plenary Discussion 0 h 15 min

Start with feedback from group 1 and work your way through to group 3.

Display Slides 3 to 5 in the background whilst receiving feedback (this will serve as a visual anchoring point for participants and help them distinguish between the different scenarios).

Ask groups to give feedback on the different roles and responsibilities identified for *company and private security personnel* and *public security personnel (forces)*.

During group feedback, **use** the following two questions to elicit from groups the exact areas of responsibility of *company and private security personnel* and *public security personnel (forces)*.

- Q** Is this inside or outside company property that will perform their duties?
- Q** Do have the appropriate equipment to deal with the assembly and the situation?
- Q** Is authorised to do this?
- Q** If the situation gets violent who will deal with it?

Highlight the following key issues on the duties and responsibilities of *company and private security personnel* and *public security personnel (forces)*:

- Q** What are the duties and responsibilities of *company and private security personnel* on dealing with assemblies and crowd control?

Anticipated Response:

- Do not engage in dealing with assemblies and crowd control. It is the responsibility of *public security personnel (forces)*, or the local law enforcement agency.
- Protect company property, facilities, and personnel according to approved security policies and procedures.

- Report any human rights violations observed during the assembly or the dispersal of the crowd control.

Q What are the duties and responsibilities of *public security personnel (forces)* or the *local law enforcement agency* in dealing with assemblies and crowd control?

Anticipated Response:

- *Before assemblies and crowd control:*
 - Meet with those representing or organising the protest, and those protested, to solve conflict disputes or agreements.
 - Ensure that you are equipped and trained in the use of crowd control equipment. This includes practice in the use of shields, defensive vests, helmets and non-lethal Instruments.
 - Ensure that you are properly trained in the use of force and firearms if you are equipped and authorised to use such firearms.
 - Receive training in first aid, self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; conflict resolution; and stress management.
 - In groups, practice crowd-control techniques that minimise the need for the use of force, and the appropriate use of equipment.
 - Arrange for standby emergency medical care and treatment.
 - Before deploying ask about the situation, threat, arrangements, and use of force policy for crowd control.
- *During assemblies and crowd control:*
 - Listen to the instructions of your commander; if you are not sure then ask.
 - Deal with individual behaviour in the crowd and not with the crowd as one individual. This means that if one persons'

behaviour is threatening the safety of others then it doesn't justify the use of force against others.

- Do not do something to provoke the crowd.
- As a group, practice crowd-control techniques that minimise the need for the use of force.
- Avoid unnecessarily provocative tactics (i.e. use of dogs, unjustified arrest)
- Use gradual and progressive force, beginning with non-violent means.
- Do not blindly shoot into the crowd.
- *After assemblies and crowd control:*
 - Report the use of force during crowd control.
 - Ensure that suspects arrested are treated according to their rights.
 - Arrange for medical care and treatment of persons injured.
 - Request a debrief with team members to discuss problems experienced and solutions suggested.

Q What rights do the protestors have?

Anticipated Response:

- The right to hold opinions without interference (ICCPR, Article 19.1)
- The right to freedom of expression (ICCPR, Article 19.2)
- The right of peaceful assembly (ICCPR, Article 21)
- The right to freedom of association (ICCPR, Article 22.1)
- The right to life, liberty and security of all persons
- The prohibition of arbitrary arrest or detention

- The right to a fair trial
- The right to humane treatment for persons deprived of their liberty
- Freedom of opinion, expression, assembly and association

Q What rights do the evictees have?

Anticipated Response:

- Respect, dignity, freedom, housing.
- To be provided a copy of the eviction order authorising their eviction.

Q Who will be responsible to enforce evictions?

Anticipated Response:

- Local law enforcement officials in possession of an eviction order.
- Unless authorised, *company and private security personnel* will not be involved in the eviction of persons from company property. They can provide perimeter protection following the eviction or control access to and from the premises from where persons have been evicted.

Conclusion
0 h 02 min

Conclude by saying:

- The activity introduced you to dealing with assemblies, crowd control and evictions. We also discussed some of the basic rights of persons participating in assemblies or being evicted from company property.
- We also had a look at forced evictions and the accompanying rights of evictees, as well as the roles of the local law enforcement agency and *company and private security personnel* in dealing with evictions.
- Given the limited authority, potential for conflict, and limited equipment of *the company and private security personnel*, the *local law enforcement agency or public security personnel (forces)* authorised to

do so, will be better equipped to deal with assemblies, crowd control and evictions.

- *The company and private security personnel* will continue to protect the company's premises and facilities according to its security policies and procedures in place.
- *Public security personnel (forces) and law enforcement agencies* have a responsibility to familiarise themselves with the national laws and policies guiding assemblies, crowd control, evictions, and the use of the use of force and firearms (UOFF).

Conclusion

0 h 05 min

Conclude by saying:

- This module and its activities introduced you to the duties and responsibilities of security personnel, with consideration for human rights, national laws, company security policies, and the VPSHR.
- International conventions and treaties discussed provided you with a basic understanding of the human rights and principles applicable to security actions of arrest, detention, search and seizure, criminal investigation, crowd control, and evictions. National laws in support of these actions will inform you of the legal obligations and authority in support of each of these actions. You must study, know, and apply these laws to each of these actions.
- We also had a look at the specific rights of vulnerable groups such as children, women, foreign nationals, and the victims of crime. Due to the nature of your job, *all security personnel* have a special responsibility and ability protect the rights of vulnerable groups.
- The next module will deal with the use of force to ensure that actions taken, and the rights limited in doing so, are proportional, lawful, accountable, and necessary (PLAN).



Course on Voluntary Principles

Protecting and respecting the rights of those we work with.



Module 3: Roles and Responsibilities of Security Personnel

Performing my security duties and responsibilities in a manner that protects and respects the rights of those we work with.



What is the difference?



Our Company and private
security personnel

VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS



Public security
personnel
(forces)

Who does what?



Our Company and private
security personnel



Public security
personnel
(forces)

How do we work together?

Country X



Our Company



Community considerations



Involving the community

Country X



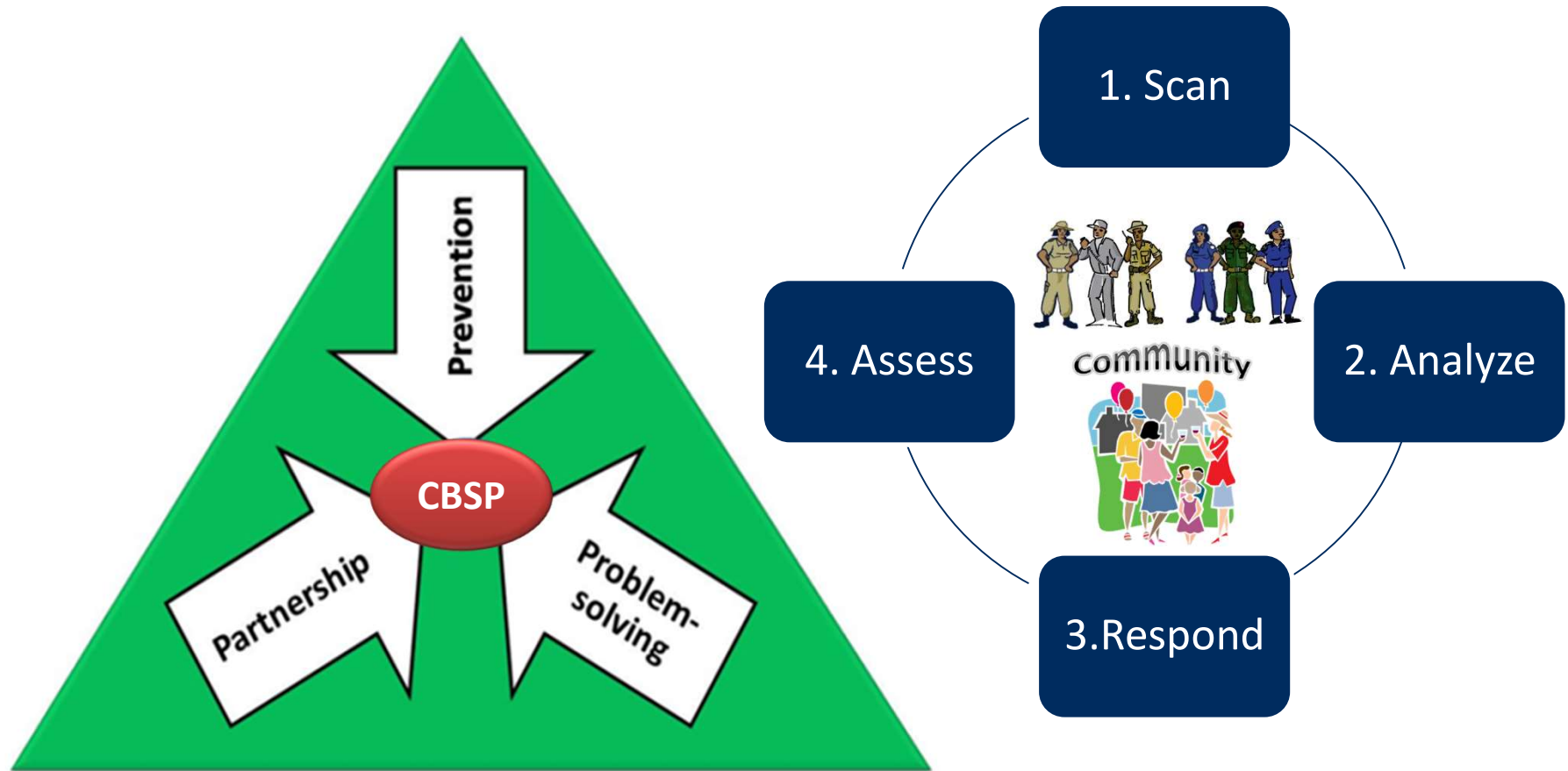
VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS



Our Company



A community-based security approach



Regulatory Framework

HRL & IHL



VPSHR



UN Global Compact

Protect-Respect-Remedy Framework

World

Country X

Community X

Our Company

Authority?

Mandate?

Jurisdiction?

Country laws and international treaties

Country laws:



VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS

International treaties



Site specific security policies and procedures

Operations specific arrangements:



VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS



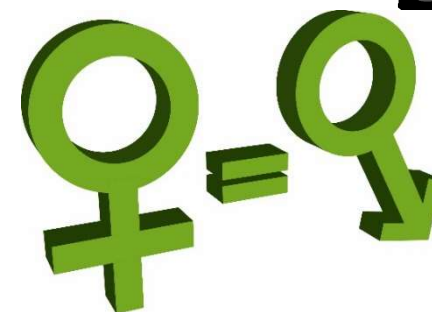
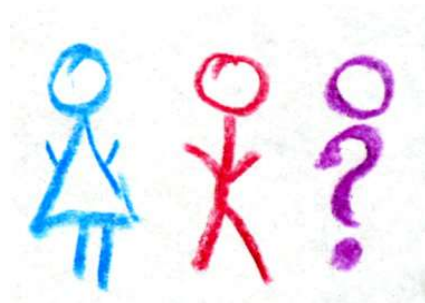
Provider arrangements:



MOU



Gender and security





Course on Voluntary Principles

Protecting and respecting the rights of those we work with.



Module 4: Human Rights and the Use of Force

Objective	At the end of this module, participants will be able to use of force in compliance with international standards, host government law enforcement policies, and company policies and protocols, using practical scenarios.														
Assessment	Specially designed group activities and sessions will be used to evaluate the application of knowledge acquired in this module.														
	<table> <tr> <td>Introduction</td><td>0 h 05 min</td></tr> <tr> <td>1. What is the use of force?</td><td>0 h 50 min</td></tr> <tr> <td>2. Activity: Green Card, Red Card: Scenarios on use of force</td><td>1h 20 min</td></tr> <tr> <td>3. Use of force during arrest and containment</td><td>0 h 30 min</td></tr> <tr> <td>4. Use of force during protests</td><td>0 h 30 min</td></tr> <tr> <td>5. Activity: Discussion and scenario on the use of force during protests</td><td>1 h 00 min</td></tr> <tr> <td>Conclusion</td><td>0 h 05 min</td></tr> </table>	Introduction	0 h 05 min	1. What is the use of force?	0 h 50 min	2. Activity: Green Card, Red Card: Scenarios on use of force	1h 20 min	3. Use of force during arrest and containment	0 h 30 min	4. Use of force during protests	0 h 30 min	5. Activity: Discussion and scenario on the use of force during protests	1 h 00 min	Conclusion	0 h 05 min
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4. Use of force during protests	0 h 30 min														
5. Activity: Discussion and scenario on the use of force during protests	1 h 00 min														
Conclusion	0 h 05 min														
Total Time	4 h 20 min														

Introduction

0 h 05 min

Plenary Discussion

0 h 05 min

Introduce the module objective:

At the end of this module, you will be able to use of force in compliance with international standards, host government law enforcement policies, and company policies and protocols, using practical scenarios.

Explain to participants:

- Whether working as *private security* or *public security personnel (forces)*, there is always the possibility that you will be expected to deal with situations that are dangerous, or violent, and when authorized to do so, may require of you to use force in carrying out your duties.
- Examples of such situations include having to deal with a verbally or physically aggressive person, or having to contain or arrest a suspect who is physically stronger or who refuses to be contained or arrested.
- The risk of dangerous work situations may also be slightly higher for *public security personnel (forces)* compared to *private security* personnel that work in safer and more controlled environments.
- When dealing with a dangerous or unpredictable situation, you usually have very little time to assess the situation and to decide on a proper response. Good training can help you react properly to the threat or to respond with the use of appropriate tactics and the minimum force necessary.
- There are certain **laws, policies and procedures** that will guide you in the use of force (UOF).
- The law may authorise you to use some force to make people or suspects comply, but this does not mean that you can use force without restrictions.
- You must behave **ethically, respect human rights** and you must **use only the force necessary**. Remember, you may be asked to explain and justify your decision and force used.

- Key content to be covered during this module includes:
 - What is the UOF?
 - Options and means of force
 - Steps suggested for the UOF
 - Guidelines on the UOF
 - UN Guidelines for the Use of Force and Firearms (UOFF)
 - Reporting on the UOF
 - Applying the UOF in practical scenarios
 - Use of force during containment and arrest, as well as when dealing with protests.
- The module comprises of presentations and activities that will be used to explore and discuss the UOF to various scenarios that you may be required to deal with performing your duties.

1. What is the Use of Force (UOF)?

0 h 50 min

Preparation

Setup and **test** the notebook and multimedia projector.

Review *SP: Use of force* and add/change (if needed):

- Slide 11: Guidelines and principles on the use of force

Note to facilitators:

Use the following list of guiding questions to help you plan, prepare, and direct discussions, and learning:

Q What is the UOF?

Q What are the means and force options available to *private security personnel*?

- Q What are the means and force options available to *public security personnel (forces)* responsible for law enforcement and who support company security operations?
- Q What are the national laws guiding the UOFF?
- Q What are the company security policies and procedures guiding the UOF?
- Q What are the international principles guiding the UOF?
- Q What are the international principles guiding the use of firearms?
- Q What are the laws guiding the use of force during containment and arrest?
- Q What are the laws guiding the use of force during protests?

Presentation and Plenary Discussion
0 h 50 min

Begin the module.

Slide 1 **Title slide**

Introduce the topic.

Slide 2 **What is UOF?**

Display the slide in the background.

Ask participants to look at the slide and answer the following question:

Q What is force?

Anticipated Response:

- Open-ended
- Refers to using the means necessary to make something or someone comply. For example using the means necessary to make a non-compliant or dangerous person comply with a lawful request from a security officer.

Q What does UOF mean to you?

Anticipated Response:

- Guidelines that tell me when, what, how and to what extent I am supposed to use force when I do my job (security or police duties), or try to contain a situation.

Notes:

- The use of force refers to:
 - The amount of effort required by security personnel to make an unwilling suspect or person comply.
 - Involves the use of various methods and techniques of force that are applied starting with the least to the most force.
 - Force permitted by **country laws** to perform security duties that I am **authorised and trained** to do.
- Governments may (depending on national laws) allow law enforcement officers, citizens, corrections officers, or other security personnel to use force to prevent a crime from happening, or to deter persons from committing crime.
- If permitted by law, force may even be used to protect yourself or another person, against serious threat or injury by another person.
- The UOF is governed by national laws and is usually authorised in a progressive series of actions, referred to as a "use of force continuum".

Slide 3 Options and means for the use of force

Notes:

- The force options selected depend on the situation, circumstances, behaviour of the suspect, and the level of the threat that such behaviour pose to you or other persons.

- Think of your duties and responsibilities (*no answer is required; just introduce the set of questions*).
 - Are you a security officer or a law enforcement officer?
 - What are your options?
 - What means do you have available to use?
 - Think of your personal security equipment and the weapons or firearms that you are issued with (for example a baton, chemical agents, or even a firearm). Unless authorised or working in high risk environments, *private security personnel* will usually be unarmed.

Note to facilitators:

You can also tell participants that they can use the following questions to help them identify their means and force options:

- Q What means do you I have available to deal with a calm and cooperative suspect?
- Q What means do I have available to deal with a verbally aggressive person, offering passive resistance?
- Q What means do I have available to deal with an increased physically aggressive person, posing a threat of assault?
- Q What means do I have available to deal with a suspect who demonstrates dangerous behaviour that threatens my life, or the life of others?

Ask participants:

- Q What are your options? What are you legally authorised to do?

Anticipated Response:

- Do nothing?
- Continue to observe?

- Call the local law enforcement agency?
- Call for assistance?
- Physical presence in uniform?
- Use dialogue and the use of verbal commands?
- Use negotiation, mediation, or persuasion skills?
- Use soft hand and hard hand control techniques?
- Use of chemical or incapacitating agents?
- Use batons and impact weapons?
- Use of lethal force? *(The very last option that must be avoided at all cost and used in compliance with the law).*

• **What means and equipment do you have?**

Anticipated Response:

- Uniform (Non-lethal)
- Verbal actions and directions (Non-lethal)
- My hands (Soft and hard hand control techniques)
- Chemical agents such as pepper spray
- Handcuffs
- Torch
- Protective vest and clothing
- Batons and other impact weapons
- Firearm

Remind participants:

- You may not be authorised to use or be in possession of certain security equipment and weapons.
 - For example, in some countries, private security is also not permitted to have and use certain force options (i.e. pepper spray).
- Some companies will also not authorise or equip private security to work with weapons or firearms, even if the law allows them to do so. You may not be able to use any force other than verbal commands or empty hand control techniques, or to call for assistance.
- Also, whatever equipment you have, you need to make sure that you
 - that you are trained in the use thereof, and
 - that you can apply various tactics and techniques for the use of force with such equipment
- Remember your security equipment and training will influence how you respond.

Conclude by saying:

- Once you have identified the means and options available to you, you need to determine if you are AUTHORISED to use it. Ask yourself the following questions:

Q May I use it? This means:

- Do country laws permit me to use it and do I comply with the necessary training and licensing to have it to do my job?
- Does my employer permit me to use it and do I comply with the necessary training and licensing to have it to do my job?
- Does the company (client) permit me to use it and do I comply with the necessary training and licensing to have it to do my job?

Q When will I use it?

Q What techniques can I use?

Q Am I trained to use it?

Q If authorised to use a firearm, is it legal and safe to fire a ‘warning shot’?

Q What do I have to do after I used it? Remember, after using force we need to give medical assistance, record, report, and investigate (as needed).

Slide 4 **Sample UOF continuum**

Post *LT Poster: Use of force.*

Inform participants:

- Your security manager can use the options and means of force available to compile a **UOF continuum** for your work environment. Let us look at a sample UOF continuum.

Refer participants to the sample UOF continuum.

Ask participants:

Q Do you know if you have a UOF continuum for your job?

Anticipated Response:

- *(Open-ended)*

Notes:

- When looking at the sample UOF continuum you will see that as the suspect’s behaviour becomes more threatening, the security officer’s means of responding become increasingly forceful. In other words the security officer’s response will match the behaviour of the suspect to ensure that the force used is proportional.
- The essence of the force continuum is that if the **force or threat decreases**, then your **actions should decrease**. If the **force or threat increases**, then your **actions should proportionally increase**.
 - To do this, security personnel need to continuously assess and re-assess the situation and the behaviour of the suspect.
- Using a UOF continuum can help you use force that is proportional to the situation.

- The UOF continuum will be specific to your job, your force options and the means (equipment) that you have available.
- We are not all authorised to use all possible means. For example, *public security personnel (forces)* may be the only ones equipped with firearms, while *private security personnel* may be unarmed and have less force options. As a result they may only be capable to use their professional presence, verbal directions (i.e. dialogue, negotiation and persuasion), and empty hand control techniques.

Conclude by saying:

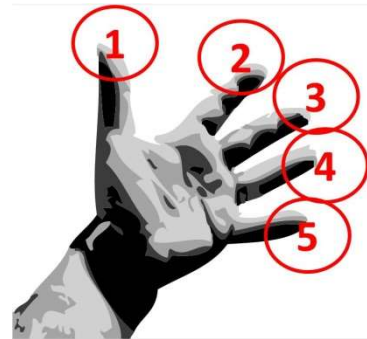
- The UOF continuum for the same action can be different for *private security personnel* compared to *public security personnel (forces)*.
- What is important is that you need to understand that:
 - When it comes to the use of force, you need to have different means and different options.
 - You always need to consider the use of lesser force options, before resorting to the use of higher level force options.
 - The fact that you have a means of force does not mean that you have to use it.
 - The use of lethal force should always be a last and final option, provided it is permitted by law.
- In your *Participant Handbook* two examples of different UOF continuums are provided:
 - One example is a UOF Continuum for the temporary detention of a suspect by private security personnel working at a company.
 - The other example is a sample UOF continuum for authorised and armed *public security personnel (forces)* that arrest a suspect.
- We will look at these examples later when doing practical activities on the arrest and containment of suspects.

- In the end you, will be the one that will have to explain and justify any force used.

Slide 5 General steps for UOF

Explain to participants that there are 5 simple steps to guide you in decisions on the use of force:

1. **Respect is key.**
2. **Apply the PLAN principle.**
3. **Take charge of the situation.**
4. **Act as a team.**
5. **Communicate.**



Use your hand and corresponding fingers to introduce each of the 5 steps.

Ask participants to repeat the principles using their fingers.

Repeat the exercise two or three times.

Slide 6 Respect is key

Introduce the principle using the corresponding finger.

Notes:

- Force will be used against people. All people have rights, and the use of force will limit their rights.
- Equally **respect** and protect the **rights** of all people.
- Ensure that you limit their rights only to the extent needed. Understand the rights of suspects and employees and respect them.
- Do everything possible to protect these rights. If you act with respect towards others, they are more likely to respect you and to cooperate with you.
- While using force you have a responsibility to protect and ensure the safety of others, and to provide medical assistance to those injured.

- Also **respect** the **security policies, procedures and guidelines** of the company, and your work environment on the UOF.
- You must ensure that YOUR UOF does not lead to problems for you, your employer, or the company because you failed to obey the laws of the country.

Slide 7 **Apply the PLAN principle**

Introduce the principle using the corresponding finger.

Notes:

- **PROPORTIONAL** force, meaning that the force you select to use must be the **minimum force** required to deal with the threat or to contain the situation. According to national laws the force used is proportional to the threat against you or someone else's life or property.
- **LAWFUL** force, meaning that you are authorised to use force as part of your duties, in accordance with national laws, and the company's security policies and procedure. You are also trained in the use of different force options and you are legally authorised to use and be in possession of security equipment, including weapons or firearms. **Force used is UNLAWFUL if the law and security policies do not authorise you to use force.**
- **ACCOUNTABLE** force, meaning that you use force in an ethical way that is compliant with the code of conduct. You also accept full responsibility for your actions, and you are willing to write them down, report them, and appear before a court of law to explain your actions and decisions to use force.
- **NECCESARY** force, meaning that the force used to contain the threat or situation was as a result of a threat against you, the company (employees), or a bystander. You already considered and used lesser force options with no chance of success. You have no other option than to use force.

Slide 8 **Take charge of the situation**

Introduce the principle using the corresponding finger.

Notes:

- **Stay calm.** Do not respond to provocation or let anger control you. Keep a cool head.
- **Be alert.** Look for anything out of the ordinary. Observe the situation and try to see what is going on. Try to visualize what a suspect could try to do and prepare yourself accordingly. This is called being mentally prepared.
- **Establish professional presence and authority.** Announce your presence to help establish authority and control of the situation. Look assertive, in control and professional. Your uniform is the first sign of official presence.

Note to facilitators:

You can demonstrate the use of the following verbal commands to help establish presence and authority:

“STOP - SECURITY!” or “STOP - POLICE!”

“I am a security/law enforcement officer. My name is..... I am responsible for....”

“I am taking charge here ... “

“Who are you?” or “Identify yourself”

“Why are you doing this?” or “What are you doing”

- **Position yourself.** Place yourself where you control the situation. Allow your position to prevent a suspect from being in control. Use objects to shield you while restricting the suspect’s ability to reach you, for example position yourself in such a way that there is a table between you and the person that you are talking to.
- **Establish visual control.** Do not look only in front of you. Look around. Ensure you can control the entire scene and that you know what is going on around you. Look for clues that can help detect suspect’s intentions.

Conclude by saying:

- Sample verbal commands are provided in your *Participant Handbook*.
- Use them to help you establish **professional presence and authority**.
- As security/police you need to learn to use your voice, and to speak with confidence and authority.
- We will explore the use of these commands using scenarios, and give you an opportunity to practice using them.

Slide 9 **Act as a team**

Introduce the principle using the corresponding finger.

Notes:

- You do not work alone. You do not have to deal with issues alone. Call and ask for help.
- The physical presence of one or more officers may be all that is needed to contain a situation, or bring a situation under control. It is important to always look for an opportunity to assist your colleague.
- Ensure the team member closest to any threat has your support if needed.
- Do not work in isolation, do not respond to a call alone, and never forget that you are part of a team.
- When dealing with security issues, use the **“plus-one” rule**: if there is one suspect, act as if he/she isn’t alone. Call on your teammates to help you.

Slide 10 **Communicate**

Introduce the principle using the corresponding finger.

Notes:

- First try to communicate, negotiate, or use persuasion before using force.

- Learn to use your voice. It is your first and most important tool.
- Talk to your team and let them know what is going on. Use a hand radio, hand signals, verbal commands, or dialogue to inform them about the situation.
- The use of all types of force should be accompanied by the use of verbal commands, instructions, and explanations. For example, when you decide to use pepper spray, or draw your baton, you should continue to use your voice.
- Always attempt to warn the person, then inform him/her, and finally express your intention to use force before doing so. This way you will be able to show the court that you warned the person of your intention to use force.
- Examples:
 - A suspect threatens to assault you and start walking towards you with a clenched fist. When you remove your pepper spray from your belt you say: “Sir, I am warning you, stand-back. I am warning you again, STAND-BACK, or I will use pepper spray, or my baton”.
 - A suspect stabbed an employee with a knife. When he sees you, he starts walking towards you with the knife in his hand. You remove your firearm from your holster, barrel pointing to the ground, and shout: “KNIFE! DROP THE KNIFE, I SAID – DROP THE KNIFE. I am warning you; drop the knife and stand-back. I am warning you again, DROP THE KNIFE AND STAND-BACK, or I will have no choice to use force to defend myself”.

Note to facilitators:

You can also demonstrate the use of the following strip-phrase to help defuse verbal conflict.

An employee wants to enter company premises at your control point. There are a lot of people and it takes a long time for employees to get into the facility. The employee is frustrated and angry at you and shouts “You are incompetent and slower than a tortoise”. Instead of getting involved in a word-fight you can use strip-phrases to diffuse the situation, such as:

"....maybe so, but let's stay calm and allow me to do my job. If we work together then you we can all be on our way"

"....that may be true, but that is not always the case, so let's stay calm and allow me to do my job"

"....I apologise I am slow, but let's stay calm and allow me to do my job"

Conclude by saying:

- A list of these commands and examples are provided in your *Participant Handbook*. We will later practice and apply these commands during some practical activities.

Slide 11 **Guidelines and principles on the use of force**

Inform participants:

- Private security personnel and public security forces are obliged to comply with country laws and department/employer policies and procedures regarding human rights, ethics, and security.
- In line with the UN Business and Human Rights Principles and their commitment to implement the VPSHR, companies also have a responsibility to uphold their commitment respect the human rights of the people and communities where they operate, and to take steps to help their security operations protect and respect human rights.
- Despite our differences, these are some basic guidelines and principles on the use of force that we all can abide by. Let's take a closer look at these.

Notes:

- Force must be used according to the laws of the country that you work in, and according to international and industry guidelines.

Note to facilitators:

National laws will tell when you are allowed to use force, and how you should go about using such force. Laws will also help us find the answers to the following questions:

- Q What does the country law say on the use of force?
- Q What are my responsibilities on the UOF?
- Q When may I act in self-defence?
- Q May I use lethal force? If so when and under which conditions will I be allowed to use lethal force?
- Q May I use force to protect my own property, and the property of others, or the company?
- Q Can I use lethal-weapons or a firearm to protect property, or may I only use force to protect life?
- Q What will happen if someone is injured as a result of the force that I used?
- Q What are the consequences of unlawful or excessive force?
- Q Will I get in trouble if I cannot justify why I used force?

IMPORTANT:

The use of lethal force and firearms is a serious matter in all countries. Research and do background reading on the country laws guiding the use of force to protect life and property, as well as the conditions and laws guiding the use of force and firearms for self-defence and to protect others.

- If you are **not sure** about the law, or whether you may use force, **ask your supervisor**.
- Force used must **respect human rights** and must **comply with the PLAN principle** – it must be proportional, legal, accountable, and necessary.
- Only carry **weapons or firearms** if you are **authorised** to so, and if you are **licensed** and **trained** to use it.
 - Never carry, use, touch, or take possession of a firearm or weapon that you are not trained to use.

- Using a handgun is not the same as using a rifle or a shotgun. When it comes to firearms, you should be trained in the same firearm and the same ammunition that you work with. Every firearm works different, and some ammunition cause more damage than others.
- You should also be trained on how to approach deal with armed suspects in a safe manner.
- Any force used may be a potential human rights violation and therefore it must be must be recorded, reported to your supervisor and investigated (if/as necessary).
- The UOF must be a **FINAL option**, and NOT the first or preferred solution to a threat or situation. If possible, first try using dialogue, negotiation, mediation, or verbal persuasion before using force.
- When force is used, it must be **progressive** and used in proportion to the threat or situation.
- When force is used, immediately give **first aid** or arrange for **medical assistance** or treatment of those injured.
- No one is allowed to break the law. You do **not** have to **implement** any **instruction** from your colleague, supervisor, other security personnel, or a law enforcement officer that will result in the **unlawful UOF**.
- Private security, public security forces and companies need to have clear **policies, procedures and guidance** in place on the use of force.

Conclude by saying:

- Every workplace has its own policies and procedures. Ask your supervisor to explain the policies and procedures guiding the UOF and the use of any weapons and firearms as part of your job.
- **Contracts** are usually used between companies and private security suppliers to reach agreement on security equipment, training, control of weapons and firearms, as well as conditions for the use of force.
- **Memorandums of Understanding (MOUs)** are used to reach agreement with *public security personnel (forces)* on support, as well as the as well

as conditions for the use of force, in support of company security operations.

Slide 12 UOF and Firearms by Security Personnel

Note to facilitators:

Please link these guidelines and principles to relevant country laws, codes of conduct, and relevant policies and procedures.

Explain to participants:

- The UN Code of Conduct for Law Enforcement Officials (1979) clearly state that force may only be used when **strictly necessary** and to the **extent required** to perform your duty (Article 3).
- The UN Basic Principles on the Use of Force and Firearms (1990) guides the use of force and firearms by governments and *public security personnel (forces)* performing duties in support of company security operations.
- The International Code of Conduct for Private Security Service Providers (ICoC) (2010) provides guidelines and minimum standards for private security providers on numerous issues ranging from training, use of force, safety, human rights, employment conditions, etc. Specifically it states that:
 - Personnel are required to take all reasonable steps to avoid the use of force. If they must use force, it will be consistent with the law.
 - No firearms will be used except in self-defence or to protect others if they are about to be killed or very badly hurt.
 - Any security personnel formally asked take part in policing will follow the rules set out by the United Nations for law enforcement officials.
- Besides these guidelines, private security and public security forces are obliged to comply with all country laws related to use of force, weapons and firearms.

Notes:

- The key issues highlighted by these principles are as follow:
 - 1) The need for rules and regulations on the use of force and firearms
 - 2) The need to be equipped and make use of self-defensive equipment
 - 3) The need for the use of non-violent means, and non-lethal incapacitating weapons and force
 - 4) The need for conditions before the use of force and firearms
 - 5) The need for conditions for the use of force and firearms against persons
 - 6) Collateral damage is not acceptable – force and firearms may only be used against the person that is posing a threat. If not safe to use force and firearms, then don't.
 - 7) Responsibilities following the use of force and firearms
 - 8) Use of force and firearms during assemblies and crowd control
 - 9) The procedure for the use of force during the policing of persons in custody or detention
 - 10) The right to refuse to obey orders to use force and firearms

Explain to participants:

- We will now explore these issues using some questions.

Note to facilitators:

One or more principles from the UN Basic Principles on the Use Force and Firearms (1990) will help answer each of these questions.

When you ask the question, look at the guiding principle provided in support thereof.

If participants fail to provide an answer that supports the essence of the principle, then briefly touch on the key aspects contained in the guiding principles.

Ask participants:

- Q** Do you think there is a need for a set of rules that govern the use of force and firearms?

Anticipated Response:

- Yes. By having a set of rules we have a standard that applies to everyone and allow us to better respect and protect the human rights of people, such as the right to life.
- The use force and firearms by *security personnel* must be strictly controlled and governments need to ensure that they enforce these rules by means of law.

Note to facilitators:

Guiding principle:

Principle 1: Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

Q When may law enforcement use firearms?

Note to facilitators:

Guiding principle:

Principle 9: Law enforcement officers shall not use firearms against persons except in self-defence or defence of others against imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such danger and resisting their authority, or to prevent his/her escape, or only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

Q How will working with self-defensive equipment such as shields, helmets, and bullet-proof vests allow for the use of less or appropriate force?

Anticipated Response:

- By limiting the danger of personal serious injury, security personnel will be less threatened by serious injury, and the need to use weapons.

Note to facilitators:

Guiding principle:

Principle 2: By equipping officials with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof transportation, there is a decreased need to use weapons of any kind.

Q Have you tested the use and effect of the weapons, firearms or equipment that you use to do your job?

Q Is there a possibility that when using some of your weapons, firearms, you can cause injury or death to innocent and uninvolved bystanders?

Anticipated Response:

- *(Open-ended)*

Note to facilitators:

Guiding principle:

Principle 3: The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

Q Before using force and firearms, security personnel are required to as far as possible use non-violent means (Principle 4). Can you give an example?

Anticipated Response:

- Using physical presence, verbal commands and empty hand control techniques before using a firearm.

Q When may force and firearms be used?

Anticipated Response:

- *(See guiding principle)*

Note to facilitators:

Guiding principle:

Principle 4: Before using force and firearms, as far as possible, apply non-violent means before resorting to the use of force and firearms.

Only consider using force and firearms if non-violent means and lesser force options are ineffective in dealing with the threat, or making a dangerous person comply. Force and firearms used must always be proportionate to the threat level.

Q What do security personnel have to do when they decide to use a firearm?

- *(See guiding principle)*

Note to facilitators:

Guiding principle:

Principle 5: Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved (avoid collateral damage);
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; and
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Slide 13 UOF and Firearms by Security Personnel

Continue/

Note to facilitators:

Please link these guidelines and principles to relevant country laws, codes of conduct, and relevant policies and procedures.

Explain to participants:

- One could argue that there is an obstacle between the security officer and the attacker and the threat is not imminent. The attacker is also too far away from the officer and the officer has the option to reposition himself or take a position of cover.

Ask participants:

Q The golden rule is that security personnel should not use weapons and firearms against persons. There are exceptions to this rule, in other words under very special circumstances authorised security personnel may be allowed to use their weapons/ firearms. Can you think of any such circumstances?

Anticipated Response:

- self-defence or defence of others against the imminent threat of death or serious injury
- to prevent the perpetration of a particularly serious crime involving grave threat to life
- to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and
- only when less extreme means are insufficient to achieve these objectives

Q When will the use of lethal force with a firearm be accepted?

Anticipated Response:

- It must be intentional – I mean to use it
- It must be unavoidable – It is the only option available

- It must be used in order to protect life – If I don't someone can get **seriously** injured or potentially die.
- It must also be lawful – meaning that laws need to give us permission to do so

Note to facilitators:

Guiding principle:

Principle 9: Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Q What steps should you take before using your firearm?

Anticipated Response:

If there is time and the situation allows:

- Identify yourself
- Give a clear warning of your intent to use your firearm
- Give sufficient time for the person to observe your warning

Q When will you not warn a person of your intent to use your firearm?

Anticipated Response:

- If circumstances do not give you time to warn the person, or by warning him/her you create a risk of death or serious harm to yourself or others.

Note to facilitators:

Guiding principle:

Principle 10: "Identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed,

unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident”

Slide 14 UOF and Firearms by Security Personnel

Continue/

Note to facilitators:

Please link these guidelines and principles to relevant country laws, codes of conduct, and relevant policies and procedures.

Explain to participants:

- The picture shows a practical example of how the security officer identifies him/herself, gives a warning, and provides the attacker an opportunity to comply.
- One could argue that there is a huge distance between the officer and the attacker and the threat is not imminent. The attacker is too far away and the officer still has the option to reposition himself or take a position of cover.

Ask participants:

Q What happens if someone is injured or death is caused by the use of force and firearms?

Anticipated Response:

- Report to supervisors
- Investigation
- Possible criminal charges if the force used are unlawful
- Civil proceedings and possible penalties

Note to facilitators:

Guiding principles:

- Principle 6: It must immediately be reported to superiors.
- Principle 7: If the force used was abusive or unlawful, then law enforcement officials will be criminally charged and if found guilty, punished.
- Principle 22: The law enforcement official must go for stress counselling.
- Principle 22: A report must be filed, and the incident must be reviewed (investigated) by an independent person or mechanism that have jurisdiction.
- Principle 23: Persons affected and their legal representative shall have access to independent review and judicial process.

Q What will happen if a security or law enforcement official refuses to carry out an order to use force and firearms from his/her superior?

Anticipated Response:

- Nothing bad. You cannot be punished for doing the right thing.
- The person should not be charged in terms of law or in violation of a COC.

Note to facilitators:

Guiding principle

Principle 25: Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

Slide 15 **Country law on the use of force and firearms for security purposes**

Note to facilitators:

Prepare and use this slide to introduce country specific laws on the use of force and firearms for security purposes.

Slide 16 Company policy and procedure on the use of force and firearms for security purposes

Note to facilitators:

Prepare and use this slide to introduce company policy and procedure on the use of force and firearms for security purposes.

Conclusion
0 h 05 min

Conclude by saying:

- You now have a basic understanding of the key international principles guiding the use of force and firearms.
- These international principles have to be applied along with country laws guiding the use of force and firearms, as well as the conditions applicable to their use.
- It is important that you know, understand, and comply with the laws guiding the use of force and firearms. Ask your supervisor to explain these to you. Saying you didn't know is not an excuse – you will be held accountable for all your actions, and all force used.
- Also, there are company and employer specific policies and procedures guiding the use of force, firearms and other equipment by security personnel. If you do not know them, ask your supervisor to explain them to you.
- Companies and your employer have a responsibility to make sure that you understand and apply these principles.

2. Activity: Green Card, Red Card: Scenarios on the use of force

1 h 20 min

Slide 17 Activity: Green Card, Red Card: Scenarios on the use of force

Preparation

Note to facilitators:

The objective of this activity is to have participants reflect on and apply the five steps suggested for the use of force in the *Participant Handbook*. Participants will also be required to reflect on the UN principles guiding the use of force and firearms, in scenarios where force and firearms are used.

Scenarios 1 to 5 focus on the use of non-lethal force options. Scenarios 6 to 10 focus on the use of force and firearms. *All security personnel* will benefit from training in these scenarios to help them not only apply what they have learned, but also to help them identify and report on the unlawful use of force and firearms by other security personnel.

Names used in the scenarios are fictional.

VERY IMPORTANT:

The scenarios presented do not consider country laws on the use of local force and firearms. It is the responsibility of private security providers and public security forces to ensure that all their personnel are trained in the laws and policies and procedure guiding:

- the use of force and firearms in self-defence, to protect other, and to protect own and private property
- the force options available for use
- the means (i.e. equipment) and safety guidelines for the use of security equipment

You are required to identify these laws, policies, and procedures and to explain, or have them explained to participants, as part of the discussion on each of the scenarios.

Ensure that a clear distinction is made between the feedback provided for the use of force by *private security personnel* vs. the use of force by *public security personnel (forces)*, and that participants clearly understand what they can and cannot do in terms of country laws and relevant security policies and procedures.

Refer participants to their *MC: UOF Card*

Divide the class into three small groups.

Note to facilitators:

Groups should be made up of only participants who are private security personnel, or who are public security personnel. Ensure that you **do not** have mixed participant groups that comprise of both *private security personnel* and *public security personnel (forces)*.

Because the duties and responsibilities are different for each one, their means to use force (e.g. equipment and force options), as well as the laws and policies guiding them on the use of force will be as well.

The last thing you want is to give *private security personnel* the impression that they have the same authority and means as *public security personnel (forces)* to use of force and firearms.

By having separate groups, participants will be able to discuss each of the scenarios with colleagues that have the same means, laws, and policies guiding their duties and the use of force.

Introduction
0 h 05 min

Explain to participants:

- You will now be introduced to various scenarios that may or may not involve the use of force.
- The activity provides you with an opportunity to reflect on the use of the five steps suggested for the use of force.
- You will also be required to consider the UN principles and International Code of Conduct for Private Security, guiding the use of force and

firearms (*that we discussed during the presentation*) as they apply to the scenarios.

- Some of the scenarios may involve the use of one or more force options and means of force (i.e. equipment). Think of all your options.
- Depending on your duties and mandate, you may or may not be required to deal with, or have the means (equipment) to deal with all of the scenarios presented to you.
- Some of the scenarios may also be more applicable to public security personnel than to private security personnel, and *vice versa*. This does not really matter. What matters is that you consider the five steps suggested for the use of force to help you decide if the force used in each scenario was proportional and lawful or not.
- You may use your *MC: UOF Card* as a reference source.
- We will first read the scenario and then give you an opportunity to discuss it in your small group.
- Groups will have five minutes to briefly discuss each scenario using the following questions:
 - Q Was force used in the scenario, and if so do you think it respected the rights of the person that it was used against?
 - Q Was the use of force proportional, in other words do you think the minimum force needed was used to contain the situation?
 - Q Was the use of force legal? In other words was the person using force authorised to do so and was the force used according to country law and relevant security policies and procedures?
 - Q What would you have done different? What other force options could have been used to contain the situation?

Note to facilitators:

Write or post these questions on a flipchart for easy reference participants.

- Following your group discussion, we will use 3 to 5 minutes to briefly discuss and reflect on the questions together in plenary.
- When dealing with these scenarios, it is also important that we think of any **country laws or security policies and procedures** that may be relevant to the scenario.
- Please be conscious of time management, we have 10 minutes for each scenario.
- In the end, after our discussion, you will have an opportunity to vote on each scenario using a green or red card.
 - The show of a **green card** indicates your decision that the force option and level of force used in the scenario is proportional and lawful.
 - The show of a **red card** indicates your decision that the force option and level of force used in the scenario is not proportional and unlawful.
- The front of your *MC: UOF* is red, and the back is green. Use this to cast your vote.
- Be prepared to explain and justify your decision.

Group and Plenary Discussions
1 h 10 min

Scenario 1: The man with the baton (10 min)

Note to facilitators:

This scenario focusses on the importance of professional presence, identification as a security officer, and the use of non-approved security equipment resulting in the use of excessive and unauthorised force to contain a situation.

Read the following scenario to participants:

Security officer X patrols the external perimeter fence of a mining operation on foot. The security officer is responsible to inspect the external security

fence, and to ensure that no unauthorised persons gain access to the restricted mining area, or dispose of restricted goods over the security fence.

It is a cold day so the security officer decided to cover up using his own jacket. The jacket bears no resemblance to the uniform in use and covers his uniform and insignia completely. The security officer also forgot his employee card at home that identifies him as a security officer and decided to arm himself with a baton that he borrowed from a friend. Company policy however prohibits the use of batons as it is deemed a lethal-weapon and the security situation do not justify arming private security officials.

During his patrol the security official comes across a man wandering the premises with a plastic bag in his hand, claiming to be lost. Without warning, the security officer grabs and holds onto the “suspicious man”. The man resists being apprehended by the security officer, resulting in a physical struggle between the two of them. The security officer then, without warning, removes his baton and beat the man into compliance. The man turns out to be a mine employee in possession of nothing other than his lunch. The man is upset and wants to open a case of assault against the security officer.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to inform participants of any local laws, conditions, or policies and procedures guiding the use of force options for security personnel not armed with lethal weapons. Also emphasise that no security officer may use or equip himself with security equipment other than he is not authorised to have, or trained to use.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Red card

Scenario 2: The angry manager (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, appropriate dialogue and verbal commands as a primary force option to defuse conflict.

Read the following scenario to participants:

Security officer Y is dressed in uniform that clearly identifies her as a security officer. She performs duty at a vehicle control check point set-up to monitor and control the access and the movement of restricted goods and persons between restricted areas. A delivery vehicle approaches her checkpoint. She approaches the vehicle and says: "Security, good day sir, how may I help you?" The driver states that he is the senior manager and that he immediately wants access to the restricted area. The security officer replies saying: "May I see some identification and your clearance permit please sir". The manager then loses it and shouts at the security officer: "Don't you know who I am? I will have you fired you stupid fool!" The security officer then responds: "Maybe so sir, but this is a restricted area and private property. I still cannot allow you to enter the premises without proof of identification and the appropriate security clearance". The manager continues shouting at the security officer. The security officer then responds saying: "Sir, I must warn you that your behaviour is inappropriate and that I have no choice but to report this incident to my supervisor if you do not calm down and comply with my request." The manager then shows proof of identification and security clearance for the security officer to grant him access. Following the incident, the security officer provides a detailed report to her supervisor about the incident.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to inform participants of any specific policies, procedures or guidelines guiding the use of verbal commands, and the reporting of non-violent conflict situations.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Green card

Scenario 3: Shouting at Bob (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, and the potential effects of excessive verbal commands and verbal abuse to contain a situation.

Read the following scenario to participants:

An employee reports that her cellular phone was stolen from her office. Security officer X responds to incident. The employee informs the security officer that the only person she saw in her office that morning was the cleaner, named Bob. The security officer sets off in search of Bob and finds him cleaning in another office. The security officer immediately starts shouting at Bob, saying: "STOP, SECURITY! PUT YOUR HANDS IN THE AIR!" Bob is taken completely by surprise and complies with the demand of the security officer. The security officer then continues to shout and scream at Bob saying things such as the following:

"If you move, I will shoot you"

"STAND STILL or I will beat you"

"You thief, WHERE IS IT, do you want me to beat it out of you?"

"NOW YOU ARE IN BIG TROUBLE, WE ARE GOING TO LOCK YOU UP FOR THE REST OF YOUR LIFE"

Bob is terrified by the security officer and continuous verbal abuse. Eventually Bob falls to the ground with a heart attack and dies as a result. The police do not find a cellular phone on Bob.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to stress the importance of tact, diplomacy, and appropriate verbal commands. The excessive or inappropriate use of verbal commands can be insulting, cause trauma, or even provoke further conflict.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the

scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Red card

Scenario 4: You are fired (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, the absence of verbal commands, and the use of excessive physical force to immobilise and restrain a compliant person.

Read the following scenario to participants:

A supervisor informs a female employee that she is fired for being absent from work without giving a valid reason, and for regularly arriving late for work. The employee is so shocked and surprised by her supervisor's announcement that she slaps him in the face.

The supervisor then calls security, and ask them to come and deal with the "crazy person" assaulting him in his office. Security officers X (male) and Y (female) responds to the call. On arrival at the manager's office they find the employee sitting and weeping in a chair. The security officers do not identify themselves to the employee. They just walk over, grab her from the chair, force her to the floor, and immobilize her using an arm lock and neck lock to prevent her from fleeing the scene. In the process the security officers manage to dislocate the employees shoulder. She is then contained awaiting the arrival of the local police to take away "the crazy person".

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to stress the importance of tact, diplomacy, and appropriate verbal commands. Remind them that the person has been injured and requires medical care.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Red card

Scenario 5: Use the metal detector (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, verbal commands, and proportional physical force to restrain a person physically attacking a security official.

Read the following scenario to participants:

Security officers X and Y work at a security checkpoint at a mining operations site. An employee exiting the work area refuses to be scanned at the walk through metal detector. The security officers explain that he will not be permitted to leave the area unless he walks through the metal detector. The employee refuses to comply with the request of the security officials and walks around, instead of through, the metal detector.

Security officer Y gently stops the man, holds him by the arm, and asks him to go back and walk through the metal detector. The man then unexpectedly pushes security officer Y out of his way saying “KEEP YOUR HANDS OFF ME. LET ME GO. IF YOU COME ANY CLOSER I WILL PUNCH YOU”.

Security officer X immediately commands the man to stop, saying: “STOP! STOP ASSAULTING MY COLLEAGUE”. The man then moves forward towards security official Y with clenched fists and throws a punch. Security official X reacts by grabbing the man from the side, delivering an immobilizing kick to his leg and restraining him with the use of an arm lock. The man is demobilised and the local police is called to deal with the situation.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to stress the importance of training in the use of soft and hard hand control techniques to control to immobilise non-compliant persons. Training in approved unarmed combat can also be used for this purpose. Also share any local laws, policies, or guidelines guiding the use of hand control techniques and unarmed combat.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the

scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Green card

Note to facilitators:

Scenarios 6 to 10 involve the use of force and firearms. The scenarios provide an opportunity to reflect on and reinforce the UN guiding principles on the use of force and firearms.

Scenario 6: Just an innocent employee (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, verbal commands, and the pointing of a firearm to contain a compliant person that poses no danger. The force used is not proportional and unjustifiable.

Read the following scenario to participants:

While patrolling the premises during daytime, security officer X finds an unknown person walking by himself in a controlled security zone. The person seems to be minding his own business, has nothing in his possession, and nothing visible in his possession that poses a threat to the security officer.

The security officers draw his firearm, and point it straight at the suspects' head, saying:

"STOP, SECURITY!"

"THIS IS PRIVATE PROPERTY AND A RESTRICTED SECURITY AREA!"

"PLACE YOUR HANDS ON YOUR HEAD, TURN AROUND AND GO DOWN ON YOUR KNEES!"

"IDENTIFY YOURSELF OR FORCE WILL BE USED AGAINST YOU"

The person immediately complies with the instructions of the security officer and starts to explain that he is an employee who is authorised to work in the area.

The local police are called to support the security officer deal with a 'dangerous man'. On arrival the police use pepper spray to further subdue the 'dangerous man'.

A complaint is filed against the security officer for the unsafe use and pointing of his/her firearm and a complaint of aggravated assault is filed against the police.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to highlight the need for rules and regulations on the use of force and firearms, the need for conditions before resorting to the use of force and firearms against persons.

Emphasise that firearms can only be used in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life.

Use this opportunity to inform participants of any local laws, conditions, or security policies guiding the authorised use firearms, the pointing thereof, and general safety guidelines.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Red card

Scenario 7: The knife fight (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, verbal commands, and the pointing of a firearm to restrain a potentially armed and dangerous suspect. Force used is proportional to the situation.

Read the following scenario to participants:

Local police are informed of a fight that broke out between two employees on the operations site. According to the report, the two employees known only as Ted and Des got into an argument that got out of hand. Officers X (male) and Y (female) respond to the call. When they arrive they see two men - one man lying face down on the ground in a pool of blood, while the other is standing four meters away with a knife in a lowered position by his side, away.

The officers respond by drawing their fire-arms and pointing it at the man with the knife in the hand, saying:

“KNIFE! STOP! POLICE!”

“DROP YOUR WEAPON!”

“MOVE AWAY FROM THE MAN ON THE FLOOR”

“PLACE YOUR HANDS ON YOUR HEAD, TURN AROUND AND GO DOWN ON YOUR KNEES!”

“IF YOU DO NOT COMPLY, FORCE WILL BE USED AGAINST YOU!”

“I SAY AGAIN... DROP THE KNIFE AND PUT YOUR HANDS ON YOUR HEAD!”

The man immediately drops the knife, and complies with the instructions of the police. Officer X keeps his firearm pointed at the man with the knife, whilst officer Y holsters her firearm to restrain and handcuff the suspect. Once the male suspect is handcuffed, officer Y does a body search for more concealed weapons.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to highlight the need for rules and regulations on the use of force and firearms, and the need for conditions before resorting to the use of force and firearms against persons.

Emphasise that firearms can only be used in self-defence or defence of others against the imminent threat of death or serious injury, if permitted by law.

Use this opportunity to inform participants of any country laws, conditions, or security policies guiding the authorised use firearms, the pointing thereof, and general safety guidelines.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Green card

Scenario 8: The armed robber (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, verbal commands, and the use of a firearm to contain an armed attack that places the life of the security officer in imminent, life-threatening danger. Force used is proportional, justifiable, and used in self-defence.

This scenario requires of participants to reflect on the use of force and firearms in self-defence or in defence of others, considering the local laws and conditions on the use of such force.

Read the following scenario to participants:

Security officer X is tasked to escort an employee responsible for the delivery of valuable goods to a secure holding area on company premises. During the escort, an unknown person walks towards them from the front. The security officer notices the person and maintains visual control. The security officer then notices the man reaching with his/her hand underneath his/her clothing. The security officer immediately responds by saying:

“STOP! SECURITY!”

“STAND STILL!”

“SHOW YOUR HANDS!”

“IDENTIFY YOURSELF!”

The person, who is approximately 15 metres away and facing them, unexpectedly draws a firearm. The security officer quickly draws his firearm, points it directly at the suspect, saying:

“DROP YOUR FIREARM!”

The person refuses to comply, and raises and points the firearm in the direction of the security officer and employee. The person fires a shot at the security officer and the employee but does not hit them. The person continues moving directly towards them, firearm still pointed at them. The security officer responds by firing a single shot at the attacker that hits and immobilises the attacker.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Emphasise that firearms can only be used in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life.

Use this opportunity to inform participants of any laws, conditions, or security policies guiding the authorised use of firearms including the use of deadly force.

Note to facilitators:

It is very important for participants to know and understand if, and under which conditions they are authorised to use force and firearms (including deadly force) in self-defence.

Remember that examining this scenario (or any of the following ones) does not give participants a license to use a gun. They are only discussing and reflecting on the scenario.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Green card

Scenario 9: The big knife (10 min)

Note to facilitators:

This scenario focusses on the use of professional presence, verbal commands, and a firearm to immobilise a person holding a knife, following a fight with a 3rd party. Force is used in defence of others, but the threat is non-imminent. The force used is excessive, and non-justifiable.

This scenario requires of participants to reflect on the use of force and firearms in defence of others, considering the local laws and conditions on the use of such force.

Read the following scenario to participants:

The company security manager is informed of a fight that broke out between two employees at the mine accommodation facility. According to the report, two employees have been drinking together, started arguing, and are threatening one another with a knife and a baseball bat. Private security guard A is unarmed and the police are called to help them in deal with the incident.

Police officers X and Y respond to the call. When they arrive they see two men - one man lying face down on the ground in a pool of blood next to a baseball bat, while the other is standing still, approximately 5 meters away with a big knife in a lowered position by his side, with his back turned towards the injured person.

Officer X draws his firearm and shoots the man with the knife in the knee. At the same time, private security guard A produces a firearm and on instruction of officer Y he fires two more shots that hits and kills the man.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to inform participants of any local laws, conditions, or security policies guiding the use of force and firearms on force in defence of others.

Ensure the participants understand that there are alternatives to lethal force.

Note to facilitators:

It is very important for participants to know and understand if, and under which conditions they are authorised to use force and firearms (including deadly force) in defence of others. It can be that only public security personnel, and not private security personnel, are authorised to use force and firearms) in defence of others.

Have participants vote on the use of force, using a red or green card. The vote can be used to help determine if participants correctly understood the scenario and the application of guidelines, laws and security policies on the use of force.

Anticipated vote: Red card

Scenario 10: Breaking windows (10 min)

Note to facilitators:

This scenario focuses on the use of professional presence, verbal commands, and a firearm to immobilise a person throwing rocks at and damaging company property. Force is used to protect company property, but the threat is not imminent to the life of any person. The force used to protect property is excessive, and non-justifiable.

This scenario requires of participants to reflect on the use of force and firearms, considering country laws and conditions, to protect own and others property.

Read the following scenario to participants:

Security officer X performs duty at the main employee entrance to the company facility. An unknown man unexpectedly picks up a rock and throws it at a company vehicle entering the facility. The rock hits and shatters a rear window of the vehicle. Security officer X responds to the situation by saying:

“STOP! SECURITY”

“STOP THROWING ROCKS!”

The man responds saying: "I used to work here and got fired, now I will show them who is boss." The man then picks up another rock and throws it at the building shattering another window. The security officer responds by drawing his firearm, and firing a shot that immobilises the man throwing rocks and damaging company property. The man is wounded but not killed.

In plenary, **facilitate** feedback from participants using the four guiding questions in the introduction of this activity.

Use this opportunity to inform participants of any local laws, conditions, or security policies guiding the use of force and firearms on force is used to protect own and private property.

Note to facilitators:

It is very important for participants to know and understand if, and when they are authorised to use force (including deadly force) to protect own and others property. Some country laws do not allow for the use deadly force to protect own and others property. It can be that only public security personnel, and not private security personnel are authorised to use force and firearms to protect own and others property.

Anticipated vote: Red card

Conclusion
0 h 05 min

Summarise by saying:

- The scenarios introduced you to the use of force and firearms in different scenarios. There are hundreds of different scenarios and possible situations and it is impossible to cover them all, but we will always apply the PLAN principle to determine if the force used was proportional and lawful.
- All security personnel need to consider and apply the UN guiding principles on the use of force and firearms.
- You also need to ensure that you are authorised to use force and a firearm, and that before resorting to the use of force is the only option available to you.

- You will have to use your discretion to assess every situation and to select the best authorised force option to deal with the situation.
- When deciding to use force, ensure that you only use the force necessary to contain the situation.
- Remember that when force is used against people, you must to respect the rights of those people.
- Most important of all – ensure that you know and understand the country laws on the use of force and firearms, as well as the company security policies and procedures guiding the use of force and firearms.

3. Use of Force During Arrest and Containment

0 h 45 min

Note to facilitators:

The objective of this section is to introduce participants to force options and to give them an opportunity to practice applying the use of force to arrest (*in the case of public security personnel*), or contain/ temporarily detain a suspect with the intention of handing him/her over to the local law enforcement agency (*in the case of private security personnel*).

Following the introduction to different force levels for arrest and detention, participants will be provided an opportunity to prepare and demonstrate -

- arresting/detaining a suspect with the use of verbal commands and non-lethal force options
- arresting/detaining a suspect with the use of a dummy firearm (pistol) (e.g. orange in color)

Regardless of whether security personnel are equipped or authorised to work with weapons or firearms, both private security and public security forces will benefit from this training to help them not only understand, but also to identify and report on the unlawful or non-proportional use of force to arrest/detain a person.

VERY IMPORTANT:

We have a joint responsibility to ensure that all security personnel are trained in the laws, policies and procedure that guide the arrest, containment and/or temporary detention a suspect for purposes of legal processing.

Facilitators are required to use this opportunity to draw links and reference r, security policies and procedures that apply to the use of force when arresting or detaining a suspect.

Facilitators must ensure that a clear distinction is made between the mandate and authority of *private security personnel* vs public security personnel (forces), to arrest and detain suspects. Participants need have a clear understanding of what they can and cannot do when arresting, or detaining suspects.

Slide Presentation
0 h 15 min

Continue SP: *Use of force*

Slide 18 **Use of force during containment and arrest**

Display the title.

Inform participants:

- The objective of this section is to introduce you to different examples of means/force levels to arrest, contain, or temporarily detain a suspect
- In *Module 3: Roles and Responsibilities* we already discussed the rights of persons being arrested or detained.
- In specific we will look at the use of non-lethal force options, as well as the use of lethal force-options for containment or arrest of a suspect.

Ask and have participants **reflect** on the following questions:

- Q** What are the rights of a person before, during, and after arrest?
- Q** Do we have to use force to arrest a person?
- Q** When will you use force to arrest a person?
- Q** What means/ force options do you have to arrest a compliant person?
- Q** What means/ force options do you have to arrest a non-compliant person that is unarmed?
- Q** What means/ force options do you have to arrest a non-compliant person that is armed?

Conclude by saying:

- Remember, at all times you need to apply the PLAN principle.
- We will now have a look at examples of force levels for:
 - i. Force options for arrest by unarmed private security personnel

- ii. Force options for arrest by private security personnel with defensive equipment (no firearms)
 - iii. Force options for arrest by armed private security personnel and public security personnel (with defensive equipment and firearms)
 - iv. Force options for arrest by armed public security forces
- After exploring these examples, we will do a brief demonstration and give you an opportunity to practice the containment/arrest of a suspect using both non-lethal force options, and a dummy firearm.

Slide 19 **Force options for arrest by unarmed private security personnel**

Refer participants to the diagram and **explain** the force options.

- The diagram shows sample force levels and options available to *unarmed private security personnel* to arrest a suspect.
- The diagram suggests the use of professional presence, negotiation (dialogue and persuasion), verbal commands, and empty hand control techniques (e.g. restraining techniques) to arrest/detain a person. This excludes the use of any weapons or firearms – most likely because the security officers are not authorised to work with weapons and firearms.
- The use of any force to arrest or detain a person should be proportional.
- All security personnel have these primary force options to arrest/contain/ detain a person.
- The better you are at using these force options, the better your chance to arrest or bring a suspect under control, using minimum force.

Ask participants:

Q Except weapons and firearms, what force options do you have to arrest or bring a suspect under control?

Anticipated Response:

- The same as those mentioned in the sample diagram.

Slide 20 **Force options for arrest by private security personnel with defensive equipment (no firearms)**

Refer participants to the diagram and **explain** the force options.

- The diagram shows sample force levels and options available to *private security personnel* with defensive equipment, and no firearms, to arrest or bring a suspect under control.
- The diagram suggests the use of professional presence, negotiation (dialogue and persuasion), verbal commands, and empty/soft hand control techniques (e.g. restraining techniques), hard hand control techniques, incapacitating chemicals (i.e. pepper spray), and a baton, to arrest/bring a suspect under control. This excludes the use of any weapons or firearms – most likely because the security officers are not authorised to work with weapons and firearms.
- The use of any force to arrest or detain a person should be proportional.
- Remember, the use of defensive equipment such batons can result in serious injury and a blow to the head can be fatal.
- In this example, security officers should be trained in:
 - Verbal commands
 - Soft and hard hand control techniques
 - Use of pepper spray (including decontamination procedure)
 - Use of batons (and potential injuries)
 - Basic first aid (to give medical support to injured suspects)
- Security officers should also consider using empty/soft hand control techniques and hard hand control techniques, before resorting to the use of pepper spray, and finally, batons.

Slide 21 **Force options for arrest by armed private security personnel and public security forces (with defensive equipment and firearms)**

Refer participants to the diagram and **explain** the force options.

- The diagram shows sample force levels and options for use by armed *private security personnel* and public security forces that are trained and authorised to use defensive equipment and firearms.

- Since *security personnel* are armed and authorised to use defensive equipment and firearms, they have the ability and discretion to use firearms to arrest dangerous or armed suspects and persons, provided that this is done in compliance with country laws on arrest and the use of force and firearms.
- In cases where security personnel are authorised, equipped, and trained to use defensive equipment and firearms, their use should, as far as possible, always be preceded by the use of non-lethal force options and minimal force options.
- The fact that you have access to defensive equipment and firearms does not imply that you can use them as you want.
- The wearing of protective clothing will also help limit the risk of personal injury and will encourage the use of lesser force options to deal with armed or dangerous persons.
- If *private security personnel* do not have the authority to use defensive equipment and firearms, then they should call their local law enforcement agency to assist arresting or bringing under control a dangerous suspect or person.
- In this example, security officers should be trained in:
 - Laws guiding the use of force, weapons and firearms
 - Soft and hard hand control techniques
 - Use of pepper spray (including decontamination procedure)
 - Use of batons (and potential injuries)
 - Use of firearms (including safety training, licensing, and the effects of different types of ammunition)
 - Basic or advanced first aid (to give medical support to injured suspects)

Ask participants:

Q Are you authorised to use any defensive equipment or firearms to arrest or detain a person?

Anticipated Response:

- Private security personnel – most likely, no.

- Public security personnel (forces) – most likely, yes.

Note to facilitators:

Be on the lookout for participants who do not understand their mandate and authority.

Q What types of defensive equipment or firearms are you authorised to use?

Anticipated Response:

- Open-ended

Q When may defensive equipment and firearms be used to arrest or detain a suspect?

Anticipated Response:

- When authorised and trained to do so.
- If the situation and circumstances justify the use of such defensive equipment or firearms

Q What type of training would security personnel with these force options require?

Anticipated Response:

- Laws guiding the use of force, weapons and firearms
- Verbal commands
- Soft and hard hand control techniques
- Use of pepper spray (including decontamination procedure)
- Use of batons (and potential injuries)
- Firearm training and practical shooting exercises (with the firearms and ammunition they work with)
- Basic first aid (to give medical support to injured suspects, including what to do if someone is shot)

Conclude by saying:

- Remember, force used to arrest or bring a suspect under control must always be proportional, lawful, and necessary. Remember to apply the PLAN principle.

- To have different means/force options you need to have the necessary security equipment and training to use such equipment.
- The use of firearms should always be a last and final force option and those working with firearms must also have access lesser-force options and defensive equipment such as pepper spray and batons.
- Only use the force options and the security equipment that you are authorised and trained to use.
- Ask your supervisor to explain the use of force options and the use of force continuum that applies to your security duties.

Demonstration and Feedback Preparation

Prepare or arrange for guest speakers to give a practical demonstration on the arrest of a person that involves:

- The arrest of a compliant suspect using professional presence, negotiation, verbal commands, and empty/soft hand control techniques.
- The arrest of a person suspected to be armed and dangerous, using a combination of professional presence, negotiation, persuasion, dialogue, verbal commands, empty hand control techniques, defensive equipment, and a firearm. This excludes the use of lethal force.

Note to facilitators/ guest speakers:

The demonstrations need to consider the following:

- An explanation of the country laws and security policies and procedure guiding the arrest and containment of a person.
- Safety tips for the approach of persons to be arrested or detained – especially if they are violent, or potentially armed.
- The recommended procedure to body search a suspect for concealed and dangerous weapons during arrest.

- The recommended use and application of the hand control techniques that security personnel are authorized and trained to use.
- The correct procedure to apply and remove handcuffs without causing any unnecessary pain or injury to the person arrested or detained. Only use handcuffs – no ropes, cable ties, or zip ties.
- The correct procedure to inform the arrested person of his/her rights.
- Safety considerations and possible injuries that may occur during the arrest.
- Only use dummy weapons for demonstration purposes (e.g. a plastic toy gun, or a red/orange rubber pistol, a red rubber knife with no sharp edges).
- Country laws and relevant security policies and procedures on arrest and the use of firearms, weapons and firearms.
- The use of a dummy hand radio/ or mobile phone to call for back-up.

Activity 1: Arresting or bringing an unarmed compliant suspect under control

Demonstration and reflection 0 h 15 min

Demonstrate to participants the use of professional presence, negotiation, dialogue, persuasion, verbal commands and empty/soft hand control techniques to arrest or bring a compliant suspect under control, with handcuffs.

Following the demonstration, have participants **reflect** on the following:

- Q** What would you have done different to arrest or bring the suspect under control? Explain.
- Q** What did to we do to ensure that the minimum force was used to arrest the suspect?
- Q** What did we do to ensure that the rights of the suspect were respected during his/her arrest?

Activity 2: Arresting or bringing a dangerous, armed suspect under control

Demonstration and reflection
0 h 15 min

Demonstrate to participants the use of professional presence, negotiation, verbal commands, empty hand control techniques, defensive equipment, and a firearm, to arrest and bring under control a dangerous suspect. This excludes the use of lethal force.

Following the demonstration, have participants **reflect** on the following:

- Q** What would you have done different to arrest or bring the suspect under control? Explain.
- Q** What did we do to ensure that the minimum force was used to arrest the suspect?
- Q** What did you do to ensure that the rights of the suspect were respected during his/her arrest?

4. Use of force with protestors

0 h 30 min

Preparation

Note to facilitators:

The objective of this section is to:

- Introduce participants to sample force options available for protests, assemblies and crowd control
- Introduce the UN Guidelines for the Use of Force and Firearms to deal with crowd control, and
- To provide participants with a clear understanding of the country laws and security policies and procedures guiding response to protests, assemblies and crowd control on company premises.

VERY IMPORTANT:

Facilitators are required to use this opportunity to draw links and reference relevant laws, security policies and procedures that apply to the use of force when dealing with protests, assemblies and crowd control.

Facilitators must ensure that a clear distinction is made between the mandate and authority of private security personnel vs public security personnel (forces), to arrest and detain suspects. Participants need have a clear understanding of what they can and cannot do when arresting, or detaining suspects.

It is suggested that the security manager or the local law enforcement agency be consulted to help clarify these issues.

Slide Presentation
0 h 30 min

Continue SP: *Use of force*

Slide 22 Use of force with protestors

Inform participants:

- There is always a risk that the company may become the target of protests and demonstrations by disgruntled community members, contractors, employees, labour unions, environmental groups, human rights activists, etc.
- These individuals/groups have a right to participate in lawful and peaceful protests and to voice their grievances, in accordance with the principles embodied in the *Universal Declaration on Human Rights* and the *International Covenant on Civil and Political Rights*, and according to the laws and process of the country.
- If the protests are unlawful and/or violent, then public security forces may be called to intervene in the interest of public safety, or to enforce a court order that prevents protestors from further disrupting company business operations.
- Companies belonging to the VPs, and who is committed to doing business with respect for human rights, wish to:
 - Work with aggrieved individuals and groups to try and find mutually acceptable solutions to their grievances, and by doing so, try and prevent demonstrations/ protests that have the potential to result in security conflict situations with private security and public security forces.

- Work with private security companies and public security forces to ensure that adequate controls and procedures are in place to manage the risk of force abuse during response to protests.
- Such an approach requires companies, private security providers, and public security forces to work closely together when dealing with protestors – before, during and after dealing with protestors.

Slide 23 **Before dealing with protestors**

Inform participants:

- When dealing with protestors, we need to be prepared.
- These can be used as a checklist to help you prepare:
 - ☐ Reason/ root cause(s) for the protest and what are the demands?
 - ☐ Who is leading the protest and can we negotiate?
 - ☐ Lawful, unlawful, peaceful or violent protest?
 - ☐ Avoided doing things that can escalate further levels of violence?
 - ☐ If unlawful, but peaceful, do we really need to intervene?
 - ☐ Rights of the protestors vs the rights of the company?
 - ☐ Protestors on company property or in public space?
 - ☐ Who is mandated by law to deal with protestors and do crowd management?
 - ☐ Are we appropriately equipped and trained to deal with this? If not, who is?
 - ☐ Role of company vs private security vs private security in dealing with protestors?
 - ☐ Is the objective to monitor, block, isolate, arrest, control, and/or disperse protestors?
 - ☐ We have a plan and we know who is in charge?
 - ☐ Use of force protocol includes the use of lesser force options?
 - ☐ Communication plan and mechanism in place between company, private security and public security forces?
 - ☐ Briefed all security partners (i.e. company, private security personnel and public security forces) on the plan and they understand their respective roles and responsibilities?
 - ☐ Emergency response services notified and ready to give medical support?
 - ☐ Log in place to record all decisions, actions and outcomes?

Ask participants:

Q What else would you do? Explain.

Anticipated Response:

- Open-ended.

Slide 24 **Principles guiding the use of force during protests**

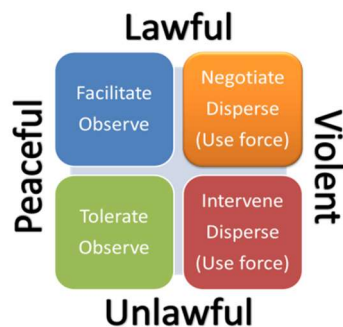
Ask participants:

Q What do you use to guide your actions and decisions when responding to protests?

Anticipated Response:

- Open-ended.

Refer to the slide and **explain** to participants that the principles guiding the use of force for protests read both left-right and up-down.



Note to facilitators:

You can use your own practical examples to support your explanation.

- It suggests that:
 - If the assembly is lawful and peaceful, then security forces are to monitor and observe the situation. Use no force.
 - If the gathering is lawful (there is permission) and violent, then consider to negotiate with, and disperse the crowd. Use only the force needed to disperse the crowd.

- If the gathering is unlawful (there is no permission) and violent, then intervene, and disperse the crowd using approved tactics and techniques of crowd control. Use only the force needed to disperse the crowd.
- If the gathering is unlawful and peaceful, be tolerant and continue to observe the behaviour of the crowd.

Note to facilitators:

You can use your own practical examples to support your explanation.

Remind participants that the use of force must follow the PLAN principle.

Slide 25 **Principles guiding the use of firearms during protests**

Explain to participants:

- Companies that our signatory to the VPs are committed to uphold the UN Guidelines on the Use of Force and Firearms on the use of force for dealing with protests and assemblies. Law enforcement agencies are obliged to do the same.
 - Principle 13: In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or firearms, where that is not practicable, shall restrict such force to the minimum extent necessary.
 - Principle 14: In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Slide 26 **Country law on the use of force and firearms for protests**

Note to facilitators:

Prepare and use this slide to introduce country specific laws on the use of force and firearms for protests. Highlight the following:

- Relevant laws
- Who is mandated to deal with protests?

- Use of force and firearm protocol

Slide 27 Company policy and procedure on the use of force and firearms for protests

Note to facilitators:

Prepare and use this slide to introduce company policy and procedure on the use of force and firearms for protests. Highlight the following:

- Approach
- Roles and responsibilities of private security vs public security forces
- Controls to manage the risk of force abuse

Slide 28 Force options for arrest by armed private security personnel and public security forces (with defensive equipment and firearms)

Refer participants to the diagram and **explain** the force options.

- The diagram includes force levels and options for use by armed public security forces that are equipped, trained and authorised to use deal with protests.
- In this example, public security forces should be trained in:
 - Laws guiding the use of force, weapons and firearms for protests
 - Soft and hard hand control techniques
 - Use of smoke and pepper spray (including decontamination procedure)
 - Tactical maneuvers with defensive equipment such as batons, shields, and helmets
 - Use of specialized equipment such as barbed wire and water cannons
 - Firearms training and the use of rubber ammunition
 - Basic first aid (to give medical support to injured protestors)

Ask participants:

Q Are you authorised to use any defensive equipment or firearms to arrest or detain a person?

Anticipated Response:

- Private security personnel – most likely, no.
- Public security personnel (forces) – most likely, yes.

Q What types of equipment are you authorised and trained to use when dealing with protests?

Anticipated Response:

- Open-ended

Conclude by saying:

- Remember, any force of firearms used to deal with protestors must always be proportional, lawful, and necessary. Remember to apply the PLAN principle.
- To have different means/force options for crowd control you need to have specialised equipment and training.

5. Activity: Discussion and scenario on the use of force during protests

0 h 45 min

Preparation

Note to facilitators:

In this activity participants are presented with a five- part scenario requiring them to reflect on force options and the use of force in response to protests. The various parts expect participants to make a clear distinction between the duties and responsibilities of public security forces and private security personnel in dealing with protests. Participants will also be required to reflect on:

- The rights of the protestors, mining company, community, employees and security personnel.
- The principles guiding the Use of Force and Firearms on protestors.
- Relevant country laws and company policy and procedures.
- Force options to deal with protestors.

VERY IMPORTANT:

Facilitators are required to use this opportunity to draw links and reference relevant laws, security policies and procedures that apply to the use of force when dealing with protests, assemblies and crowd control.

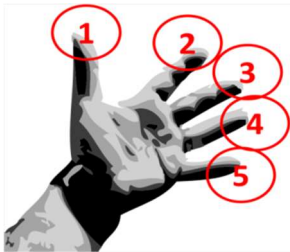
Facilitators must ensure that a clear distinction is made between the mandate and authority of private security personnel vs public security personnel (forces). Participants need have a clear understanding of what they can and cannot do when dealing with protests.
Please consult the company security manager and a guest speaker from the local public security forces (dealing with protests) as part of your preparation, and ideally, invite them to participate in this activity.

Plenary Discussion and Reflection 0 h 40 min

Slide 29 Discussion and scenario on the use of force during protests

Explain the objective of this 5-part scenario:

- In activity presents you with a five- part scenario that requires you to reflect on force options and the use of force in response to protests.
- You are expected to make a clear distinction between the duties and responsibilities of public security forces and private security personnel in dealing with protests.
- I will first read the scenario and then we can discuss and reflect on the scenario, considering these four points:
 - i. The rights of the protestors, mining company, community, employees and security personnel.
 - ii. The principles guiding the Use of Force and Firearms on protestors.
 - iii. Relevant country laws and company policy and procedures.
 - iv. Force options to deal with protestors.
- Throughout the scenario, participants need to be reminded to apply the five steps for the use of force:



- You may use your *MC: UOF Card* as a reference source.

Part 1: The meeting

Read the following scenario to participants:

Company (mine) representatives and local community members meet at the mine to discuss a venture that includes clearing more land, resettlement of local community members, and new job creation. Community representative disagree on issues resulting in verbal arguments and threats of physical violence. The company manager calls on you (security personnel) to deal with the so co called 'protestors'.

In plenary, have participants **reflect** on the scenario using these questions:

- Q** What are the rights of the community members?
- Q** What are the rights of the mining company?
- Q** What are the roles and responsibilities of private security vs public security forces?
- Q** What force options do you have available to deal with the situation?
- Q** How do you suggest we deal with the 'protestors'?

Part 2: The protest

Read the following scenario to participants:

The Community team of the company (mine) meet with the local community to discuss the proposal and the job opportunities that will be created by the by the company (mine). Community members are unhappy about proposed job opportunities and the equal distribution thereof between different ethnical groups in the community. The proposal also does not include entry level jobs for youth and women. A peaceful protest is arranged outside the main entrance. Protestors want to hand over a signed petition to the mine manager.

In plenary, have participants **reflect** on the scenario using these questions:

- Q** What are the rights of the protestors?
- Q** What are the rights of the mining company?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 3: Public disorder

Read the following scenario to participants:

The company (mine) manager is not available and sends his/her representative to receive the petition. Protestors are unhappy and see this as a sign of disrespect. Protestors threaten to burn down the mine. Employees working at the mine are intimidated and threatened with physical violence. Employees feel unsafe and some refuse to go to work. Company business operations are impacted and this leads to production and financial loss for the company.

In plenary, have participants **reflect** on the scenario using these questions:

Q What are the rights of the protestors?

Q What are the rights of the mining company?

Q What are the rights of the employees?

Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Part 4: Finding the manager

Read the following scenario to participants:

A group of protestors now decide to climb over the company security fence and to go and look for the mine manager. Protestors are armed with rocks and sticks. In response the company security manager has ordered a lock-down and ordered employees to move to their offices, lock their doors and stay clear from all windows.

In plenary, have participants **reflect** on the scenario using these questions:

- Q What are the rights of the protestors?
- Q What are the rights of the mining company?
- Q What are the rights of the employees?
- Q What are the roles and responsibilities of private security vs public security forces?
- Q What force options do you have available to deal with the situation?
- Q How do you suggest we deal with this situation?

Part 5: Chaos

Read the following scenario to participants:

Public security forces (local police) monitoring the protest decides that they had enough of the protesters. They are not equipped with riot gear or rubber munitions. The police officer in charge then orders one of his officers to fire a couple of warning shots to try and disperse the protestors. In the process a protestor is wounded...

Protestors now start throwing rocks at passing vehicles, building windows, security personnel and the police. Sympathizing members from the community join the protest. Public violence, looting and vandalism erupt.

The police controls and disperses the crowd. A number of police officers and protestors are injured. Some of the protestors also gain access to the mining facility and occupy the main building. They refuse to leave the building...

In plenary, have participants **reflect** on the scenario using these questions:

- Q What are the rights of the protestors (including the injured)?
- Q What are the rights of the mining company?
- Q What are the rights of the employees?
- Q What are the roles and responsibilities of private security vs public security forces?

Q What force options do you have available to deal with the situation?

Q How do you suggest we deal with this situation?

Q What would you have done different? Explain.

Conclude this activity by saying:

- This activity provided you with an opportunity to discuss and explore the use of force and firearms when dealing with protests.
- It is also required you to think of:
 - The rights of everyone involved.
 - The country laws and procedures that apply to protests.
 - The company policies and procedures that apply to protests.
 - Your mandate, equipment and training to deal with protests.

Ask and have participants **reflect** on the following the questions?

Q Do you agree that dealing with protestors require the company, private security, and public security forces to work together?

Q What can the company, private security, and public security forces do to prevent and better respond to similar future protests?

Conclusion

0 h 05 min

Say:

- Key content covered during this module included:
 - What is the use of force?
 - Options and means of force
 - Steps suggested for the use of force
 - Guidelines and principles on the use of force
 - Use of Force and Firearms by security personnel

- Country laws and company policies and procedures on the use of force and firearms for security purposes
- Applying the use of force in practical scenarios
- Exploring the use of force to arrest and bring suspects under control
- Exploring the use of force and firearms to deal with protestors

Revisit the objective for this module.

Ask participants if they feel that they have achieved the objective set for this module.

Conclude by saying:

- When you decide to use force, apply the use of the five steps – especially the PLAN principle.
- You also need to:
 - Understand the country laws and procedures that apply to the use of force and firearms.
 - Understand the company policies and procedures that apply to the use of force and firearms.
 - Have appropriate security equipment and training that allow you to use different and lesser means of force.
 - Only use the security equipment and force options that you are authorised or trained to use.

Slide 30 **Title slide**

End of module

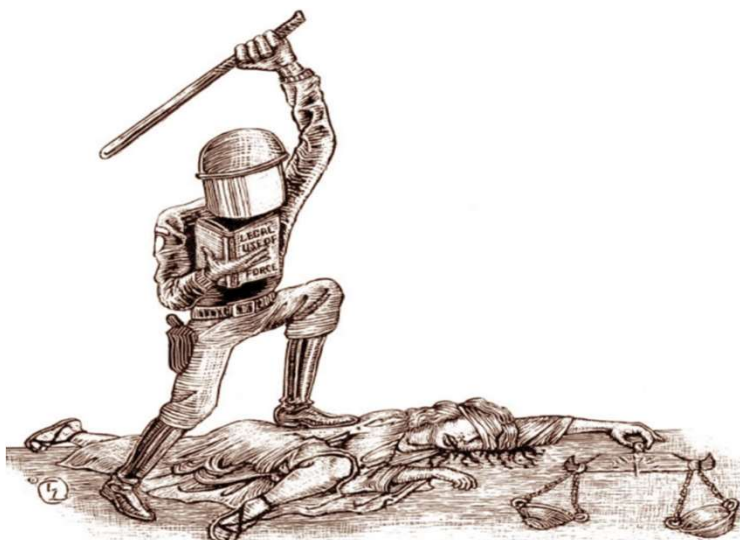
VPSHR course

Module 4: Human rights and the use of force

Protecting and respecting the rights of those we work with.



What is use of force



VOLUNTARY
PRINCIPLES
ON SECURITY + HUMAN RIGHTS



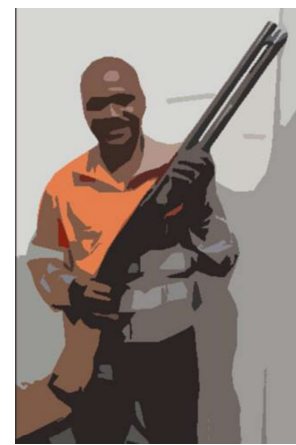
Options and means for the use of force



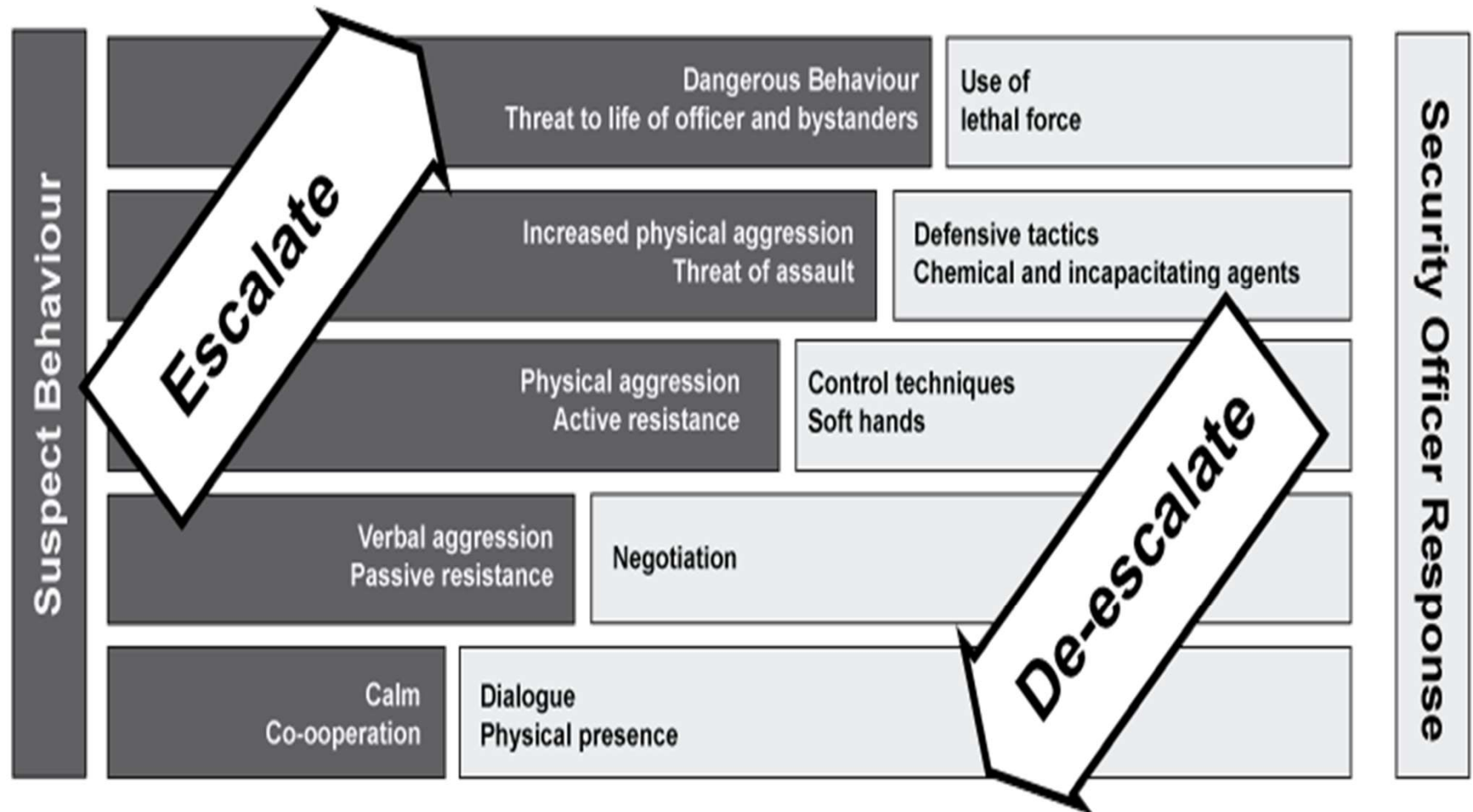
- What are my options?
- What am I authorised to do?
- What means do I have?
- What equipment do I have?
- May I use it? Am I trained to use it?
- When will I use it?
- What do I do after I use it?



**VOLUNTARY
PRINCIPLES**
ON SECURITY + HUMAN RIGHTS



Sample use of force continuum (progressive and graduated)



General steps for the use of force

1. Respect is key.



2. Apply the **PLAN** principle.



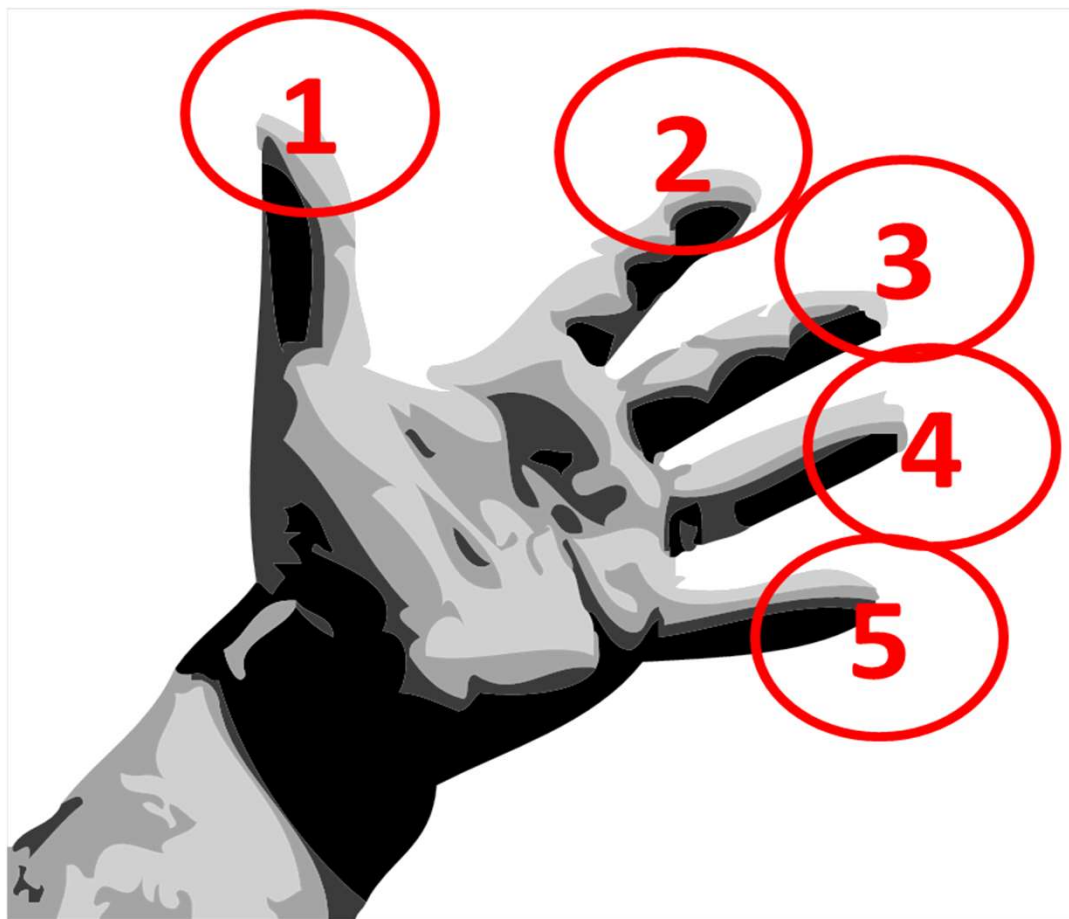
3. Take charge of the situation.



4. Act as a team.



5. Communicate.





1. Respect is key





2. Apply the PLAN principle





3. Take charge of the situation

Establish professional presence and authority

Stay Calm

I am....

Who are you?

Identify yourself!



What are you doing?

Did you know that is a crime?

Now I will arrest/detain you!

Position yourself

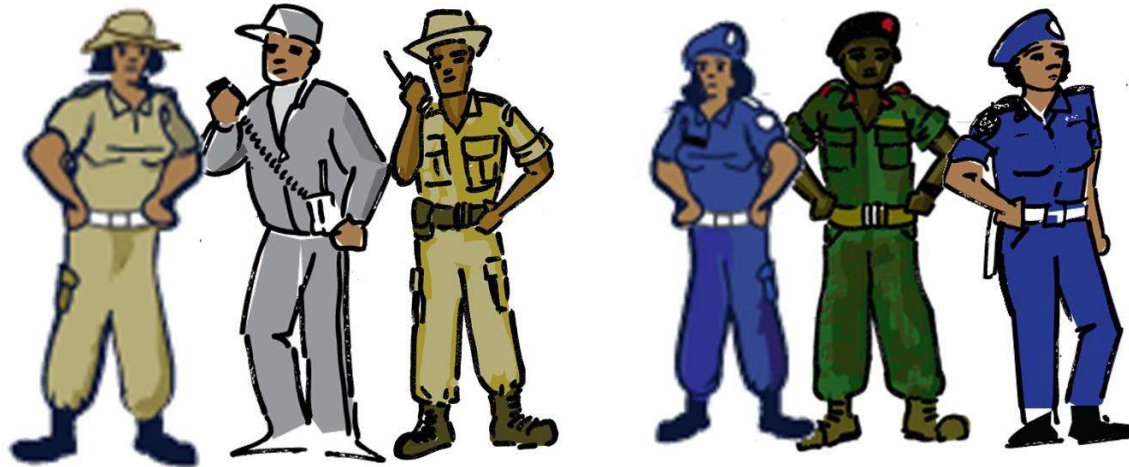
Be alert

Establish visual control



4. Act as a team

+1 Rule



Together we work, together we protect,
and together we respect human rights!



5. Communicate

I said stop!
I SAID STOP!

STOP!
DON'T MOVE

Maybe so,
but ...

Use your voice!

It is your best
and first
weapon.

I'M WARNING YOU,
if you don't stop,
then I will

Guidelines and principles on the use of force

<<Change/ add if needed >>

- According to the laws of the country.
- Ask if you don't know.
- Respect human rights and apply the PLAN principle.
- Only carry weapons or firearms if you are authorised to so, and if you are licensed and trained to safely use it.
- Report, review and investigate.
- Force is a final option, and not the first or preferred solution.
- Force used must be progressive and graduated.
- Give first aid and arrange for medical assistance.
- Not required to use force if your colleague, supervisor, other security personnel, or a law enforcement officer, tells you to.
- Need for clear policies, procedures and guidance on UOF.

UOF and firearms (UOFF) by security personnel



UN Code of Conduct for LEOs and UN Basic Principles on UOF and firearms, emphasises:

- Need for rules and regulations on the use of force and firearms
- Need to be equipped and make use of self-defensive equipment
- Need to be equipped and make use of self-defensive equipment
- Need for the use of non-violent means, and non-lethal incapacitating weapons and force
- Need for conditions before the use of force and firearms



Law enforcement officers shall not use firearms against persons except in self-defence or defence of others against imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such danger and resisting their authority, or to prevent his/her escape, or only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

Use only to protect self and other persons during imminent life threatening danger, if allowed to do so by law.

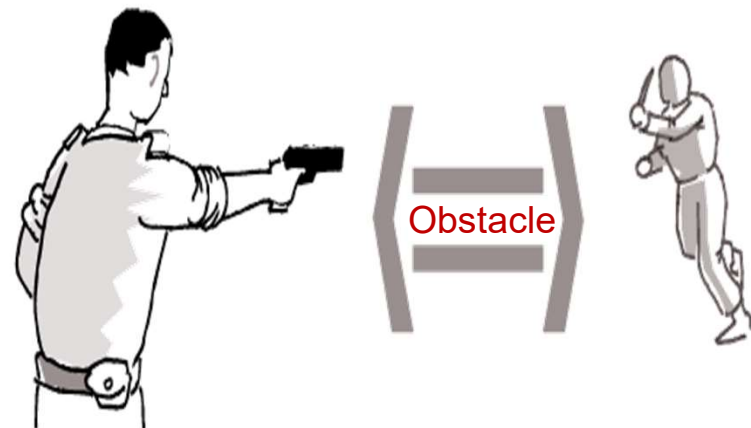
UOF and firearms (UOFF) by security personnel

- **GOLDEN RULE:** Use no firearms against persons
- If the **GOLDEN RULE** cannot be applied, check:

- ☐ May I use it? AND
- ☐ Do I mean to use it? AND
- ☐ Is it the only solution? AND
- ☐ Is the threat imminent? AND
- ☐ Am I using it to protect life? AND



Can you legally justify the use of your firearm?



Consider a 'warning shot', only if legal and if safe to do so.

A practical example

1 – “STOP – Police !”

2 – “STOP or I will shoot!” “Drop your weapon”

3 – Give the person time to comply.



Consider a 'warning shot', only if legal and if safe to do so.

Procedure after use

- ☐ Report (Principle 6)
- ☐ Medical aid (Principle 5)
- ☐ Inform the relatives, friends or family (Principle 5)
- ☐ Stress counselling (Principle 21)
- ☐ File a report (Principle 22)

***YOU will be held accountable
for your decision to use your firearm!***

Country law on the use of force and firearms for security purposes

<<Use this slide to introduce country specific laws on the use of force and firearms for security purposes>>

Company policy and procedure on the use of force and firearms for security purposes

<<Use this slide to introduce company policy and procedure on the use of force and firearms for security purposes>>

Activity: Green Card, Red Card: Scenarios on the use of force

Scenario 1: The man with the baton

Scenario 2: The angry manager

Scenario 3: Shouting at Bob

Scenario 4: You are fired

Scenario 5: Use the metal detector

Scenario 6: Just an innocent employee

Scenario 7: The knife fight

Scenario 8: The armed robber

Scenario 9: The big knife

Scenario 10: Breaking windows



Questions for reflection:

- Q Was force used, and if so do you think it respected the rights of the person that it was used against?
- Q Was the use of force proportional, in other words do you think the minimum force needed was used to contain the situation?
- Q Was the use of force legal? In other words was the person using force authorised to do so and was the force used according to country law and relevant security policies and procedures?
- Q What would you have done different? What other force options could have been used to contain the situation?

Use of force during containment and arrest

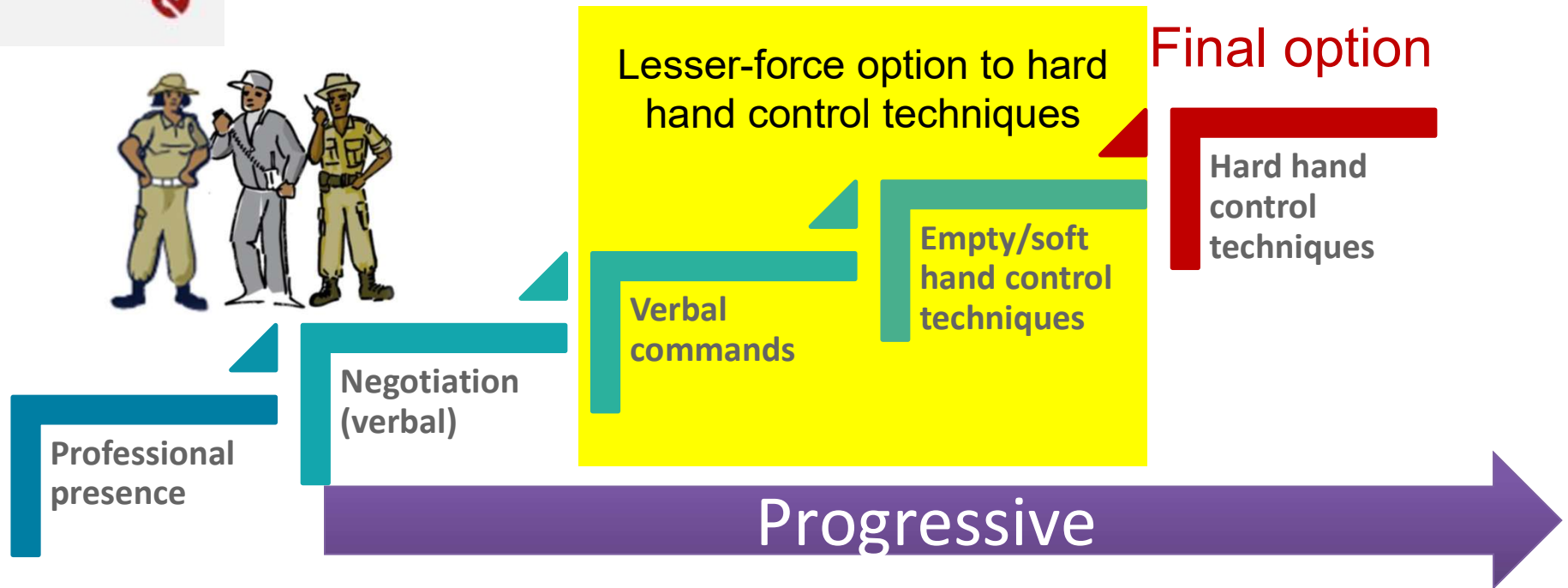


- Q What are the rights of a person before, during, and after arrest?
- Q Do we have to use force to arrest a person?
- Q When will you use force to arrest a person?
- Q What means/ force options do you have to arrest/ detain a compliant person?
- Q What means/ force options do you have to arrest/ detain a non-compliant person that is unarmed?
- Q What means/ force options do you have to arrest/ detain a non-compliant person that is armed?

Always apply the PLAN principle!

just an
Example

Force options for arrest by unarmed private security personnel

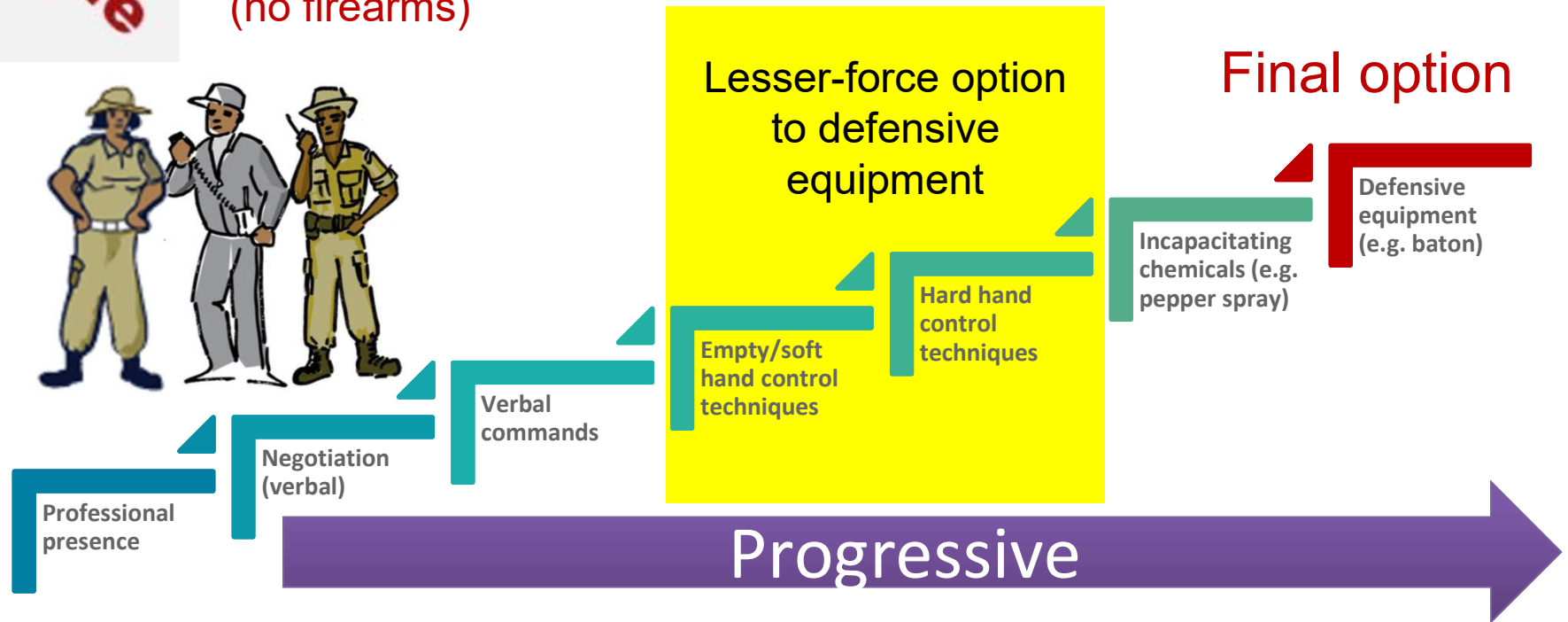


- 1) Ensure personal safety during approach.
- 2) Immediately call for back-up.
- 3) Call local law enforcement.
- 4) Arrange medical assistance (if needed).
- 5) Inform person of his/her rights.
- 6) Immediately hand over the person to the police.
- 7) Record, report and support investigation (if relevant).

just an
Example

Force options for arrest by private security personnel with defensive equipment

(no firearms)

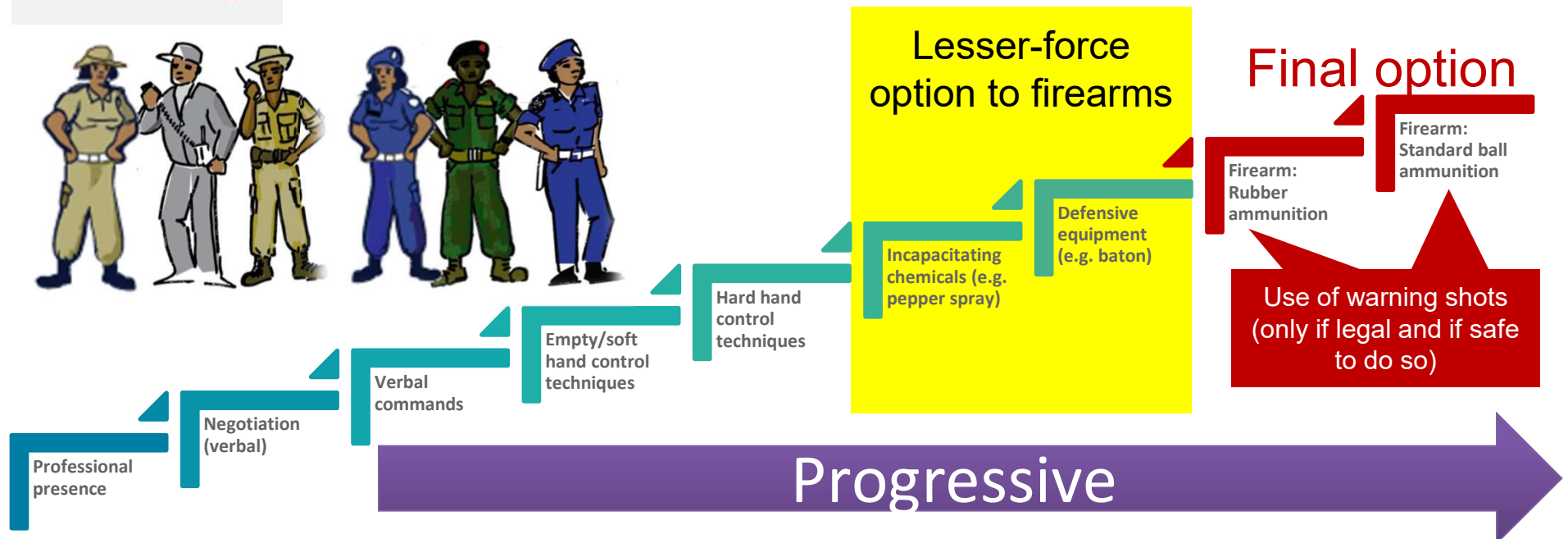


- 1) Ensure personal safety during approach.
- 2) Immediately call for back-up.
- 3) Call local law enforcement.
- 4) Arrange medical assistance (if needed).
- 5) Inform person of his/her rights.
- 6) Immediately hand over the person to the police.
- 7) Record, report and support investigation (if relevant).

just an
Example

Force options for arrest by armed private or public security forces

(with defensive equipment and firearms)



- 1) Ensure personal safety during approach.
- 2) Immediately call for back-up.
- 3) Call local law enforcement (if private security)
- 4) Arrange medical assistance (if needed).
- 5) Inform person of his/her rights.
- 6) Immediately hand over the person to the police.
- 7) Record, report and support investigation (if relevant).

Law enforcement officers shall not use firearms against persons except in self-defence or defence of others against imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such danger and resisting their authority, or to prevent his/her escape, or only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

Use of force with protestors



“We have a right to protest, and we have rights as protesters. We also have the right to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the **Universal Declaration on Human Rights** and the **International Covenant on Civil and Political Rights**.”

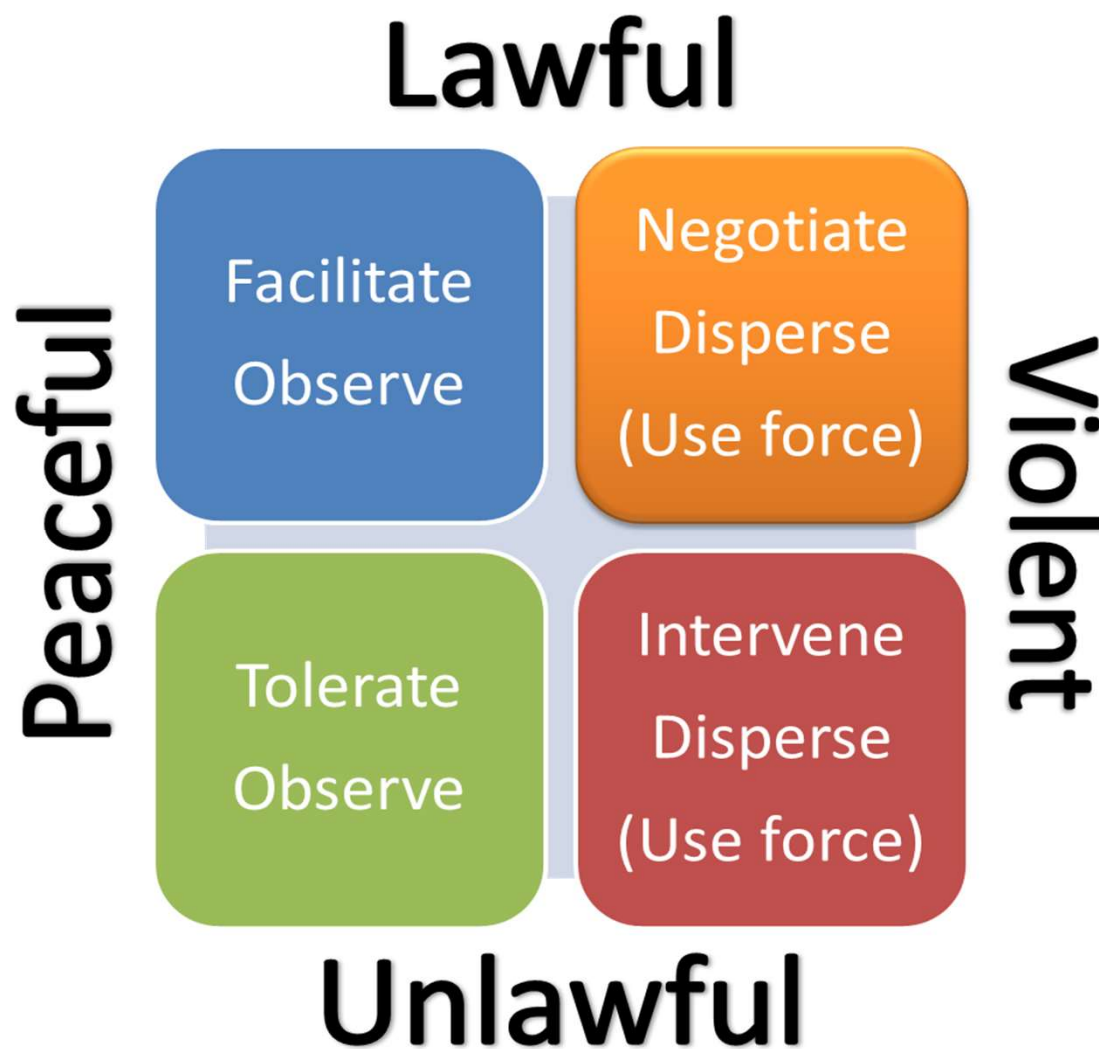
Before dealing with protestors



Confirm:

- ☐ Reason/ root cause(s) for the protest and what are the demands?
- ☐ Who is leading the protest and can we negotiate?
- ☐ Lawful, unlawful, peaceful or violent protest?
- ☐ Avoided doing things that can escalate further levels of violence?
- ☐ If unlawful, but peaceful, do we really need to intervene?
- ☐ Rights of the protestors vs the rights of the company?
- ☐ Protestors on company property or in public space?
- ☐ Who is mandated by law to deal with protestors and do crowd management?
- ☐ Are we appropriately equipped and trained to deal with this? If not, who is?
- ☐ Role of company vs private security vs private security in dealing with protestors?
- ☐ Is the objective to monitor, block, isolate, arrest, control, and/or disperse protestors?
- ☐ We have a plan and we know who is in charge?
- ☐ Use of force protocol includes the use of lesser force options?
- ☐ Communication plan and mechanism in place between company, private security and public security forces?
- ☐ Briefed all security partners (i.e. company, private security personnel and public security forces) on the plan and they understand their respective roles and responsibilities?
- ☐ Emergency response services notified and ready to give medical support?
- ☐ Log in place to record all decisions, actions and outcomes?

Principles guiding the use of force during protests



Principles guiding the firearms during protests

UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers:

- **Principle 13:** In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or firearms, where that is not practicable, shall restrict such force to the minimum extent necessary.
- **Principle 14:** In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.

Never fire indiscriminately into a crowd. Innocent bystanders will get injured.



Did you know?
Even rubber ammunition can be fatal!

Country law on the use of force and firearms for protests

<<Use this slide to introduce country specific laws and procedures on the use of force and firearms when dealing with protests>>

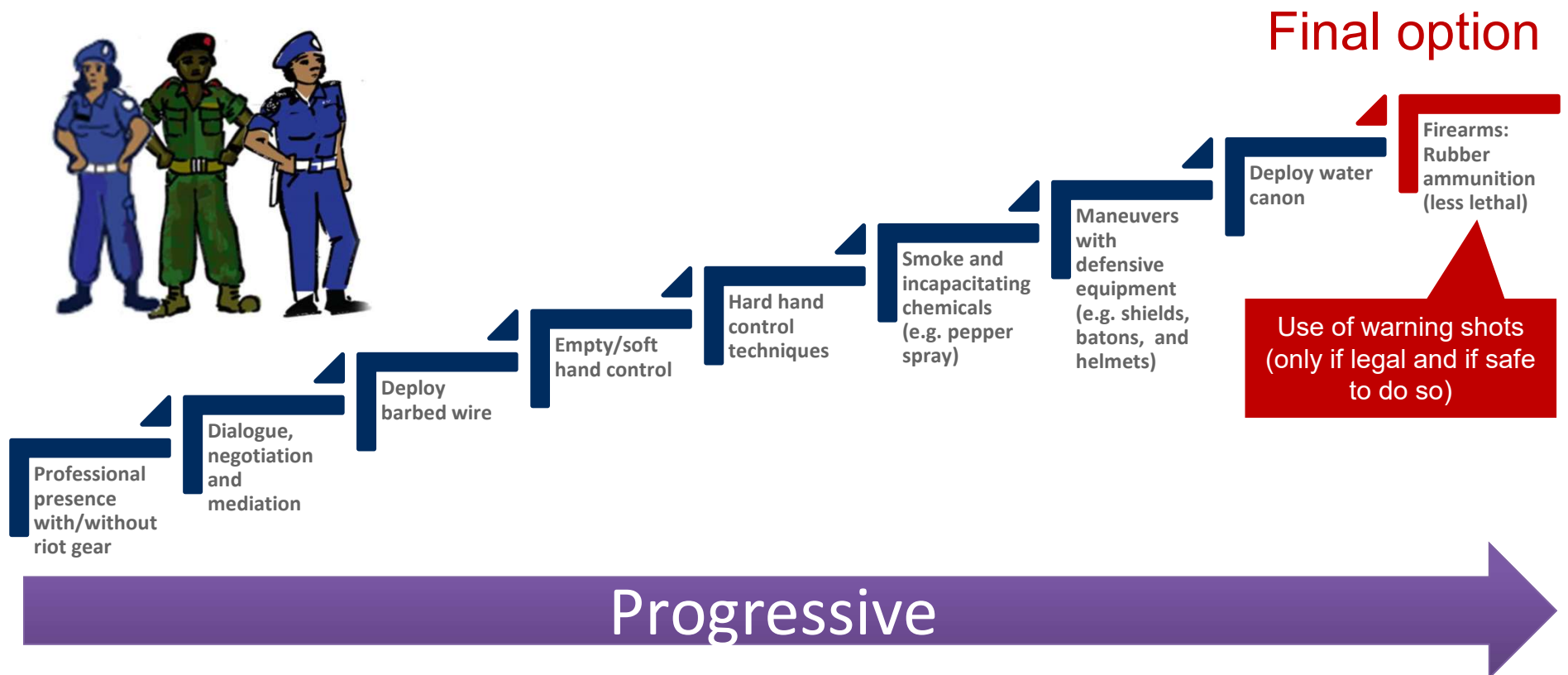
Company policy and procedure on the use of force and firearms for protests

<<Use this slide to introduce company policy and procedure on the use of force and firearms when dealing with protests>>

just an
Example

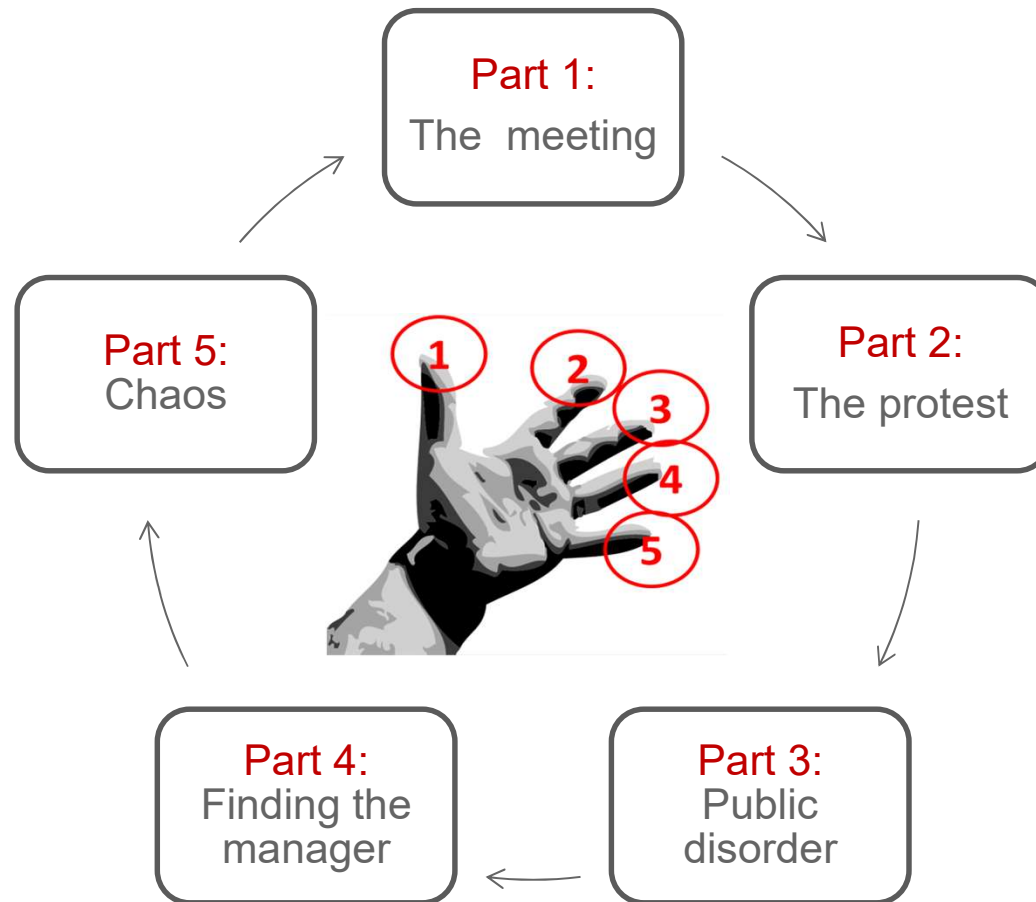
Force options for crowd control by armed public security forces

(with special equipment and training)



Monitor? Block? Isolate? Arrest? Control? Disperse?

Activity: Discussion and scenario on the use of force during protests



Consider:

- 1) Rights of the protestors, mining company, community, employees and security personnel?
- 2) Relevant country laws and company policy and procedures?
- 3) Responsibility of private security vs public security forces (police)
- 4) Force options to deal with protestors?

VPSHR course

Module 4: Human rights and the use of force

Protecting and respecting the rights of those we work with.



Appendix A

Universal Declaration of Human Rights



United Nations



All human beings are born with equal and inalienable rights and fundamental freedoms.

The United Nations is committed to upholding, promoting and protecting the human rights of every individual. This commitment stems from the United Nations Charter, which reaffirms the faith of the peoples of the world in fundamental human rights and in the dignity and worth of the human person.

In the Universal Declaration of Human Rights, the United Nations has stated in clear and simple terms the rights which belong equally to every person.

These rights belong to you.

*They are your rights. Familiarize yourself with them.
Help to promote and defend them for yourself
as well as for your fellow human beings.*

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social

progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission

which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and

to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right to equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

United Nations Department of Public Information

For more information

www.ohchr.org/english/issues/education/training/udhr.htm

www.un.org/cyberschoolbus/humanrights/index.asp

Appendix B

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Civil and Political Rights (ICCPR)

Adopted by the UN General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976.

Source: Adopted from the Commonwealth Training Manual on Human Rights. 2006. Extracts from main international instruments concerning law enforcement. International Covenant on Civil and Political Rights.

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. Accused persons shall, in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - (c) To be tried without undue delay;
 - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have

legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - (g) Not to be compelled to testify against himself or to confess guilt.
- 4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
 - 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
 - 6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
 - 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

- 1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order the protection of public health or morals or the protection of the rights and freedoms of others.

Appendix C

Voluntary Principles on Security and Human Rights (VPSHR)

The Voluntary Principles on Security and Human Rights

INTRODUCTION

Governments of the United States and the United Kingdom, companies in the extractive and energy sectors ("Companies"), and non-governmental organizations, all with an interest in human rights and corporate social responsibility, have engaged in a dialogue on security and human rights.

The participants recognize the importance of the promotion and protection of human rights throughout the world and the constructive role business and civil society – including non-governmental organizations, labor/trade unions, and local communities – can play in advancing these goals. Through this dialogue, the participants have developed the following set of voluntary principles to guide Companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. Mindful of these goals, the participants agree to the importance of continuing this dialogue and keeping under review these principles to ensure their continuing relevance and efficacy.

Acknowledging that security is a fundamental need, shared by individuals, communities, businesses, and governments alike, and acknowledging the difficult security issues faced by Companies operating globally, we recognize that security and respect for human rights can and should be consistent;

Understanding that governments have the primary responsibility to promote and protect human rights and that all parties to a conflict are obliged to observe applicable international humanitarian law, we recognize that we share the common goal of promoting respect for human rights, particularly those set forth in the Universal Declaration of Human Rights, and international humanitarian law;

Emphasizing the importance of safeguarding the integrity of company personnel and property, Companies recognize a commitment to act in a manner consistent with the laws of the countries within which they are present, to be mindful of the highest applicable international standards, and to promote the observance of applicable international law enforcement principles (e.g., the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), particularly with regard to the use of force;

Taking note of the effect that Companies' activities may have on local communities, we recognize the value of engaging with civil society and host and home governments to contribute to the welfare of the local community while mitigating any potential for conflict where possible;

Understanding that useful, credible information is a vital component of security and human rights, we recognize the importance of sharing and understanding our respective experiences regarding, inter alia, best security practices and procedures, country human rights situations, and public and private security, subject to confidentiality constraints;

Acknowledging that home governments and multilateral institutions may, on occasion, assist host governments with security sector reform, developing institutional capacities and strengthening the rule of law, we recognize the important role Companies and civil society can play in supporting these efforts;

We hereby express our support for the following voluntary principles regarding security and human rights in the extractive sector, which fall into three categories, risk assessment, relations with public security, and relations with private security:

RISK ASSESSMENT

The ability to assess accurately risks present in a Company's operating environment is critical to the security of personnel, local communities and assets; the success of the Company's short and long-term operations; and to the promotion and protection of human rights. In some circumstances, this is relatively simple; in others, it is important to obtain extensive background information from different sources; monitoring and adapting to changing, complex political, economic, law enforcement, military and social situations; and maintaining productive relations with local communities and government officials.

The quality of complicated risk assessments is largely dependent on the assembling of regularly updated, credible information from a broad range of perspectives – local and national governments, security firms, other companies, home governments, multilateral institutions, and civil society knowledgeable about local conditions. This information may be most effective when shared to the fullest extent possible (bearing in mind confidentiality considerations) between Companies, concerned civil society, and governments.

Bearing in mind these general principles, we recognize that accurate, effective risk assessments should consider the following factors:

Identification of security risks. Security risks can result from political, economic, civil or social factors. Moreover, certain personnel and assets may be at greater risk than others. Identification of security risks allows a Company to take measures to minimize risk and to assess whether Company actions may heighten risk.

Potential for violence. Depending on the environment, violence can be widespread or limited to particular regions, and it can develop with little or no warning. Civil society, home and host government representatives, and other sources should be consulted to identify risks presented by the potential for violence. Risk assessments should examine patterns of violence in areas of Company operations for educational, predictive, and preventative purposes.

Human rights records. Risk assessments should consider the available human rights records of public security forces, paramilitaries, local and national law enforcement, as well as the reputation of private security. Awareness of past abuses and allegations can help Companies to avoid recurrences as well as to promote accountability. Also, identification of the capability of the above entities to respond to situations of violence in a lawful manner (i.e.,

consistent with applicable international standards) allows Companies to develop appropriate measures in operating environments.

Rule of law. Risk assessments should consider the local prosecuting authority and judiciary's capacity to hold accountable those responsible for human rights abuses and for those responsible for violations of international humanitarian law in a manner that respects the rights of the accused.

Conflict analysis. Identification of and understanding the root causes and nature of local conflicts, as well as the level of adherence to human rights and international humanitarian law standards by key actors, can be instructive for the development of strategies for managing relations between the Company, local communities, Company employees and their unions, and host governments. Risk assessments should also consider the potential for future conflicts.

Equipment transfers. Where Companies provide equipment (including lethal and non-lethal equipment) to public or private security, they should consider the risk of such transfers, any relevant export licensing requirements, and the feasibility of measures to mitigate foreseeable negative consequences, including adequate controls to prevent misappropriation or diversion of equipment which may lead to human rights abuses. In making risk assessments, companies should consider any relevant past incidents involving previous equipment transfers.

INTERACTIONS BETWEEN COMPANIES AND PUBLIC SECURITY

Although governments have the primary role of maintaining law and order, security and respect for human rights, Companies have an interest in ensuring that actions taken by governments, particularly the actions of public security providers, are consistent with the protection and promotion of human rights. In cases where there is a need to supplement security provided by host governments, Companies may be required or expected to contribute to, or otherwise reimburse, the costs of protecting Company facilities and personnel borne by public security. While public security is expected to act in a manner consistent with local and national laws as well as with human rights standards and international humanitarian law, within this context abuses may nevertheless occur.

In an effort to reduce the risk of such abuses and to promote respect for human rights generally, we have identified the following voluntary principles to guide relationships between Companies and public security regarding security provided to Companies:

Security Arrangements

Companies should consult regularly with host governments and local communities about the impact of their security arrangements on those communities.

Companies should communicate their policies regarding ethical conduct and human rights to public security providers, and express their desire that

security be provided in a manner consistent with those policies by personnel with adequate and effective training.

Companies should encourage host governments to permit making security arrangements transparent and accessible to the public, subject to any overriding safety and security concerns.

Deployment and Conduct

The primary role of public security should be to maintain the rule of law, including safeguarding human rights and deterring acts that threaten Company personnel and facilities. The type and number of public security forces deployed should be competent, appropriate and proportional to the threat.

Equipment imports and exports should comply with all applicable law and regulations. Companies that provide equipment to public security should take all appropriate and lawful measures to mitigate any foreseeable negative consequences, including human rights abuses and violations of international humanitarian law.

Companies should use their influence to promote the following principles with public security: (a) individuals credibly implicated in human rights abuses should not provide security services for Companies; (b) force should be used only when strictly necessary and to an extent proportional to the threat; and (c) the rights of individuals should not be violated while exercising the right to exercise freedom of association and peaceful assembly, the right to engage in collective bargaining, or other related rights of Company employees as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work.

In cases where physical force is used by public security, such incidents should be reported to the appropriate authorities and to the Company. Where force is used, medical aid should be provided to injured persons, including to offenders.

Consultation and Advice

Companies should hold structured meetings with public security on a regular basis to discuss security, human rights and related work-place safety issues. Companies should also consult regularly with other Companies, host and home governments, and civil society to discuss security and human rights. Where Companies operating in the same region have common concerns, they should consider collectively raising those concerns with the host and home governments.

In their consultations with host governments, Companies should take all appropriate measures to promote observance of applicable international law enforcement principles, particularly those reflected in the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms.

Companies should support efforts by governments, civil society and multilateral institutions to provide human rights training and education for public security as well as their efforts to strengthen state institutions to ensure accountability and respect for human rights.

Responses to Human Rights Abuses

Companies should record and report any credible allegations of human rights abuses by public security in their areas of operation to appropriate host government authorities. Where appropriate, Companies should urge investigation and that action be taken to prevent any recurrence.

Companies should actively monitor the status of investigations and press for their proper resolution.

Companies should, to the extent reasonable, monitor the use of equipment provided by the Company and to investigate properly situations in which such equipment is used in an inappropriate manner.

Every effort should be made to ensure that information used as the basis for allegations of human rights abuses is credible and based on reliable evidence. The security and safety of sources should be protected. Additional or more accurate information that may alter previous allegations should be made available as appropriate to concerned parties.

INTERACTIONS BETWEEN COMPANIES AND PRIVATE SECURITY

Where host governments are unable or unwilling to provide adequate security to protect a Company's personnel or assets, it may be necessary to engage private security providers as a complement to public security. In this context, private security may have to coordinate with state forces, (law enforcement, in particular) to carry weapons and to consider the defensive local use of force. Given the risks associated with such activities, we recognize the following voluntary principles to guide private security conduct:

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.

Private security should maintain high levels of technical and professional proficiency, particularly with regard to the local use of force and firearms.

Private security should act in a lawful manner. They should exercise restraint and caution in a manner consistent with applicable international guidelines regarding the local use of force, including 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 with emerging best practices developed by Companies, civil society, and governments.

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Private security should have policies regarding appropriate conduct and the local use of force (e.g., rules of engagement). Practice under these policies should be capable of being monitored by Companies or, where appropriate, by independent third parties. Such monitoring should encompass detailed investigations into allegations of abusive or unlawful acts; the availability of disciplinary measures sufficient to prevent and deter; and procedures for reporting allegations to relevant local law enforcement authorities when appropriate.

All allegations of human rights abuses by private security should be recorded. Credible allegations should be properly investigated. In those cases where allegations against private security providers are forwarded to the relevant law enforcement authorities, Companies should actively monitor the status of investigations and press for their proper resolution.

Consistent with their function, private security should provide only preventative and defensive services and should not engage in activities exclusively the responsibility of state military or law enforcement authorities. Companies should designate services, technology and equipment capable of offensive and defensive purposes as being for defensive use only.

Private security should (a) not employ individuals credibly implicated in human rights abuses to provide security services; (b) use force only when strictly necessary and to an extent proportional to the threat; and (c) not violate the rights of individuals while exercising the right to exercise freedom of association and peaceful assembly, to engage in collective bargaining, or other related rights of Company employees as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work.

In cases 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.

Private security should maintain the confidentiality of information obtained as a result of its position as security provider, except where to do so would jeopardize the principles contained herein.

To minimize the risk that private security exceed their authority as providers of security, and to promote respect for human rights generally, we have developed the following additional voluntary principles and guidelines:

Where appropriate, Companies should include the principles outlined above as contractual provisions in agreements with private security providers and ensure that private security personnel are adequately trained to respect the rights of employees and the local community. To the extent practicable, agreements between Companies and private security should require investigation of unlawful or abusive behavior and appropriate disciplinary action. Agreements should also permit termination of the relationship by

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Companies where there is credible evidence of unlawful or abusive behavior by private security personnel.

Companies should consult and monitor private security providers to ensure they fulfill their obligation to provide security in a manner consistent with the principles outlined above. 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 they intend to employ, particularly with regard to the use of excessive force. Such reviews should include an assessment of previous services provided to the host government and whether these services raise concern about the private security firm's dual role as a private security provider and government contractor.

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.

Appendix D

United Nations' Code of Conduct for Law Enforcement Officials

Code of Conduct for Law Enforcement Officials

Source: UN Docs, www.un.org

Adopted by General Assembly resolution
34/169 of 17 December 1979

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. Commentary:

(a) The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

(c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.

(d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary:

(a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the

Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.

(b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

(b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

(c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary:

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary:

(a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which: "[Such an act is] an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights [and other international human rights instruments]."

(b) The Declaration defines torture as follows:

". . . torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."

(c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Commentary:

(a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.

(b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.

(c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary:

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.

(b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts,

promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

(c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary:

(a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

(b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

(c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

(d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and

in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.

(e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

Appendix E

International Code of Conduct for Private Security Service Providers



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

INTERNATIONAL CODE OF CONDUCT FOR PRIVATE SECURITY SERVICE PROVIDERS

9 November 2010

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A. PREAMBLE

1. Private Security Companies and other Private Security Service Providers (collectively “PSCs”) play an important role in protecting state and non-state clients engaged in relief, recovery, and reconstruction efforts, commercial business operations, diplomacy and military activity. In providing these services, the activities of PSCs can have potentially positive and negative consequences for their clients, the local population in the area of operation, the general security environment, the enjoyment of human rights and the rule of law.
2. The *Montreux Document On Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict* recognizes that well-established rules of international law apply to States in their relations with private security service providers and provides for good practices relating to PSCs. The “Respect, Protect, Remedy” framework developed by the Special Representative of the United Nations (UN) Secretary-General on Business and Human Rights, and welcomed by the UN Human Rights Council, entails acting with due diligence to avoid infringing the rights of others.
3. Building on these foundations, the Signatory Companies to this International Code of Conduct for Private Security Service Providers (the “Code”) endorse the principles of the Montreux Document and the aforementioned “Respect, Protect, Remedy” framework as they apply to PSCs. In so doing, the Signatory Companies commit to the responsible provision of Security Services so as to support the rule of law, respect the human rights of all persons, and protect the interests of their clients.
4. The Signatory Companies affirm that they have a responsibility to respect the human rights of, and fulfil humanitarian responsibilities towards, all those affected by their business activities, including Personnel, Clients, suppliers, shareholders, and the population of the area in which services are provided. The Signatory Companies also recognize the importance of respecting the various cultures encountered in their work, as well as the individuals they come into contact with as a result of those activities.
5. The purpose of this Code is to set forth a commonly-agreed set of principles for PSCs and to establish a foundation to translate those principles into related standards as well as governance and oversight mechanisms.
6. Signatory Companies commit to the following, as set forth in this Code:
 - a) to operate in accordance with this Code;
 - b) to operate in accordance with applicable laws and regulations, and in accordance with relevant corporate standards of business conduct;
 - c) to operate in a manner that recognizes and supports the rule of law; respects human rights, and protects the interests of their clients;
 - d) to take steps to establish and maintain an effective internal governance framework in order to deter, monitor, report, and effectively address adverse impacts on human rights;
 - e) to provide a means for responding to and resolving allegations of activity that violates any applicable national or international law or this Code; and
 - f) to cooperate in good faith with national and international authorities exercising proper jurisdiction, in particular with regard to national and international investigations of violations of national and international criminal law, of violations of international humanitarian law, or of human rights abuses.

7. Those establishing this Code recognize that this Code acts as a founding instrument for a broader initiative to create better governance, compliance and accountability. Recognizing that further effort is necessary to implement effectively the principles of this Code, Signatory Companies accordingly commit to work with states, other Signatory Companies, Clients and other relevant stakeholders after initial endorsement of this Code to, within 18 months:
- a) Establish objective and measurable standards for providing Security Services based upon this Code, with the objective of realizing common and internationally-recognized operational and business practice standards; and
 - b) Establish external independent mechanisms for effective governance and oversight, which will include Certification of Signatory Companies' compliance with the Code's principles and the standards derived from the Code, beginning with adequate policies and procedures, Auditing and Monitoring of their work in the field, including Reporting, and execution of a mechanism to address alleged violations of the Code's principles or the standards derived from the Code;

and thereafter to consider the development of additional principles and standards for related services, such as training of external forces, the provision of maritime security services and the participation in operations related to detainees and other protected persons.

8. Signature of this Code is the first step in a process towards full compliance. Signatory Companies need to: (1) establish and/or demonstrate internal processes to meet the requirements of the Code's principles and the standards derived from the Code; and (2) once the governance and oversight mechanism is established, become certified by and submit to ongoing independent Auditing and verification by that mechanism. Signatory Companies undertake to be transparent regarding their progress towards implementing the Code's principles and the standards derived from the Code. Companies will not claim they are certified under this Code until Certification has been granted by the governance and oversight mechanism as outlined below.

B. DEFINITIONS

These definitions are only intended to apply exclusively in the context of this Code.

Auditing – a process through which independent auditors, accredited by the governance and oversight mechanism, conduct on-site audits, including in the field, on a periodic basis, gathering data to be reported to the governance and oversight mechanism which will in turn verify whether a Company is meeting requirements and if not, what remediation may be required.

Certification – a process through which the governance and oversight mechanism will certify that a Company's systems and policies meet the Code's principles and the standards derived from the Code and that a Company is undergoing Monitoring, Auditing, and verification, including in the field, by the governance and oversight mechanism. Certification is one element of a larger effort needed to ensure the credibility of any Implementation and oversight initiative.

Client – an entity that hires, has formerly hired, or intends to hire a PSC to perform Security Services on its behalf, including, as appropriate, where such a PSC subcontracts with another Company.

Company – any kind of business entity or form, such as a sole proprietorship, partnership, company (whether public or private), or corporation, and “Companies” shall be interpreted accordingly.

Competent Authority – any state or intergovernmental organization which has jurisdiction over the activities and/or persons in question and “Competent Authorities” shall be interpreted accordingly.

Complex Environments – any areas experiencing or recovering from unrest or instability, whether due to natural disasters or armed conflicts, where the rule of law has been substantially undermined, and in which the capacity of the state authority to handle the situation is diminished, limited, or non-existent.

Implementation – the introduction of policy, governance and oversight mechanisms and training of Personnel and/or subcontractors by Signatory Companies, necessary to demonstrate compliance with the Code’s principles and the standards derived from this Code.

Monitoring – a process for gathering data on whether Company Personnel, or subcontractors, are operating in compliance with the Code’s principles and standards derived from this Code.

Personnel – persons working for a PSC, whether as employees or under a contract, including its staff, managers and directors. For the avoidance of doubt, persons are considered to be personnel if they are connected to a PSC through an employment contract (fixed term, permanent or open-ended) or a contract of assignment (whether renewable or not), or if they are independent contractors, or temporary workers and/or interns (whether paid or unpaid), regardless of the specific designation used by the Company concerned.

Private Security Companies and Private Security Service Providers (collectively “PSCs”) – any Company (as defined in this Code) whose business activities include the provision of Security Services either on its own behalf or on behalf of another, irrespective of how such Company describes itself.

Reporting – a process covered by necessary confidentiality and nondisclosure arrangements through which companies will submit to a governance and oversight mechanism a written assessment of their performance pursuant to a transparent set of criteria established by the mechanism.

Security Services – guarding and protection of persons and objects, such as convoys, facilities, designated sites, property or other places (whether armed or unarmed), or any other activity for which the Personnel of Companies are required to carry or operate a weapon in the performance of their duties.

Signatory Companies – are PSCs that have signed and agreed to operate in compliance with the Code’s principles and the standards derived from the Code and “Signatory Company” shall be interpreted accordingly.

C. IMPLEMENTATION

9. In recognition of the additional steps to be taken to support the Implementation of this Code – in particular the development of standards based on the Code (“standards”) and an independent governance and oversight mechanism (“the mechanism”) as outlined in the Preamble – Signatory Companies intend to, along with other interested stakeholders, convene regularly to review progress toward those steps.
10. Upon signature of the Code, Signatory Companies and other stakeholders will undertake to work with national standards bodies as appropriate to develop standards, with the intent that any national standards would eventually be harmonized in an international set of standards based on the Code.
11. Upon signature of the Code, Signatory Companies and other stakeholders will appoint a multi-stakeholder steering committee of 6-9 members who will function as a “temporary board”. This steering committee will be responsible for developing and documenting the initial arrangements for the independent governance and oversight mechanism, including by-laws or a charter which will outline mandate and governing policies for the mechanism. The Steering Committee will endeavour to complete a work plan for constituting the mechanism before the end of March 2011, and further to develop the bylaws/charter by the end of July 2011 and an operational plan before the end of November 2011.
12. After the independent governance and oversight mechanism has been constituted (by the adoption of bylaws/charter), the governance and oversight mechanism shall accept responsibility for maintenance and administration of the Code, and shall determine whether and how it is appropriate for the mechanism and standards to be reflected in the text of the Code itself.

D. GENERAL PROVISIONS

13. This Code articulates principles applicable to the actions of Signatory Companies while performing Security Services in Complex Environments.
14. This Code complements and does not replace the control exercised by Competent Authorities, and does not limit or alter applicable international law or relevant national law. The Code itself creates no legal obligations and no legal liabilities on the Signatory Companies, beyond those which already exist under national or international law. Nothing in this Code shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law.
15. This Code may be modified in accordance with procedures to be established by the governance and oversight mechanism.

E. GENERAL COMMITMENTS

16. Signatory Companies agree to operate in accordance with the principles contained in this Code. Signatory Companies will require that their Personnel, and all subcontractors or other parties carrying out Security Services under Signatory Company contracts, operate in accordance with the principles contained in this Code.

17. Signatory Companies will implement appropriate policies and oversight with the intent that the actions of their Personnel comply at all times with the principles contained herein.
18. Signatory Companies will make compliance with this Code an integral part of contractual agreements with Personnel and subcontractors or other parties carrying out Security Services under their contracts.
19. Signatory Companies will adhere to this Code, even when the Code is not included in a contractual agreement with a Client.
20. Signatory Companies will not knowingly enter into contracts where performance would directly and materially conflict with the principles of this Code, applicable national or international law, or applicable local, regional and international human rights law, and are not excused by any contractual obligation from complying with this Code. To the maximum extent possible, Signatory Companies will interpret and perform contracts in a manner that is consistent with this Code.
21. Signatory Companies will comply, and will require their Personnel to comply, with applicable law which may include international humanitarian law, and human rights law as imposed upon them by applicable national law, as well as all other applicable international and national law. Signatory Companies will exercise due diligence to ensure compliance with the law and with the principles contained in this Code, and will respect the human rights of persons they come into contact with, including, the rights to freedom of expression, association, and peaceful assembly and against arbitrary or unlawful interference with privacy or deprivation of property.
22. Signatory Companies agree not to contract with, support or service any government, person, or entity in a manner that would be contrary to United Nations Security Council sanctions. Signatory Companies will not, and will require that their Personnel do not, participate in, encourage, or seek to benefit from any national or international crimes including but not limited to war crimes, crimes against humanity, genocide, torture, enforced disappearance, forced or compulsory labour, hostage-taking, sexual or gender-based violence, human trafficking, the trafficking of weapons or drugs, child labour or extrajudicial, summary or arbitrary executions.
23. Signatory Companies will not, and will require that their Personnel do not, invoke contractual obligations, superior orders or exceptional circumstances such as an armed conflict or an imminent armed conflict, a threat to national or international security, internal political instability, or any other public emergency, as a justification for engaging in any of the conduct identified in paragraph 22 of this Code.
24. Signatory Companies will report, and will require their Personnel to report, known or reasonable suspicion of the commission of any of the acts identified in paragraph 22 of this Code to the Client and one or more of the following: the Competent Authorities in the country where the act took place, the country of nationality of the victim, or the country of nationality of the perpetrator.
25. Signatory Companies will take reasonable steps to ensure that the goods and services they provide are not used to violate human rights law or international humanitarian law, and such goods and services are not derived from such violations.
26. Signatory Companies will not, and will require that their Personnel do not, consistent with applicable national and international law, promise, offer, or give to any public

official, directly or indirectly, anything of value for the public official himself or herself or another person or entity, in order that the public official act or refrain from acting in the exercise of his or her official duties if such inducement is illegal. Signatory Companies will not, and will require their Personnel do not, solicit or accept, directly or indirectly, anything of value in exchange for not complying with national and international law and/or standards, or with the principles contained within this Code.

27. Signatory Companies are responsible for establishing a corporate culture that promotes awareness of and adherence by all Personnel to the principles of this Code. Signatory Companies will require their Personnel to comply with this Code, which will include providing sufficient training to ensure Personnel are capable of doing so.

F. SPECIFIC PRINCIPLES REGARDING THE CONDUCT OF PERSONNEL

General Conduct

28. Signatory Companies will, and will require their Personnel to, treat all persons humanely and with respect for their dignity and privacy and will report any breach of this Code.

Rules for the Use of Force

29. Signatory Companies will adopt Rules for the Use of Force consistent with applicable law and the minimum requirements contained in the section on Use of Force in this Code and agree those rules with the Client.

Use of Force

30. Signatory Companies will require their Personnel to take all reasonable steps to avoid the use of force. If force is used, it shall be in a manner consistent with applicable law. In no case shall the use of force exceed what is strictly necessary, and should be proportionate to the threat and appropriate to the situation.
31. Signatory Companies will require that their Personnel not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life.
32. To the extent that Personnel are formally authorized to assist in the exercise of a state's law enforcement authority, Signatory Companies will require that their use of force or weapons will comply with all national and international obligations applicable to regular law enforcement officials of that state and, as a minimum, with the standards expressed in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

Detention

33. Signatory Companies will only, and will require their Personnel will only, guard, transport, or question detainees if: (a) the Company has been specifically contracted to do so by a state; and (b) its Personnel are trained in the applicable national and international law. Signatory Companies will, and will require that their Personnel, treat all detained persons humanely and consistent with their status and protections under applicable human rights law or international humanitarian law, including in

particular prohibitions on torture or other cruel, inhuman or degrading treatment or punishment.

Apprehending Persons

34. Signatory Companies will, and will require their Personnel to, not take or hold any persons except when apprehending persons to defend themselves or others against an imminent threat of violence, or following an attack or crime committed by such persons against Company Personnel, or against clients or property under their protection, pending the handover of such detained persons to the Competent Authority at the earliest opportunity. Any such apprehension must be consistent with applicable national or international law and be reported to the Client without delay. Signatory Companies will, and will require that their Personnel to, treat all apprehended persons humanely and consistent with their status and protections under applicable human rights law or international humanitarian law, including in particular prohibitions on torture or other cruel, inhuman or degrading treatment or punishment.

Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment

35. Signatory Companies will not, and will require that their Personnel not, engage in torture or other cruel, inhuman or degrading treatment or punishment. For the avoidance of doubt, torture and other cruel, inhuman or degrading treatment or punishment, as referred to here, includes conduct by a private entity which would constitute torture or other cruel, inhuman or degrading treatment or punishment if committed by a public official.
36. Contractual obligations, superior orders or exceptional circumstances such as an armed conflict or an imminent armed conflict, a threat to national or international security, internal political instability, or any other public emergency, can never be a justification for engaging in torture or other cruel, inhuman or degrading treatment or punishment.
37. Signatory Companies will, and will require that their Personnel, report any acts of torture or other cruel, inhuman or degrading treatment or punishment, known to them, or of which they have reasonable suspicion. Such reports will be made to the Client and one or more of the following: the competent authorities in the country where the acts took place, the country of nationality of the victim, or the country of nationality of the perpetrator.

Sexual Exploitation and Abuse or Gender-Based Violence

38. Signatory Companies will not benefit from, nor allow their Personnel to engage in or benefit from, sexual exploitation (including, for these purposes, prostitution) and abuse or gender-based violence or crimes, either within the Company or externally, including rape, sexual harassment, or any other form of sexual abuse or violence. Signatory Companies will, and will require their Personnel to, remain vigilant for all instances of sexual or gender-based violence and, where discovered, report such instances to competent authorities.

Human Trafficking

39. Signatory Companies will not, and will require their Personnel not to, engage in trafficking in persons. Signatory Companies will, and will require their Personnel to, remain vigilant for all instances of trafficking in persons and, where discovered, report such instances to Competent Authorities. For the purposes of this Code, human trafficking is the recruitment, harbouring, transportation, provision, or obtaining of a person for (1) a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (2) labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, debt bondage, or slavery.

Prohibition of Slavery and Forced Labour

40. Signatory Companies will not use slavery, forced or compulsory labour, or be complicit in any other entity's use of such labour.

Prohibition on the Worst Forms of Child Labour

41. Signatory Companies will respect the rights of children (anyone under the age of 18) to be protected from the worst forms of child labour, including:
- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in provision of armed services;
 - b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
 - c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
 - d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Signatory Companies will, and will require their Personnel to, report any instances of the activities referenced above that they know of, or have reasonable suspicion of, to Competent Authorities.

Discrimination

42. Signatory Companies will not, and will require that their Personnel do not, discriminate on grounds of race, colour, sex, religion, social origin, social status, indigenous status, disability, or sexual orientation when hiring Personnel and will select Personnel on the basis of the inherent requirements of the contract.

Identification and Registering

43. Signatory Companies, to the extent consistent with reasonable security requirements and the safety of civilians, their Personnel and Clients, will:
- a) require all Personnel to be individually identifiable whenever they are carrying out activities in discharge of their contractual responsibilities;

- b) ensure that their vehicles are registered and licensed with the relevant national authorities whenever they are carrying out activities in discharge of their contractual responsibilities; and
- c) will ensure that all hazardous materials are registered and licensed with the relevant national authorities.

G. SPECIFIC COMMITMENTS REGARDING MANAGEMENT AND GOVERNANCE

Incorporation of the Code into Company Policies

44. Signatory Companies will incorporate this Code into Company policies and internal control and compliance systems and integrate it into all relevant elements of their operations.

Selection and Vetting of Personnel

45. Signatory Companies will exercise due diligence in the selection of Personnel, including verifiable vetting and ongoing performance review of their Personnel. Signatory Companies will only hire individuals with the requisite qualifications as defined by the applicable contract, applicable national law and industry standards, and the principles contained in this Code.
46. Signatory Companies will not hire individuals under the age of 18 years to carry out Security Services.
47. Signatory Companies will assess and ensure the continued ability of Personnel to perform their duties in accordance with the principles of this Code and will regularly evaluate Personnel to ensure that they meet appropriate physical and mental fitness standards to perform their contracted duties.
48. Signatory Companies will establish and maintain internal policies and procedures to determine the suitability of applicants, or Personnel, to carry weapons as part of their duties. At a minimum, this will include checks that they have not:
- a) been convicted of a crime that would indicate that the individual lacks the character and fitness to perform security services pursuant to the principles of this Code;
 - b) been dishonourably discharged;
 - c) had other employment or engagement contracts terminated for documented violations of one or more of the principles contained in this Code; or
 - d) had a history of other conduct that, according to an objectively reasonable standard, brings into question their fitness to carry a weapon.

For the purposes of this paragraph, disqualifying crimes may include, but are not limited to, battery, murder, arson, fraud, rape, sexual abuse, organized crime, bribery, corruption, perjury, torture, kidnapping, drug trafficking or trafficking in persons. This provision shall not override any law restricting whether a crime may be considered in evaluating an applicant. Nothing in this section would prohibit a Company from utilizing more stringent criteria.

49. Signatory Companies will require all applicants to authorize access to prior employment records and available Government records as a condition for employment or engagement. This includes records relating to posts held with the

military, police or public or Private Security Providers. Moreover, Signatory Companies will, consistent with applicable national law, require all Personnel to agree to participate in internal investigations and disciplinary procedures as well as in any public investigations conducted by competent authorities, except where prohibited by law.

Selection and Vetting of Subcontractors

50. Signatory Companies will exercise due diligence in the selection, vetting and ongoing performance review of all subcontractors performing Security Services.
51. In accordance with principle 13 of this Code, Signatory Companies will require that their Personnel and all subcontractors and other parties carrying out Security Services under the contract, operate in accordance with the principles contained in this Code and the standards derived from the Code. If a Company contracts with an individual or any other group or entity to perform Security Services, and that individual or group is not able to fulfil the selection, vetting and training principles contained in this Code and the standards derived from the Code, the contracting Company will take reasonable and appropriate steps to ensure that all selection, vetting and training of subcontractor's Personnel is conducted in accordance with the principles contained in this Code and the standards derived from the Code.

Company Policies and Personnel Contracts

52. Signatory Companies will ensure that their policies on the nature and scope of services they provide, on hiring of Personnel and other relevant Personnel reference materials such as Personnel contracts include appropriate incorporation of this Code and relevant and applicable labour laws. Contract terms and conditions will be clearly communicated and available in a written form to all Personnel in a format and language that is accessible to them.
53. Signatory Companies will keep employment and service records and reports on all past and present personnel for a period of 7 (seven) years. Signatory Companies will require all Personnel to authorize the access to, and retention of, employment records and available Government records, except where prohibited by law. Such records will be made available to any compliance mechanism established pursuant to this Code or Competent Authority on request, except where prohibited by law.
54. Signatory Companies will only hold passports, other travel documents, or other identification documents of their Personnel for the shortest period of time reasonable for administrative processing or other legitimate purposes. This paragraph does not prevent a Company from co-operating with law enforcement authorities in the event that a member of their Personnel is under investigation.

Training of Personnel

55. Signatory Companies will ensure that all Personnel performing Security Services receive initial and recurrent professional training and are also fully aware of this Code and all applicable international and relevant national laws, including those pertaining to international human rights, international humanitarian law, international criminal law and other relevant criminal law. Signatory Companies will maintain records adequate to demonstrate attendance and results from all professional training sessions, including from practical exercises.

Management of Weapons

56. Signatory Companies will acquire and maintain authorizations for the possession and use of any weapons and ammunition required by applicable law.
57. Signatory Companies will neither, and will require that their Personnel do not, possess nor use weapons or ammunition which are illegal under any applicable law. Signatory Companies will not, and will require that their Personnel not, engage in any illegal weapons transfers and will conduct any weapons transactions in accordance with applicable laws and UN Security Council requirements, including sanctions. Weapons and ammunition will not be altered in any way that contravenes applicable national or international law.
58. Signatory Company policies or procedures for management of weapons and ammunitions should include:
- a) secure storage;
 - b) controls over their issue;
 - c) records regarding to whom and when weapons are issued;
 - d) identification and accounting of all ammunition; and
 - e) verifiable and proper disposal.

Weapons Training

59. Signatory Companies will require that:
- a) Personnel who are to carry weapons will be granted authorization to do so only on completion or verification of appropriate training with regard to the type and model of weapon they will carry. Personnel will not operate with a weapon until they have successfully completed weapon-specific training.
 - b) Personnel carrying weapons must receive regular, verifiable and recurrent training specific to the weapons they carry and rules for the use of force.
 - c) Personnel carrying weapons must receive appropriate training in regard to rules on the use of force. This training may be based on a variety of relevant standards, but should be based at a minimum on the principles contained in this Code and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), and national laws or regulations in effect in the area duties will be performed.

Management of Materiel of War

60. Signatory Companies will, and will require that their Personnel to, acquire and maintain all authorizations for the possession and use of any materiel of war, e.g. hazardous materials and munitions, as required by applicable law.
61. Signatory Companies will neither, and will require that their Personnel will neither, possess nor use any materiel of war, e.g. hazardous materials and munitions, which are illegal under any applicable law. Signatory Companies will not, and will require that their Personnel not engage in any illegal material transfers and will conduct any materiel of war transactions in accordance with applicable laws and UN Security Council requirements, including sanctions.
62. Signatory Company policies or procedures for management of materiel of war, e.g. hazardous materials and munitions, should include:
- a) secure storage;

- b) controls over their issue;
- c) records regarding to whom and when materials are issued; and
- d) proper disposal procedures.

Incident Reporting

63. Signatory Companies will prepare an incident report documenting any incident involving its Personnel that involves the use of any weapon, which includes the firing of weapons under any circumstance (except authorized training), any escalation of force, damage to equipment or injury to persons, attacks, criminal acts, traffic accidents, incidents involving other security forces, or such reporting as otherwise required by the Client, and will conduct an internal inquiry in order to determine the following:

- a) time and location of the incident;
- b) identity and nationality of any persons involved including their addresses and other contact details;
- c) injuries/damage sustained;
- d) circumstances leading up to the incident; and
- e) any measures taken by the Signatory Company in response to it.

Upon completion of the inquiry, the Signatory Company will produce in writing an incident report including the above information, copies of which will be provided to the Client and, to the extent required by law, to the Competent Authorities.

Safe and Healthy Working Environment

64. Signatory Companies will strive to provide a safe and healthy working environment, recognizing the possible inherent dangers and limitations presented by the local environment. Signatory Companies will ensure that reasonable precautions are taken to protect relevant staff in high-risk or life-threatening operations. These will include:

- a) assessing risks of injury to Personnel as well as the risks to the local population generated by the activities of Signatory Companies and/or Personnel;
- b) providing hostile environment training;
- c) providing adequate protective equipment, appropriate weapons and ammunition, and medical support; and
- d) adopting policies which support a safe and healthy working environment within the Company, such as policies which address psychological health, deter work-place violence, misconduct, alcohol and drug abuse, sexual harassment and other improper behaviour.

Harassment

65. Signatory Companies will not tolerate harassment and abuse of co-workers by their Personnel.

Grievance Procedures

66. Signatory Companies will establish grievance procedures to address claims alleging failure by the Company to respect the principles contained in this Code brought by Personnel or by third parties.

67. Signatory Companies will:

- a) establish procedures for their Personnel and for third parties to report allegations of improper and/or illegal conduct to designated Personnel, including such acts or omissions that would violate the principles contained in this Code. Procedures must be fair, accessible and offer effective remedies, including recommendations for the prevention of recurrence. They shall also facilitate reporting by persons with reason to believe that improper or illegal conduct, or a violation of this Code, has occurred or is about to occur, of such conduct, to designated individuals within a Company and, where appropriate, to competent authorities;
- b) publish details of their grievance mechanism on a publically accessible website;
- c) investigate allegations promptly, impartially and with due consideration to confidentiality;
- d) keep records about any such allegations, findings or disciplinary measures. Except where prohibited or protected by applicable law, such records should be made available to a Competent Authority on request;
- e) cooperate with official investigations, and not participate in or tolerate from their Personnel, the impeding of witnesses, testimony or investigations;
- f) take appropriate disciplinary action, which could include termination of employment in case of a finding of such violations or unlawful behaviour; and
- g) ensure that their Personnel who report wrongdoings in good faith are provided protection against any retaliation for making such reports, such as shielding them from unwarranted or otherwise inappropriate disciplinary measures, and that matters raised are examined and acted upon without undue delay.

68. No provision in this Code should be interpreted as replacing any contractual requirements or specific Company policies or procedures for reporting wrongdoing.

Meeting Liabilities

69. Signatory Companies will ensure that they have sufficient financial capacity in place at all times to meet reasonably anticipated commercial liabilities for damages to any person in respect of personal injury, death or damage to property. Sufficient financial capacity may be met by customer commitments, adequate insurance coverage, (such as by employer's liability and public liability coverage appropriately sized for the scale and scope of operations of the Signatory Company) or self insurance/retention. Where it is not possible to obtain suitable insurance cover, the Signatory Company will make alternative arrangements to ensure that it is able to meet such liabilities.

H. REVIEW

70. The Swiss Government will maintain a public list of Signatory Companies and convene an initial review conference with a view to reviewing the Code after governance and oversight mechanisms (as referenced in the Preamble and Section C "Implementation" to this Code) are developed.