

ARMED PRIVATE SECURITY IN LATIN AMERICA AND THE CARIBBEAN

Oversight and accountability
in an evolving context

Regional Study



DCAF

a centre for security,
development and
the rule of law

This publication was developed by the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) within the framework of the joint DCAF/UNLIREC project entitled Strengthening Oversight and Building Capacities for Small Arms Control and Nonproliferation in the Private Security Sector in Latin America and the Caribbean. The purpose of this study is to contribute to regional and international debates in the fields of good governance, oversight and regulation, and small arms control within the (armed) private security sector in Latin America and the Caribbean. UNLIREC and DCAF would like to extend their gratitude to the German Federal Foreign Office for their continued support to this joint project, enabling this study, as well as to the wider project activities.

The views presented here do not necessarily reflect the views of the Government of the Federal Republic of Germany, the UN system, or DCAF.¹

Collaborators

DCAF

Public-Private Partnerships Division

Alan Bryden
Nelleke van Amstel
Emmylou Boddi
Jean-Michel Rousseau

UNLIREC

Public Security Programme

Mélanie Régimbal
William Godnick
Julián Bustamante
Lidia Espinoza
Alfredo Malaret
Amanda Cowl

External contributors

Diego Fleitas (lead researcher)
Ana Yancy Espinoza
Antoine Perret
Federico Moughty
Gastón Schulmeister

© DCAF, 2016

© United Nations, 2016

All rights reserved

¹ By its very nature, a comparative undertaking faces important data collection challenges, including potentially omitting new legislation, regulations or best practices undertaken by governments or the private security sector itself. Therefore, updated information from all stakeholders are always welcome. Updates, suggestions and comments should be directed to programme@unlirec.org / ppps@dcaf.ch.

About

This report has been prepared by two agencies with distinct mandates that are working together to promote improved oversight of the armed private security sector in Latin America and the Caribbean: the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

UNLIREC is the regional wing of the UN Office for Disarmament Affairs and is tasked with providing Member States with technical assistance in the fields of disarmament and arms control, in particular in areas covered in the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA).²

DCAF is an international foundation focused on enhancing security sector governance through security sector reform, and has been a key player in promoting efforts to ensure greater oversight and accountability of the private security sector, including through the development of the International Code of Conduct for Private Security Service Providers (ICoC).³ As secretariat of the Montreux Document Forum, it is also the strategic implementing partner for the Montreux Document process.⁴

UNLIREC and DCAF promote broad adherence to the principles and good practices contained within the ICoC, which - in combination with efforts to implement the UN PoA through the implementation of UN international stockpile management standards - can help strengthen the governance of private security companies, reinforce operational standards and contribute to reducing incidents. Neither UNLIREC nor DCAF hold institutional positions in favour or against the private security industry, considering determinations of this nature as the sole responsibility of sovereign governments and their institutions.

This study is developed by the Public-Private Partnerships division of DCAF and the Public Security Programme of UNLIREC, drawing on the research of a consortium of local researchers.

Public Security Programme – programme@unlirec.org

DCAF Public-Private Partnerships Division - ppps@dcaf.ch

² See the full text of the Programme of Action in the Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, United Nations, New York, 9-20 July 2001, A/CONF. 192/15, available at: [http://www.un.org/events/smallarms2006/pdf/192.15%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/192.15%20(E).pdf).

³ The full text of the ICoC is available on the ICoCA official website: http://icoca.ch/en/the_icoc.

⁴ For more information about DCAF PPP's work visit: <http://www.ppps.dcaf.ch/>.

List of acronyms

ANSI/ASIS	American National Standard Institute
BSFP	Batallón de Seguridad Física Privada (Battalion of Private Physical Security)
CME	Mining and Energy Committee on Security and Human Rights
CSO	Civil Society Organizations
DCAF	Geneva Centre for the Democratic Control of Armed Forces
IADB	Inter-American Development Bank
IATGs	International Ammunition Technical Guidelines
ICoC	International Code of Conduct for Private Security Service Providers
ICoCA	International Code of Conduct Association
ICRC	International Committee of the Red Cross
ISACS	International Small Arms Control Standards
LAC	Latin America and the Caribbean
NGO	Non-governmental Organization
OEWG	UN open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies
PMSC	Private Military and Security Company
PSC	Private Security Company
PSS	Private Security Sector (refers to the entire industry as a whole including companies, guards and associations)
RENAR	Registro Nacional de Armas (National Arms Registry), Argentina
SALW	Small Arms and Lights Weapons
SOP	Standard Operating Procedure
SUCAMEC	<i>Superintendencia Nacional de Control de Servicios de Seguridad, Armas, Municiones y Explosivos de Uso Civil (National Superintendence for the Control of Security Services, Small Arms, Ammunition and Explosives for Civilian Use), Peru</i>
UNGPs	UN Guiding Principles on Business and Human Rights
UNLIREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UN PoA	UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
VPs	Voluntary Principles on Security and Human Rights
WGM	UN Working Group on the Use of Mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Contents

List of acronyms	2
Introduction	5
Research outline and methodology	6
Section 1: Characteristics of the private security industry	9
A. Size of and services provided by the private security industry in the LAC region	10
B. Private security as a source of employment	15
C. Private security companies' clients	17
D. Private security companies and firearms	19
E. Private security company guards and police officers	22
Section 2: Legislative and regulatory frameworks	25
A. Institutional framework: relevant laws and authorities	26
B. Overlap with public sector	29
C. Private security company small arms possession and use	30
D. Professionalizing operations: training frameworks and codes of conduct	36
Section 3: Global norms and frameworks	47
A. International and regional normative framework	48
B. International frameworks on private military and security companies	49
C. International frameworks relevant to private security companies	52
D. International frameworks on small arms control	54
Section 4: Challenges	59
A. Governance challenges	60
1. Legal and Policy Framework	61
2. Regulation and Oversight	61
B. Small arms and use of force challenges	63
1. Small arms circulation	64
2. Small arms use	67
3. Small arms storage	69
4. Small arms theft and violence against private security company personnel	71
Conclusions	75
Recommendations	77
Bibliography	81
ANNEX A: Government Survey	91
ANNEX B: Private Security Companies and PSC personnel in Latin America and the Caribbean – Sources	93
ANNEX C: PSC small arms in 17 Latin American and Caribbean countries - Sources	97
ANNEX D: Government of Argentina PSC stockpile authorization request	98

Boxes, Tables and Figures

Box 1: Illustrative Case	5
Box 2: Indicators illustrating the steady growth of the private security sector within the LAC region	5
Box 3: Definition of PSCs	10
Box 4: Informality of PSCs and their personnel	15
Box 5: Examples of national laws	27
Box 6: Good practices of the Montreux Document	50
Table 1: Categories of PSCs as listed in the national legislation of Ecuador, El Salvador and Peru	11
Table 2: Private security companies and PSC personnel in Latin America and the Caribbean	13
Table 3: PSC small arms in 17 Latin American and Caribbean countries	20
Table 4: Small arms holdings by private security companies in El Salvador	21
Table 5: Institutional framework for PSC regulation in select LAC	28
Table 6: Specific national laws regulating the private security sector	28
Table 7: PSC ownership criteria in selected LAC States	29
Figure 1: Acquisition of firearms by private security company in Peru 2001 – 2015	21
Figure 2: Governance challenges	60
Figure 3: Small arms and use of force challenges	64

Introduction

Box 1: Illustrative Case

The Government of Latin American Country X was unable to physically locate more than 2,500 firearms legally imported and registered by private security companies (PSCs). Country X has more than 1,500 registered PSCs, of which only 500 have all their authorizations and permits in order. Eventually, 21 rifles and eight sub-machine guns legally imported and registered by PSCs in Country X were confiscated from criminals in neighbouring Latin American Country Y. It is believed that some of these weapons were destined for an armed group in a third country.

The growth of the armed private security industry is simultaneously a symptom, response, partial solution and a potential aggravator of the armed violence experienced in many developing countries, including the Latin America and Caribbean (LAC) region. Although each context is different and generalizations should be treated with caution, it is apparent that - over the course of the last decade - the private security sector generally has grown across the LAC region. The illustrative example presented above is based on a real case that took place in the LAC region in 2015 and is an example of how the growth of the private security sector (PSS) can challenge governments in their efforts to control and regulate private security companies (PSCs), and how gaps in national oversight can lead directly or indirectly to (criminal) armed activities.

Box 2: Indicators illustrating the steady growth of the private security sector within the LAC region

Argentina: the number of PSC employees grew 192% from 1996 to 2014

Chile: the PSC industry grew 500% between 1979 and 2009⁵, increasing again by 46% from 2010 to 2015⁶

Colombia: the number of PSC agents increased 128% from 2000 to 2015⁷

Costa Rica: the number of PSCs grew from 422 in 2005 to 983 in 2014⁸

Bolivia: the number of PSCs increased from only 30 in 2001 to 265 in 2012⁹

Brazil: the number of PSC guards grew from 452,411 in 2009 to 583,100 in 2011¹⁰

Uruguay: the number of PSC employees grew 20% in the last 5 years¹¹

⁵ J.P. Figueroa and S. Minay, 'Seguridad privada: El millonario negocio de explotar el miedo', Ciper Chile, 12 March 2009, <http://ciperchile.cl/2009/03/12/seguridad-privada-el-millonario-negocio-de-explotar-el-miedo/>, (accessed November 2015).

⁶ B. Aguirre Pascal, 'Seguridad privada: Empresas del rubro crecen 46% en cinco años y ya son más de cien mil los abonados a alarmas en Chile', El Mercurio, 12.07.2012, http://www.nexchannel.cl/Nex/noticias/noticia_pescria.php?nota=12774937, (accessed June 2016).

⁷ Authors' own elaboration based on data from P. Arias, Seguridad Privada en América Latina, Santiago, Chile, Facultad Latinoamericana de Ciencias Sociales, 2009, and from official statistics from the Superintendencia de Vigilancia y Seguridad Privada., See: <http://www.supervigilancia.gov.co/?idcategoria=72013>, (accessed 19 July 2016).

⁸ Data provided by the Government of Costa Rica's Ministry of Public Security's Directorate for Private Security.

⁹ M. Viela, 'Unipol instruirá a los guardias de la privada', La Razón, 12 June 2013, http://www.la-razon.com/ciudades/Unipol-instruira-guardias-privada_0_1850214974.html, (accessed October 2015).

¹⁰ Authors' communication with the representative of the Brazilian National Federation of Private Security Companies and Armored Car Services (FENAVIST), November 2015. See more information on their website: <http://www.fenavist.com.br>.

¹¹ A. Roizen, 'Con arma, pero sin formación', El País, 18 October 2015, <http://www.elpais.com.uy/que-pasa/arma-formacion-seguridad-privada-uruguay.html>, (accessed October 2015).

The purpose of this study is to present a comprehensive picture of the armed PSS in Latin America and the Caribbean (LAC), with a primary focus on the use and management of small arms¹² and ammunition. To this end, this report sets out the current status of the industry, identifying the national legal frameworks governing the sector and analysing the challenges associated with private security and firearms use.

This newly gained knowledge is intended to support policy makers, national authorities and industry actors in their efforts to revise and strengthen their approaches to private security oversight and regulation. The PSS is in many regards no different from any other business in its attempts to find the appropriate balance between business demands and regulation and control requirements. In addition, the tools of the private security sector frequently include firearms and the use of (lethal) force.

Research outline and methodology

This study covers almost all UN Member States from Latin America and the Caribbean¹³, with varying degrees of specificity. The research¹⁴ was supported by a structured survey questionnaire (see Annex A), distributed to governments' focal points in each country of the region. The questionnaire aimed to obtain basic information about policies and indicators on private security and firearms. Responses were received by eight States¹⁵. The questionnaire was followed by a survey of secondary sources in the region, to obtain further information, particularly where no official answers were available. Various stakeholders were interviewed, including government officials, private security managers, representatives of private security associations, and experts. The research was finally completed by a review of official government data from most LAC States, secondary literature, media monitoring and more in-depth case studies of several countries.

¹² The terms small arms and firearms are used interchangeably and include inter alia pistols, revolvers, rifles, sub-machine guns, light machine guns and shotguns.

¹³ While there are 33 Member States in the LAC region, this study only covers 30 States of the region. Reliable data was not available for Antigua and Barbuda, Cuba and Suriname.

¹⁴ The research and drafting of this study was undertaken by a multi-disciplinary team of researchers from Latin America, North America and Europe; see the 'About' section for details.

¹⁵ Colombia, Dominican Republic, Grenada, Guatemala, Honduras, Mexico, Paraguay, and Trinidad and Tobago.

This study is structured around five sections:

Section 1 provides a general overview of the armed private security sector in LAC, defining the most relevant characteristics of the market.

Section 2 reviews the key elements of legislation in LAC addressing PSCs and their conduct, including small arms control.

Section 3 offers a synopsis of the key international norms and frameworks that seek to promote good governance, human rights and small arms control standards among PSCs, including the engagement of Latin American governments and PSCs to date in these frameworks.

Section 4 identifies the main challenges to good governance and human rights related to PSCs in the LAC region. It provides an analytical typology to help visualize the identified problems. The challenges are divided in two main categories: the first analyses the broader governance issues, while the second category addresses challenges directly related to the possession and use of firearms by PSCs.

Section 5 presents the conclusions, summarizes the challenges identified and provides concrete recommendations to both States and PSCs.



Section 1: Characteristics of the private security industry

In order to assess and address challenges, a clear picture of the private security industry in the LAC region is necessary. The size, the services provided, the percentage of armed personnel, and the type of clients are all important elements to grasp the developments particular to this sector. Such a description of the private security landscape will aid in the understanding of the national legal and policy frameworks regulating the sector, as well as the current challenges to regulation. This section outlines the main characteristics of the private security industry in the LAC region.

A. Size of and services provided by the private security industry in the LAC region

Box 3: Definition of PSC

Private security company (PSC): 'PSC' encompasses all companies which provide security services, irrespective of how they describe themselves. Examples of security services can include (but are not limited to) guarding and protection of persons and objects (whether armed or unarmed) and any kind of training activities with a security application.

For the purpose of this study, only the term PSC will be used: some states or international organizations regulating the industry choose to also address private military and security company (PMSC), including companies that also provide military services.¹⁶ Other States have regimes in place that address PSCs and PMSCs separately.

Types of services

In the LAC region, regulatory and legal frameworks tend to address PSCs rather than PMSCs. The lines between PSCs and PMSCs have many shades of grey and can vary according to the context and the services provided. This study therefore focuses on armed PSCs providing security for a number of clients, such as, among others, extractive industries, banks and other businesses, governmental agencies, public facilities or private individuals. As will be addressed in further detail, the challenges faced by the countries of the LAC region are, with some exceptions, not of a military nature. The role of armed PSC personnel in the LAC region is likely to remain of a defensive nature, rather than presenting tasks related to the conduct of hostilities or offensive actions, as can be the case in other regions of the world. To illustrate the most common types of PSCs services in the LAC region, Table 1 below lists the different categories of PSCs, as stipulated in national legislation for Ecuador, El Salvador and Peru.

¹⁶ Examples of military services that companies can provide include (but are not limited to): material and technical support to armed forces, strategic planning, intelligence, investigation, training activities with military implications, satellite surveillance, or other related activities.

Table 1: Categories of PSCs as listed in the national legislation of Ecuador, El Salvador and Peru

Ecuador¹⁷	El Salvador¹⁸	Perú¹⁹
Mobile security services	Private security agencies or companies	Private security services
Fixed security services	Watchmen's associations or independent watchmen	Private protection services
Private investigation services	Private investigation agencies	Transport and money and valuables custody services
	Private protection services	Custody services for controlled goods
		Event security services
		Independent private security services
		Individual property security services
		Individual personal security services
		Security technology services

The last decade has witnessed a steady growth of the PSS in the LAC region. This growth does not have one single explanation, but can rather be associated with a number of variables including, inter alia, increased levels of crime and insecurity, heightened perceptions of insecurity among the emerging middle class, changing emphasis in approaches to public and citizen security calling for redeployment and re-allocation of policing resources, as well as the prolonged economic growth in the extractive and other sectors experienced in much of the LAC region.

It is important to note, in this regard, that the growth of private security industries is not necessarily linked directly to the increase of actual crime. As an example, no statistical relationships were found between the growth of the PSS and an increase of crime and homicides in Argentina, but there does seem to be a direct link with the economic growth of the country: 80% of PSCs employment growth can be explained by the GDP growth per capita.²⁰ In other countries too, it appears that the increased use of private security is not linked to the level of criminality; indeed, in Colombia, Brazil and Chile, criminality remained stable or went down, but the PSS nevertheless grew steadily.

¹⁷ Ecuador, Ley de Vigilancia y de seguridad privada, n°2003-12, 14 July 2003, art. 2, available at: http://psm.du.edu/media/documents/national_regulations/countries/americas/ecuador/ecuador_ley012_2003_surveillance_and_private_security.pdf, (accessed 22 June 2016).

¹⁸ El Salvador, Ley de Servicios privados de seguridad de la República de El Salvador, n°227, 14 December 2000, art. 1-2, available at: http://psm.du.edu/media/documents/national_regulations/countries/americas/el_salvador/el_salvador_law_on_psc_2000.pdf, (accessed 22 June 2016)

¹⁹ Peru, Decree N°1213 Regulating Private Security Services, 24 September 2015, Art. 8, available at: <http://www.elperuano.com.pe/NormasElperuano/2015/09/24/1291565-3.html>, (accessed 22 June 2016).

²⁰ Authors' own elaboration with data from the Ministry of Labor of Argentina (number of employees) and from the World Bank (GDP per capita).

Similarly, the growth of the private security industry in the region should not be considered solely as a result of privatization: that would require these services to have been previously delivered by public bodies. However, private companies have not substituted the public forces' traditional role: in most places where private security is provided, the State was not actually previously present, such as industrial plants, companies' offices, or private neighbourhoods.²¹

Although the private security industry can potentially contribute to human security, citizen security and public order as an additional provider of security, its existence is often associated with certain problems and risks, particularly when operating in complex environments. Private security is also seen as exacerbating inequities and exacerbating social fragmentation²² since security becomes only available to those who can pay for it.²³

Size of the market

This study identified 16,174 PSCs in LAC, with 2,450,786 employees working as security guards (see Table 2 below). However, these figures are estimates based on available official and secondary data sources from different years. The number of companies and PSC personnel recorded are primarily taken from official records of companies and personnel legally registered with national authorities. In several LAC countries there are other legal (armed) private security services, such as watchmen associations, private personal services, detective agencies, etc., which have not been considered in this study given their differing nature and legal configuration.

²¹ F. Lorenc Valcarce, *Seguridad Privada: La mercantilización de la Vigilancia y la Protección en la Argentina Contemporánea*, Miño y Avila Editores, 2014.

²² M. Minow, 'Public and Private Partnerships: Accounting for the New Religion', 116 *Harvard Law Review* 1229, March 2003.

²³ R. Mandel, *Armed Forces & Society*, in 'The Privatization of Security', Fall Vol. 28, Fas. 1, 2001.

Table 2: PSCs and PSC personnel in LAC²⁴

Country	Number PSCs	Year / Source	Number PSC personnel	Year / Source
Argentina	1,695	2015 OS	150,202	2015 OS
Bahamas	180	2011 SS	2,100	2011 SS
Barbados	33	2011 SS	1,455	2011 SS
Belize	67	2011 SS	1,180	2011 SS
Bolivia	265	2013 SS	20,000	2013 SS
Brazil	2,581	2015 SS	583,100	2015 SS
Chile	1,521	2015 SS	140,000	2014 SS
Colombia	870	2016 OS	244,757	2016 OS
Costa Rica	636	2016 OS	27,772	2016 OS
Dominica	10	2011 SS	182	2011 SS
Dominican Republic	254	2015 OR	35,000	2014 OS
Ecuador	521	2013 OS	95,000	2015 SS
El Salvador	330	2015 OS	22,602	2015 OS
Grenada	8	2015 OR	817	2011 SS
Guatemala	153	2015 OR	100,000	2015 SS
Guyana	76	2011 SS	5,398	2011 SS
Haiti	41	2011 SS	12,000	2011 OS
Honduras	865	2015 OR	44,167	2015 OR
Jamaica	222	2016 OS	18,604	2016 OS
Mexico	3,518	2015 OR	450,000	2014 SS
Nicaragua	160	2014 OS	18,000	2014 OS
Panama	183	2015 SS	18,000	2015 SS
Paraguay	229	2012 SS	12,000	2012 SS
Peru	780	2015 OS	77,219	2015 OS
St Kitts and Nevis	10	2011 SS	600	2011 SS
St Lucia	26	2011 SS	250	2011 SS
St. Vincent and the Grenadines	9	2011 SS	381	2011 SS
Trinidad and Tobago	331	2015 OR	50,000	2015 OR
Uruguay	300	2015 SS	20,000	2015 SS
Venezuela	300	2011 SS	300,000	2011 SS
Approximate Total²⁵	16,174		2,450,786	

Sources: OR = Official Response to Survey; OS = Official Statistics; SS = Secondary Sources.²⁶

Table 2 shows the number of PSCs, as well as the number of PSC personnel for each country of the region. Brazil and Mexico contain the largest number of private security personnel in absolute numbers, with 583,100 and 450,000 PSC personnel, respectively; Brazil also has the highest number of PSCs, with 2,581 companies. The countries of the Caribbean report smaller numbers of PSCs; for example, Grenada reports having eight firms with 887 employees.

²⁴ This study was meant to cover all 33 countries from Latin America and the Caribbean. However, it was not possible to collect data from Antigua and Barbuda, Cuba and Suriname.

²⁵ Note that this number is given to have an indication of the total, but is not precise, as data from different years is aggregated.

²⁶ All sources are listed in Annex B.

Market sizes are also important to consider, since the size and number of companies, as well as the level of competition in the domestic market, can affect regulation and company performance. For instance, fierce competition may prompt PSCs to lower their standards, to invest less in training, or to accept clients without sufficient scrutiny. This can potentially contribute to poorer performance from security and governance perspectives, and, in some cases, to criminal activities and armed violence.

The size of companies can indicate whether the market is concentrated with a few large companies or whether there are many small actors that need to be overseen. In Chile, out of more than 1,500 PSCs, the biggest four multinational PSCs occupy the majority of the market.²⁷ Peru also shows a greater market concentration: the six largest companies represent 50% of the total industry.²⁸ Caribbean countries have smaller (often informal) firms providing basic services, and larger and more complex PSCs providing higher-end services.²⁹

Informality

Varying degrees of informality may pose different sorts of problems. Companies or PSC personnel can have expired permits or problems with their paperwork, while still carrying out “legal” activities in the same way as regular security companies. However, there are also groups that carry out illegal activities, such as “protection” rackets, or debt collectors that use violence, clandestine provision of services or paramilitary organizations. The figures above do not include those groups that operate completely outside the rule of law. Previous research efforts suggest that there may be up to 2 million PSC personnel operating illegally and/or informally. Nevertheless, it is not altogether clear how much overlap there is between the close to 2.5 million PSC personnel identified in this study and the previous estimates.³⁰ This report will refer to informality as the establishment of private security operations without proper licenses and permits.

The existence of informal private security guards makes it difficult to determine the true size of private security markets. There are cases where PSCs hire personnel that are not formally authorized and thus are considered informal. Security guards fall into the informal market for any number of reasons, some permanent and others temporarily. The size of this grey sector is hard to determine, but anecdotal evidence suggests that more than symbolic numbers of these companies and PSC personnel have expired authorizations, or that their licenses to operate have been suspended or revoked.

²⁷ B. Aguirre Pascal, ‘Seguridad privada: Empresas del rubro crecen 46% en cinco años y ya son más de cien mil los abonados a alarmas en Chile’, *El Mercurio*, 12 July 2012, http://www.nexchannel.cl/Nex/noticias/noticia_pescria.php?nota=12774937, (accessed June 2016).

²⁸ ‘El 68% de empresas de seguridad incurre en prácticas informales’, *El Comercio*, 19 March 2015, <http://elcomercio.pe/economia/peru/68-empresas-seguridad-incurre-practicas-informales-noticia-1798589>, (accessed November 2015).

²⁹ Project Ploughshares, *Private Security Companies in The Caribbean: Case studies of St. Lucia, Trinidad and Tobago, and Jamaica*, August 2013, available at: http://ploughshares.ca/wp-content/uploads/2013/09/Priv_Security_Co_Caribbean.webFINAL.pdf, (accessed June 2016).

³⁰ P. Arias, *Seguridad Privada en América Latina*, Santiago, Chile, Facultad Latinoamericana de Ciencias Sociales, 2009, p. 23.

Informal economies are a widespread feature in Latin America. Informality can increase the risks of violence, firearms diversion, and lack of accountability, since the training of personnel, the management of weapons, and the overall performance of the PSC are not overseen by authorities. Informality can have multiple causes, such as cost considerations, lack of enforcement, and a culture of weak rule of law. Additionally, inadequate regulations and bureaucracy can create barriers to formal registration and licensing.

Box 4: Informality of PSCs and their personnel

In Costa Rica, estimates suggest that there are 25,000 PSC personnel working informally. A total of 184 legally registered PSCs did not pay the social benefit contributions associated with their payroll.³¹

In Chile, a 2014 estimate indicates that up to 20% of PSCs were not registered with national authorities.³²

In Mexico, a report suggested that 50% of PSCs are not legally registered: they are referred to as 'backyard companies'.³³

In Jamaica, a study reported the existence of informal PSCs operating as physical protection and extortion rackets.³⁴

B. Private Security as a source of employment

PSC employment has become an important livelihood opportunity for relatively low-skilled workers in LAC countries. Due to the steady growth of the sector, PSCs have become an important source of both formal and informal employment, in particular for young men between 18 and 39 years old, with relatively low levels of education. Coincidentally, this is also the segment of the population that is most directly involved in armed violence, both as aggressors and as victims.³⁵

³¹ M. Muñoz, 'Estado y seguridad privada en Costa Rica. Análisis de Coyuntura', in *Revista Electrónica de Historia*, September – February 2012; S. Oviedo, 'Empresas de seguridad le adeudan 1,491 millones a la CCSS', in *La Nación*, 18 September 2015, http://www.nacion.com/nacional/salud-publica/Empresas-seguridad-adeudan-millones-CCSS_0_1512848766.html, (accessed 17 June 2016).

³² B. Aguirre Pascal, 'Seguridad privada: Empresas del rubro crecen 46% en cinco años y ya son más de cien mil los abonados a alarmas en Chile', *El Mercurio*, 12 July 2012, http://www.nexchannel.cl/Nex/noticias/noticia_pescrita.php?nota=12774937, (accessed June 2016).

³³ F. Martínez, 'Irregulares, 50% de empresas de seguridad', *Mexico City, El Universal*, 15 July 2009, <http://archivo.eluniversal.com.mx/ciudad/96434.html>, (accessed 12 April 2016).

³⁴ R. Jaff, 'Criminal dons and extralegal security privatization in downtown Kingston, Jamaica', in *Singapore Journal of Tropical Geography*, Vol. 33(2), pp. 184-197.

³⁵ United Nations Office on Drugs and Crime (UNHCR), *Global Study on Homicide 2013*, Vienna, UNODC, 2014, p. 14. .

Despite the fact that almost all countries in the region require private security personnel to fulfil certain basic requirements in order to obtain permits, including a minimum age, background checks, minimum educational levels and relevant training,³⁶ these requirements are frequently not met in practice. As an example, many provincial regulations in Argentina establish that private security workers are obliged to have completed secondary studies.³⁷ Despite this regulation, a 2014 household survey reported that only 42% of PSC personnel had completed secondary school.³⁸

In Costa Rica, PSC personnel are required to have completed at least the sixth grade of school,³⁹ though it is difficult to corroborate if this requirement is being enforced. Similar levels of education have been found in Brazil, Haiti and Trinidad and Tobago.⁴⁰ This high percentage of poorly educated personnel can be partially explained by the nature of the positions, being low-skilled and not very well paid jobs, which leads to companies accepting to hire uneducated personnel. The industry is furthermore characterized by low incomes. In Costa Rica, monthly salaries of PSC personnel range from 570 US\$, to 940 US\$, but companies with informal practices have been reported to pay salaries as low as 370 US\$.⁴¹ In Argentina, the average gross monthly salary of private security agents, around 1,025 US\$ in 2014, are considered to be low according to local pay scales.⁴²

The low income rates, in combination with poor working conditions encountered in many PSCs, lead additionally to a high employee turnover. In Brazil, 32% of PSC personnel had worked for their company less than a year. Similar findings were identified in Argentina, Costa Rica, and Peru.⁴³ The relatively high turnover of PSC personnel has a direct impact on the quality of the services provided and the discipline of individual employees in the exercise of their duties. High turnover disincentives training, which means that personnel may not be accustomed to the rules of accepted company behaviour and loyalty within teams may be low. These issues can lead to a greater risk of violent incidents or firearms mismanagement.

A clear gender imbalance can be observed in PSC employment, with an overwhelming majority of PSC personnel being men. In Brazil, for example, 94% of PSC employees are men; while in Costa Rica and in Argentina, these percentages are respectively reported at 94% and 91%.⁴⁴

³⁶ Ibid, p.14.

³⁷ Authors' own elaboration with the EPH database (household survey) aggregating two survey waves in 2014.

³⁸ Ibid.

³⁹ Article 14 of the Law on Private Security Services Regulation (8395). See: <http://www.controlpas.go.cr/Inicio/LeySeguridadPrivada> (accessed on 16 July 2016).

⁴⁰ G. Burt, 'From Private Security to Public Good: Regulating the Private Security Industry in Haiti', in SSR Issue Papers No. 9, The Centre for International Governance Innovation, June 2012, available at: <https://www.ciaonet.org/attachments/20871/uploads>.

⁴¹ Interview with Thania Molina, Operations Manager, SPC Telecentinel, 19 September 2015, San Jose, Costa Rica.

⁴² Observatorio de Empleo y Dinámica Empresarial de Argentina - Dirección General de Estudios y Estadísticas Laborales (DGEyEL) - Subsecretaría de Programación Técnica y Estudios Laborales (SSPTyEL) – Ministerio de Trabajo, Empleo y Seguridad Social (MTEySS) based on Sistema Integrado Previsional Argentino, August 2015. Salaries in US dollars were calculated using the official rate change, if the black market rate were used, salaries in dollars would be much lower.

⁴³ C. da Silva, Estudo Sevesp sobre o segmento prestador de serviços de segurança privada, Sao Paulo, Sevesp, 2012, p. 16.

⁴⁴ For Brazil: C. da Silva, Estudo Sevesp sobre o segmento prestador de serviços de segurança privada, Sao Paulo, Sevesp, 2012, p. 20; for Costa Rica: Data provided by the Government of Costa Rica's Ministry of Public Security's Directorate for Private Security; for Argentina: authors' own elaboration using household survey.

There are nevertheless some trends towards increased female employment in this sector. Colombia appears to be an example in this regard, with 33% of PSC personnel reported as female (mostly as technical operators).⁴⁵ Female employment in PSCs appear to be mostly increasing in companies that provide electronic surveillance services, but only modestly in PSCs providing armed guard services.

C. Private security companies' clients

The size, nature and scope of the private security market are heavily shaped by the procurement decisions of the PSS' clients. These contracting criteria also have a direct impact on the decisions PSCs make to deploy weapons in different client scenarios.

In Argentina, a study of the private security market concluded that 73% of its clients were part of the private sector, while households and the public sector represented 14% and 13%, respectively. Within the private sector, the main clients were industry (17%), transport (11.7%), entertainment (8%), shops (7.9%), and banks (5.4%).⁴⁶ Regarding the use of private security at home, a 2009 victims' survey in Buenos Aires City showed that 8.9% of households used some kind of private security service, with private security being more prevalent in the wealthiest part of the city (16.3%) and households with higher education levels (13.5%).⁴⁷

Clients can also define the type of service and the use of firearms, in some cases contrary to the advice of the PSC. Sometimes PSCs recommend the non-deployment of firearms in specific contexts where their potential use could be detrimental given the high presence of civilians. In Argentina a trend has been identified whereas PSCs are less frequently called on to provide armed security services.

Insurance requirements can also play an important role in shaping demand and in framing the required services. In Argentina for example, goods in transit services are generally armed, as it significantly lowers the level of insurance premiums. Another international insurer was reported to investigate oil companies in Mexico about their use of force and firearms protocols, in order to re-define insurance levels.⁴⁸

An additional factor influencing the demand side is the practice often found in larger companies of establishing their own in-house security rather than contracting PSS. This is common in Latin America, but often excluded from regulatory frameworks. Nevertheless, many of the characteristics and problems of PSCs can equally be of relevance for these actors, such as risks related to use of force, or proliferation and diversion of firearms.

⁴⁵ Gender disaggregated data provided by the Colombian governments' Superintendencia de Vigilancia y Seguridad Privada official website: <http://www.supervigilancia.gov.co/>, (accessed 15 August 2015). The term 'technician' here refers to non-administrative personnel responsible for installation and monitoring of security services. In most cases, technicians will not be armed PSC guards.

⁴⁶ F. Lorenc Valcarce, *Seguridad Privada: La mercantilización de la Vigilancia y la Protección en la Argentina Contemporánea*, Miño y Avila Editores, 2014. These percentages are in relation to the total 100%, and not the private sector 73%.

⁴⁷ GCBA Gobierno de la Ciudad de Buenos Aires, *Encuesta de victimización, percepción de seguridad y evaluación de desempeño de las Fuerzas Policiales de la Ciudad de Buenos Aires*, 31 December 2009.

⁴⁸ Interviews with managers of security and oil companies from the region in 2015.

In Argentina, in 2014, beyond the 104,844 PSC employees, an additional 63,491 persons reportedly performed security tasks within other types of companies. The 2014 figure represents an increase of 38% in relation to the 45,991 employees performing security tasks within other companies in 2003. Furthermore, between 2003 and 2013, 4,619 non-security companies received a license to possess firearms (Legítimo Usuario Colectivo), while 14,000 received a license to carry firearms.⁴⁹

This type of “in-house security” can be found in other countries in the region. For instance, in Costa Rica, other companies than PSCs own 78,422 firearms, in comparison to the 25,000 owned by PSCs.⁵⁰ In Brazil, 1,893 companies reportedly had “seguranca organica” (in-house services) in 2013,⁵¹ and 61,024 firearms were owned by other companies in 2010. Commercial entities such as hotels and chain stores have their own security services in El Salvador.⁵² In Colombia the “Departamento de Seguridad” provides a figure for in-house services: 564 such departments were registered in 2015.⁵³ Interviews confirm that some companies have developed their own large in-house security departments.

Large extractive companies generally have an internal security department. The main functions of this department are to manage and monitor contracts with PSCs, and to provide preventive security services inside the company compounds. They are frequently un-armed. Additionally, they manage relationships with public forces, which may be comprised of the army or the police, which provide armed and law enforcement services to the company, frequently in exchange for some contribution to expenditures.⁵⁴

The State remains one of the largest clients of the PSS, yet the differentiation between public and private security is not always clear. There can be a broad spectrum of arrangements between purely governmental and completely privately-owned security services. To illustrate, public forces may market their services for private purposes; governments may hire private security; international organizations and peace missions may use security contactors; public and private forces may work together in a specific context; and companies may develop in-house capacities as opposed to contracting PSSs.

⁴⁹ Report by the Argentinian Government Cabinet Chief, answering questions by the ARI political party representatives in the Congress in 2014. See: <http://tmp.jgm.gov.ar/Paginas/InformeDiputado/Informe%2086/06-BLOQUE%20COALICION%20CIVICA-ARI.pdf>, (accessed in October 2015).

⁵⁰ Communication with William Hidalgo, Director, Dirección General de Armamento, Ministry of Public Security, 14 August 2015.

⁵¹ Fenavist Federação Nacional das Empresas de Segurança Privada, IV Estudo do Sector da Segurança Privada, June 2014, http://www.fenavist.com.br/static/media/essegs/IV_ESSEG.pdf.

⁵² E. Amaya, Mapeo sobre seguridad privada y armas de fuego en el Salvador, Background Paper for the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, October 2015.

⁵³ Official website of the Colombian Superintendencia de Vigilancia y Seguridad Privada, see their official website: <http://www.supervigilancia.gov.co>, (accessed October 2015).

⁵⁴ Interviews with managers of international oil companies with presence in the region, and of private security companies in Colombia and Argentina. See also Small Arms Survey, 'Protected but Exposed Multinationals And Private Security', in Small Arms Survey 2011: states of security, 2011; G. Finley, 'Security Management Programs in Colombia', in Calgary Papers in Military and Strategic Studies, Occasional Paper No. 9, 2013.

The public sector as a private security client

The practice of public forces selling their services to private and public clients is common in the LAC region. The private contracting of public forces by the government – despite the fact that it allows for the use of better-trained law enforcement personnel - poses a conflict of interest risk and may lead to confusion between the roles of regulator, client, and competitor. In Bolivia, for example, the National Police has a special force called the 'Battalion of Private Physical Security' (Batallón de Seguridad Física Privada - BSFP), which hires out its services in competition with private security companies. National military forces also provide security to oilfields in Mexico, Colombia, and Ecuador, in exchange for fees paid by companies. Hence, the State may be a client, a competitor and a regulator of private security, all at the same time. An additional example is that of Argentina whereby the National Public Administration alone spent \$1.224 million Argentine pesos (approximately USD\$144 million) on private security services in 2014.⁵⁵ The public sector in Argentina represents 13% of the total private security market in this country.⁵⁶

D. Private security companies and firearms

Levels of firearms use by PSCs in the LAC region are difficult to ascertain since relevant information concerning numbers of firearms, companies with firearms permits or of personnel with carrying permits are scarce and often misleading. The existence of permits or of firearms does not necessarily imply that there is a corresponding 'use' of firearms. For example, it is also common practice throughout the region to assign weapons to client posts, with the weapon passing from one PSC agent to the next with a change of shift. This practice suggests that the number of PSC personnel providing armed security services may exceed that of a simple calculation of PSC weapons per agent.

⁵⁵ Correspondence with an official from the Ministry of Economy, September 2015.

⁵⁶ F. Lorenc Valcarce, *Seguridad Privada: La mercantilización de la Vigilancia y la Protección en la Argentina Contemporánea*, Miño y Avila Editores, 2014.

ARMED PRIVATE SECURITY IN LATIN AMERICA AND THE CARIBBEAN:
Oversight and accountability in an evolving context

Table 3 suggests that as of 2015, there were well over 660,000 small arms in the possession of PSCs in 17 Latin American countries. It should be noted that a) data on PSC small arms holdings could not be accessed for nearly half of the countries of the LAC region and that b) the available sources were not from the same year. It should also be taken into account that the data in Table 3 is only a partial snapshot of PSC small arms holding and omits important data from Argentina, Venezuela and a number of Caribbean countries, so the actual figure of PSC small arms holdings may be higher. In the cases of the Bahamas and Bolivia, PSCs are not permitted under national law to use small arms. In the case of the latter, the Bolivian police have their own special division that provides armed security services for a fee, the 'Battalion of Private Physical Security'.

Table 3: PSC small arms in 17 LAC countries

Country	Number PSCs Small arms	Year / Source	Number PSC guards	Year / Source	Number of weapons per guard ⁵⁷
Belize	267	2009 OS	1,180	2011 SS	
Brazil	243,166	2015 SS	583,100	2015 SS	0.4
Chile	12,378	2015 OS	140,000	2014 SS	
Colombia	43,000	2012 SS	244,757	2015 OS	
Costa Rica	30,200	2016 OS	27,772	2016 OS	1
Dominican Republic	14,534	2015 OR	35,000	2015 SS	0.4
Ecuador	26,749	2014 SS	95,000	2015 OS	
El Salvador	22,602	2015 OS	23,666	2015 OS	0.9
Grenada	21	2015 OR	817	2011 SS	
Guatemala	90,584	2015 OR	100,000	2014 SS	
Haiti	9,300	2009 SS	12,000	2011 OS	
Honduras	23,657	2015 OR	44,167	2015 OR	0.4
Mexico	43,444	2015 OR	450,000	2014 SS	
Nicaragua	11,625	2014 OS	18,000	2014 OS	0.6
Paraguay	1,500	2015 OR	12,000	2012 SS	
Peru	73,148	2015 OR	77,219	2015 OS	0.9
Uruguay	13,288	2015 OS	20,000	2015 SS	0.7

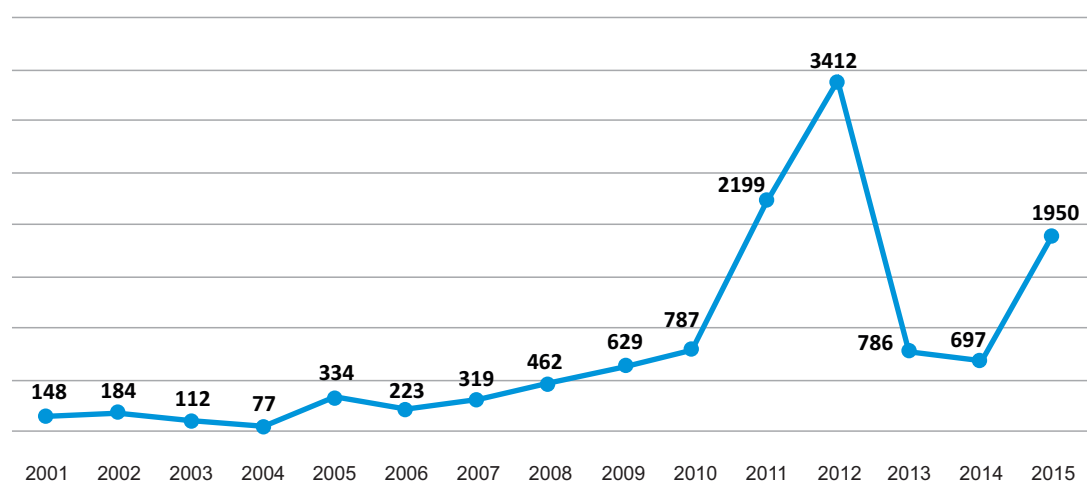
Sources: OR = Official Response to Survey; OS = Official Statistics; SS = Secondary Sources.⁵⁸

⁵⁷ These figures provide only a proxy indicator of the number of weapons per private security guard in some countries. For the sake of accuracy, this data has been only calculated in countries where data on both number of PSCs small arms and number of PSCs guards was available for the same year. This data does not provide insights on PSC guards actually using firearms as in some countries weapons are shared among the agents. It is a common practice to assign weapons to client posts, with the weapon passing from one PSC agent to the next with a change of shift.

⁵⁸ All sources are listed in Annex C.

Figure 1 shows the annual acquisition of firearms by PSCs in Peru from 2001 to 2015. Approximately 63% of all weapons imported for and purchased by PSCs are revolvers made in Brazil, Argentina and the United States of America. Pistols on the other hand represent 22.2% of acquired PSCs firearms in Peru, mainly made in Russia, Italy and the Czech Republic.⁵⁹ The highest peak in Figure 1 (year 2012) coincides with the creation of the national entity for private security services regulations (SUCAMEC).

Figure 1: Acquisition of firearms by PSCs in Peru 2001 - 2015



Source: National Regulatory Entity for Security Service, Firearms, Ammunition and Explosives for Civilian Use (SUCAMEC) in Peru,

In El Salvador, the National Civilian Police maintains a registry of firearms held by PSCs in their jurisdiction, classified by the type of services offered and differentiating hand gun (pistols and revolvers) permits from those for long guns (rifles and shotguns). As of June 2015, there were 25,809 small arms holdings by PSCs in El Salvador.⁶⁰ In contrast to the case of Peru, documented above, it is notable that long guns, such as rifles and shotguns represent more than 50% of PSC small arms holdings.

PSC Type	Handguns	Long guns	Total
Private security companies	11,170	12,496	23,666
Other private security services ⁶¹	1,298	845	2,143
Total	12,468	13,341	25,809

Source: Edgardo Amaya, Mapeo sobre seguridad privada y armas de fuego en El Salvador, San Salvador, UNLIREC, January 2016, p. 20.

⁵⁹ SUCAMEC, La Seguridad privada en el Perú. Un estado situacional, Lima, UNLIREC/SUCAMEC, May 2016, p. 34.

⁶⁰ E. Amaya, op. cit.

⁶¹ This includes for example private detective agencies, and both natural and legal persons offering private security services and their associations.

In the cases of El Salvador and Peru, UNLIREC engagement with national authorities and individual PSCs suggests that a number of weapons - more than 75,000 - are obsolete or surplus stocks and are not currently in use, thus increasing diversion risks. Small arms control measures such as periodic destruction of obsolete and surplus weapons could be applicable to PSCs in need of disposing their weapons. The destruction of PSC's firearms should be undertaken by the national authorities with the respective mandate.

The overall narrative of the PSC market in LAC suggests an ever-growing armed PSC sector, albeit some national contexts also present exceptions. For example in Argentina, between 2009 and 2015, the percentage of armed security services provided by firms dropped from 10% to 6% of national PSCs,⁶² while four Argentinean provinces banned PSCs from providing armed security services altogether.⁶³ In 2012, the Colombian regulatory authorities adopted a position in favour of unarmed PSCs. On this occasion, it is noted that the number of PSC small arms in Colombia (recorded at 43,000) had been reduced by almost half in comparison to previous years.⁶⁴ Some Latin American companies have even been encouraging their clients to opt for unarmed security services, despite the fact that these same companies also offered armed security services.⁶⁵

E. Private security company guards and police officers

The authors of this study purposefully avoid directly comparing the numbers of PSC guards to the number of active duty police personnel in this report even though this has been common practice in a number of previous research efforts. Although PSC guards outnumber police staff in several countries of the region, it is important not to overstate the importance of this comparison. While this association may be useful in understanding and visualizing the dimensions and growth of the PSS, it risks generating a false sense of equivalency between police officers and PSC guards. In principle, the roles and responsibilities of PSC guards are different from those of law enforcement officials. Due to the nature of their work, police officers perform duties that PSC guards should not, such as detention, arrest, and interrogation. Mostly, private security services have been increasingly deployed in sectors and places where the police forces are not traditionally present such as industrial plants, banks, shopping malls, and residential neighbourhoods. Also, as stated in section 1.D, not all PSC guards are armed guards. What this study seeks to provide is a qualitative understanding of how the relationship between private and public security works in practice.

⁶² Interview with the Cámara Argentina de Empresas de Seguridad e Investigación (CAESI)'s President, November 2015.

⁶³ P. Eleisegui, 'La seguridad privada suma 10.000 vigiladores por año en Argentina y mueve más de US\$3.200 millones', iProfesional.com, 16 November 2010, available at: <http://www.iprofesional.com/notas/107204-La-seguridad-privada-suma-10000-vigiladores-por-ao-en-la-Argentina-y-mueve-ms-de-us3200-millones>, (accessed 11 August 2015); and F. Lorenc Valcarce, *Seguridad Privada: La mercantilización de la vigilancia y la protección en la Argentina contemporánea*, Buenos Aires, Mino y Dávila Editores, 2014.

⁶⁴ Information extracted from both a) Calvani, S., Dupuy, P. C., & Liller, S. *Violencia, crimen y tráfico ilegal de armas en Colombia*. Bogotá: UN Office on Drugs and Crime. December 2006 & b) 'Proponen que 150 mil vigilantes privados no tengan armas de fuego', El Tiempo, 16 January 2012, available at: <http://www.eltiempo.com/archivo/documento/CMS-10946845>, (accessed 19 April 2016).

⁶⁵ Interviews with Eduardo Silva, General Manager of Liderman Peru, Lima, Peru, 1 September 2011.

Main findings – Section 1

Section 1 provided an overview of the principal characteristics of the PSS in the LAC region in order to better understand and address the sector's challenges. An increased level of crime and insecurity is only one of the competing explanations for the growth of the PSS regionally. Even where crime levels are decreasing new private security markets, including armed private security, are being created. Some of this is due to the general tendency towards privatization of public goods, a changing emphasis in approaches to public and citizen security calling for redeployment and re-allocation of policing resources, or the prolonged economic growth of specific sectors - such as the extractive sector. Private security has thus become an important source of employment, in particular for young men between 18 and 39 years old with relatively low levels of educational attainment. Even though in some countries PSC guards outnumber police officers, this does not necessarily mean that the police force is being replaced by private security services, but also that the PSS has found market opportunities where public forces were either absent or did not have a mandate.

National and local markets for PS services are highly variable in the region. Some markets are dominated by a few national and multi-national firms while others are highly fragmented. Large numbers of informal PSCs and PS guards undermine the rule of law. State entities are also some of the sector's most important clients. However, private security services are also increasingly demanded by large companies, in particular extractive companies, households, banks, shops, transports and other businesses.

National and local markets for PS services are highly variable in the region. Some markets are dominated by a few national and multi-national firms while others are highly fragmented. Large numbers of informal PSCs and PS guards undermine the rule of law. State entities are also some of the sector's most important clients. However, private security services are also increasingly demanded by large companies, in particular extractive companies, households, banks, shops, transports and other businesses.

There are some signs that States and even PSCs in specific markets are opting for more limited use of firearms. However, this is by no means uniform across the board and is in most part the exception to the rule. This depends on many factors including security context, levels of armed violence and cultural and legal norms. New technologies, stricter regulations or costs re-assessment by companies are also among factors that can result in decreased firearms use. Some States are even introducing the debate on the use of less lethal weapons by PSCs though in most countries these debates are preliminary and are well ahead of normative development.

FORMED
PRIVATE
SECURIT
LATIN AMER
D THE CARIBB

Section 2: Legislative and regulatory frameworks

This section provides a comparative examination of legislation and other types of regulations related to PSCs in LAC. It addresses the following areas:

- Institutional framework – relevant laws and authorities
- Overlap with public sector
- Small arms possession and use
- Professionalizing operations: training frameworks and codes of conduct

For each of the areas addressed in this section, an overview of the status of the national legislation for Argentina, Colombia, Costa Rica, El Salvador and Peru is given, complemented by additional countries from the region according to the information available. As such, this overview is not meant to be exhaustive; it provides an overview of different types of current legal and regulatory frameworks related to private security.

A. Institutional Framework – relevant laws and authorities

Most countries in the region have adopted specific laws and regulatory frameworks governing the PSS. Often, these frameworks rather focus on the creation and functioning of a licensing process than on the in-depth oversight and regulation of daily PSC operations. This is influenced by the budgets and resources available, and is subject to variation from country to country.

Throughout LAC, there are a variety of institutions engaged in the regulation of PSCs and their weapons. In some contexts, the role is delegated to defence and military institutions, in others, to the interior and justices sectors. Except for small Caribbean States and Peru, all States of the region have chosen to appoint one institution regulating PSCs and another to regulate PSC small arms and ammunition holdings. An absence of coordination and information-sharing due to this division of responsibilities has been reported across the region: a lack of information-sharing makes cross-checking and proper monitoring or reviewing of records very difficult. For example, many agencies do not have systematized data and indicators on incidents by private security and their firearms use, meaning they do not dispose of an overall picture of the state of the industry or the quality of regulation. In federal systems of government, regulatory frameworks are often even more complex, frequently divided among national and sub-national institutions.

Oftentimes regulatory agencies face limitations due to scarce government resources. There is limited governmental capacity to monitor training of private security personnel, their hiring practices and their performance on duty – be it due to a lack of personnel, a lack of funding or to inadequate processes and procedures.

Regardless of the system chosen to regulate PSCs and their weapons, what is key in any oversight system is transparency and accountability to civilian institutions, as well as timely information exchange. Box 5 provides a few examples of national laws in the region. Table 6 below demonstrates the diversity of institutional configurations regulating PSCs and their weapons in seven LAC countries.

Box 5: Examples of national laws

Costa Rica: Private security is regulated by law n° 8395,⁶⁶ called Ley de Servicios de Seguridad Privada, published in La Gaceta on the 5th of December of 2003; the decree n° SP-33128 is also used to regulate the matter. For firearms, law n° 7530 called Ley de Armas y Explosivos legislates the issue. Law n°7530 regulates the acquisition, possession, registration process, the license to carry arms, sale, importation, exportation, and manufacturing of firearms and explosives. The Dirección General de Armamento⁶⁷ - DGA is responsible for compiling the inventory of all firearms: both those that are in the hands of private citizens and juridical persons, and the State. The Department of Arms and Explosives Control - under DGA - grants the permits for sale, importation, exportation, and the license to carry arms. The Dirección de Servicios de Seguridad Privados – DSSP on the other hand regulates and oversees the activities of private security services in the country. Both DGA and DSSP belong to the Ministry of Public Security.

Colombia: Decree 356 of 1994 (last amended 2012) authorizes the outsourcing of security functions under the supervision of the State.⁶⁸ It also creates an entity in charge of the control of PSCs: the Superintendencia de Vigilancia y de Seguridad Privada - SVSP.⁶⁹ This monitoring system grants operating licenses for PSCs and imposes sanctions for noncompliance. Amendments in 2006 and 2010 facilitate license renewal, extend the duties and rights related to human rights and international humanitarian law,⁷⁰ and added the requirement for companies to be in charge of the weapons, which can no longer be the property of company employees.⁷¹

Peru: Decree 1213 of 2015 regulates private security services.⁷² The law confirms the mandate of the SUCAMEC to control, authorize, monitor and sanction persons and entities, which execute private security services in Peru.⁷³ The law sets out obligations for private security companies, but also assumes the further elaboration of regulation of private security operations and training in further legislation, which is expected to be approved by parliament in 2016.

⁶⁶ Costa Rica, Decreto legislativo N°8395, Ley de Regulación de los Servicios de Seguridad Privados, available at: http://psm.du.edu/media/documents/national_regulations/countries/americas/costa_rica/costa_rica_law_private_security_services_2003-spanish.pdf, (accessed 22 June 2016).

⁶⁷ The general department is composed by the department of arms and explosives control, the arms registry and the national armory.

⁶⁸ Colombia, Decreto N°356 de 1994, por el cual se expide el Estatuto de Vigilancia y Seguridad Privada, available at: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1341>, (accessed 2 June 2016).

⁶⁹ Superintendencia de vigilancia y de seguridad privada, see on their oficial website: <http://www.supervigilancia.gov.co/index.php>.

⁷⁰ The new duties of the PSC in terms of human rights and international humanitarian law are related to ensuring adequate training in these matters and the corresponding certification. The rights would be oriented to guarantee the labor rights of the employees. See Resolution No. 2852, August 8, 2006, Unifying Private Security and Monitoring Regime. See also: Resolution 5349 December 6, 2007; Resolution 4745 December 27, 2006.

⁷¹ Colombia, Decreto N°19 de 2012, por el cual se dictan normas para suprimir o reformar regulaciones, procedimientos y trámites innecesarios existentes en la Administración Pública, available at:

<http://wsp.presidencia.gov.co/Normativa/Decretos/2012/Documents/Enero/10/Dec1910012012.pdf>, (accessed 2 July 2016).

See: <http://wsp.presidencia.gov.co/Normativa/Decretos/2012/Documents/Enero/10/Dec1910012012.pdf>

⁷² <http://www.elperuano.com.pe/NormasElperuano/2015/09/24/1291565-3.html>

⁷³ Ibid., Article 5

ARMED PRIVATE SECURITY IN LATIN AMERICA AND THE CARIBBEAN:
Oversight and accountability in an evolving context

Table 5: Institutional framework for PSC regulation in select LAC States⁷⁴

Country	PSC control/oversight	PSC small arms control
Argentina	Provincial governments (interior sector and police)	National Firearms Registry (justice sector)
Colombia	Superintendence of Private Security and Protection Companies (defence sector)	Department for Arms Control (defence sector)
Costa Rica	Ministry of Public Security Directorate for Private Security Services (interior sector)	Ministry of Public Security Directorate for Arms Control (interior sector)
El Salvador	National Civilian Police Division for Private Security Services (interior sector)	Ministry of Defence Directorate for Logistics (defence sector)
Guatemala	General Directorate for Private Security Services (interior sector)	General Directorate for the Control of Firearms and Ammunition (defence sector)
Jamaica	Private Security Regulation Authority (defence/interior sectors)	Firearms Licensing Authority (defence/interior sectors)
Peru	Superintendence for the Control of Security Services, Firearms, Ammunition and Civilian Explosives (interior sector)	Superintendence for the Control of Security Services, Firearms, Ammunition and Civilian Explosives (interior sector)

Table 6: Specific national laws regulating the private security sector

Country	Specific national law regulating the private security sector
Colombia	Decree No. 356 of 1994, by which the Statute of Vigilance and Private Security is issued ⁷⁵
Costa Rica	Legislative Decree No. 8395, Law on Regulation of Private Security Service ⁷⁶
El Salvador	Law No. 227, Law of Private Security Services of the Republic of El Salvador ⁷⁷
Guatemala	Decree No. 52-2010, Law Regulating Private Security Services ⁷⁸
Peru	Decree No. 1213, Legislative Decree that regulates private security services ⁷⁹
Ecuador	Law No. 2003-12, Law Surveillance and private security ⁸⁰

⁷⁴ This information is extracted from the national legal frameworks (see table 6 and table 7).

⁷⁵ Colombia, Decreto N°356 de 1994, por el cual se expide el Estatuto de Vigilancia y Seguridad Privada, available at: <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1341>, (accessed 2 June 2016).

⁷⁶ Costa Rica, Decreto legislativo N°8395, Ley de Regulación de los Servicios de Seguridad Privados, available at: http://psm.du.edu/media/documents/national_regulations/countries/americas/costa_rica/costa_rica_law_private_security_services_2003-spanish.pdf, (accessed 22 June 2016).

⁷⁷ El Salvador, Ley de los Servicios privados de seguridad de la República de El Salvador, n°227, 24 January 2001, available at: http://psm.du.edu/media/documents/national_regulations/countries/americas/el_salvador/el_salvador_law_on_psc_2000.pdf, (accessed 22 June 2016).

⁷⁸ Guatemala, Decreto N°52-2010, Ley que Regula los Servicios de Seguridad Privada, available at: <http://www.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnálisisDocumentaciónJudicial/cds/CDs%20Leyes/2010/pdfs/decretos/D052-2010.pdf>, (accessed 22 June 2016).

⁷⁹ Peru, Decree N°1213 Regulating Private Security Services, 24 September 2015, Art. 8, available at: <http://www.elperuano.com.pe/NormasElperuano/2015/09/24/1291565-3.html>, (accessed 22 June 2016).

⁸⁰ Ecuador, Ley de Vigilancia y de seguridad privada, n°2003-12, 14 July 2003, available at: http://psm.du.edu/media/documents/national_regulations/countries/americas/ecuador/ecuador_ley012_2003_surveillance_and_private_security.pdf, (accessed 22 June 2016).

B. Overlap with public sector

One area of frequent concern is when active military and police personnel, and to a lesser degree other government officials, own and/or work in PSCs. This can cause potential conflicts of interest between the public and private sector with potential knock-on effect for people's security. Many national regulations on PSCs entail express prohibitions on active government officials performing private security tasks, while others restrict retired military or police personnel to specific roles in PSCs, such as director of security or stockpile supervisor. Nevertheless, some countries allow active police personnel to work as a private security provider when they are off duty.

Table 7 documents the policies on PSC ownership and employment vis-à-vis active military and police personnel in six LAC States.

Country	Active military or police are allowed to own PSC	Active military or police are allowed to work as PSC personnel
Argentina (Province of Buenos Aires) ⁸¹	No	No
Colombia	No	No
El Salvador ⁸²	Partial* (only Military)	Partial* (only Military)
Peru ⁸³	No	No
Trinidad and Tobago ⁸⁴	Yes	Yes
Guatemala ⁸⁵	No	No

⁸¹ Argentina, Government of the Province of Buenos Aires, Ley N° 12297/1999: Actividades de las personas jurídicas prestadoras del servicio de seguridad privada, 21 April 1999, Article 9.

⁸² The law only prohibits active members of the Police, the Minister of Public Security and Justice, the Director General of the National Civil Police, the Deputy Director of Management and Operations and Chief of the Division of Registration of Private Security Companies. The law does not explicitly prohibit active military from providing private security services. This prohibition does not apply to active military. This is considered a big gap in the legislation which has not been regulated.

⁸³ Police personnel are prohibited from direct participating in PSCs as owners or guards under existing Peruvian law as well as a newly passed law that has yet to enter into force. The case of military personnel is slightly more ambiguous under existing law, but it is expected that under the rules of the new law that military personnel will also be restricted from such activities. Interview with Cristhiam Leon, Manager of Private Security, Peruvian Superintendencia Nacional de Control de Servicios de Seguridad, Armas, Municiones y Explosivos de Uso Civil, Lima, Peru, 8 May 2016.

⁸⁴ In Trinidad and Tobago the private security sector remains unregulated. Only those PSCs and firms that carry precepts are governed by the Supplemental Police Act 15:02. A precepted officer is one who is licensed to carry a firearm. Because the Supplemental Police Act 15:02 only deals with precepted officers (and, by extension, their firms) there is no legislation—and therefore no legally enshrined governance structures, regulations, or trade unions—that oversee the broader private security sector. See Project Ploughshares, Private Security Companies in The Caribbean: Case studies of St. Lucia, Trinidad and Tobago, and Jamaica, August 2013, available at: http://ploughshares.ca/wp-content/uploads/2013/09/Priv_Security_Co_Caribbean.webFINAL.pdf. See also Trinidad and Tobago, Supplemental Police Act, Chapter 15:02, available at: http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.02.pdf, (accessed 10 July 2016).

⁸⁵ Guatemala, Decreto N°52-2010, Ley que Regula los Servicios de Seguridad Privada, art 29.b, available at: <http://www.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnalisisDocumentacionJudicial/cds/CDs%20leyes/2010/pdfs/decretos/D052-2010.pdf>, (accessed 22 June 2016).

C. Private security company small arms possession and use

All countries in LAC, except the Bahamas and Bolivia, allow for PSC small arms possession and use, while all LAC States have regulatory frameworks addressing the use of firearms by PSCs.⁸⁶

In recent years, South America has seen a tendency towards the decreasing use of firearms by PSCs. Many factors could explain this general tendency, such as new technologies, re-assessment of costs by companies, or new operating models and stricter regulations. Risk reduction can also be a commercial incentive to decrease firearm use, as firearms used by untrained personnel and eventual violent events could constitute a serious liability. For example, the number of PSC carrying permits in Argentina fell 32% from 2003 to 2013.^{87 88} As a negative secondary effect of this decrease, many PSCs began accumulating firearms surpluses that are not always properly managed or handed over to the authorities, thus creating additional risks of weapons diversion. Firearm use by private security nevertheless remains high in Central America, where some PSCs are even obliged to be armed by regulations and public contracts.

Additionally, influenced by new technological developments, the use of non-lethal weapons by both police and private security is a relatively new phenomenon, and an increasingly debated topic in the region. Pending questions nevertheless remain regarding legal frameworks and protocols for their use. For this reason, they should be only considered as “less lethal weapons”, since they still can inflict serious or even lethal injuries, particularly when used inappropriately.

Legal frameworks governing PSC possession and use of small arms revolve around three key issues:

- the types and calibres of weapons allowed for PSC use
- rules and regulations related to licensing and authorizing possession of weapons by companies and use by guards
- stockpile and inventory management requirements.

A summary of the laws and regulations for PSC small arms for seven countries of the LAC region is presented below.

⁸⁶ At the exception of Grenada, where there is not regulatory framework on private security - according to their official answer.

⁸⁷ Report by the Argentinian Government Cabinet Chief, answering questions by the ARI political party representatives in the Congress in 2014. <http://tmp.jgm.gov.ar/Paginas/InformeDiputado/Informe%2086/06-BLOQUE%20COALICION%20CIVICA-ARI.pdf>, (accessed October 2015)

⁸⁸ P. Eleisegui, 'La seguridad privada suma 10.000 vigiladores por año en la Argentina y mueve más de \$3.200 millones', iProfesional.com, 16 November 2010, available at: <http://www.iprofesional.com/notas/107204-La-seguridad-privada-suma-10000-vigiladores-por-ao-en-la-Argentina-y-mueve-ms-de-us3200-millones>, (accessed June 2016); Interview with the Cámara Argentina de Empresas de Seguridad e Investigación (CAESI)'s President, November 2015.

Argentina

In Argentina, civilians, including PSCs, are generally prohibited from holding weapons classified as 'military-style', although there is no express definition of what constitutes military-style weaponry.⁸⁹

The weapons used by PSC personnel must always be company-owned. Because of the federal style of government in Argentina, some provinces have their own legislation regarding firearms, also extending to PSC firearms. As an example of these provincial regulations, in Buenos Aires province, the .38 calibre revolver is the highest calibre weapon authorized for PSC personnel use within its jurisdiction. Exceptions can be made by the provincial ministry of security upon requesting permission from the service providers. In addition, companies offering asset protection services may omit this limit.⁹⁰

While PSCs are regulated at the provincial level, their small arms holdings are regulated by the national firearms registry, also known as RENAR. Under existing law, PSCs must complete a series of administrative steps in order to gain authorization to provide armed security services, including a criminal record review of the owners/legal representative's history. Additionally, the PSC must demonstrate to the RENAR that it has storage facilities appropriate for the company's weapons and ammunition holdings. See Annex D for an example of the RENAR form that PSCs must complete for each small arms and ammunition storage site.

PSCs must also complete a number of additional forms related to their small arms holdings including, but not limited to, requests to authorize individual users of PSC weapons, maintenance of ammunition consumption control cards, renewal requests and requests to liquidate inventories of small arms and ammunition upon closure.⁹¹

The Bahamas

The Bahamas, along with Bolivia, is one of only two jurisdictions in LAC that does not permit firearms possession and carrying by PSCs and their employees. Civilians can possess weapons with the authorization of the Commissioner of Police, after a rigorous review of the individual and their circumstances.⁹² Despite external pressures to permit PSCs to provide armed security services, the Government of the Bahamas has chosen to maintain the monopoly over the use of lethal force.⁹³

⁸⁹ United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, Norms and Legal Instruments on Firearms, Ammunition and Explosives: Argentina, January 2012.

⁹⁰ Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, National Legislation Studies on PMSCS, Study on South American, United Nations Office of the High Commissioner for Human Rights, 2015, p. 19. Available at: <http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/NationalLegislationStudies.aspx>, (accessed 5 May 2016)

⁹¹ Registro Nacional de Armas, Ministerio de Justicia y Derechos Humanos, República de Argentina, Trámites / Armas / Usuarios Colectivos Agencias de seguridad, transportadoras de caudales y entidades financieras, available at: http://www.renar.gov.ar/index_seccion.php?seccion=usuario_tramites&m=1&idr=5&pagina=1&id=2, (accessed 5 May 2016).

⁹² United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, Norms and Legal Instruments on Firearms, Ammunition and Explosives: The Bahamas, Lima, Peru, August 2013.

⁹³ Gaylor Taylor, Making the case to arm private security guards, Nassau, Bahamas, Tribune 242, 29 December 2014, available at: <http://www.tribune242.com/news/2014/dec/29/making-the-case-to-arm-private-security-guards/>, (accessed 5 May 2016).

Colombia

Only personnel employed by PSCs may provide armed services in Colombia. Individuals providing security services are not permitted to carry weapons. Colombian PSCs need both a license for the possession of weapons and a carrying permit for its armed personnel, both issued by the Ministry of Defence's Department for Arms Control. Companies are allowed to have one weapon for every three guards employed.⁹⁴ PSCs are also legally obliged to purchase a civil responsibility insurance to insure themselves against weapons misuse or inadvertent damage to third parties.

Under Colombian law, PSCs may provide armed security services using revolvers, pistols and carbines up to .22 calibre and shotguns up to 22 gauge.⁹⁵ Under exceptional circumstances, a PSC may request authorization for 'military-style' small arms: this request will be decided upon by a committee comprised of both the Superintendence for Private Security and the Ministry of Defence. Armoured car services are one of the modalities of PSCs that most frequently request such authorizations.⁹⁶

Costa Rica

Costa Rica permits the following types of weapon for civilian use. Pistols and revolvers (including semi-automatic fire) with calibres up to 11.53mm;⁹⁷ shotguns up to 12 gauge; and rifles up to 11.54mm.

PSCs may therefore utilize the range of weaponry permitted for civilian use. PSC weapons must be registered in the name of the company, and all armed PSC personnel must have the corresponding license, directly connected to their employer. The connection of the PSC employee license to the company means that the license does not travel with the individual from company to company. If a PSC employee is fired or retires from his or her employment, the license is revoked; upon an eventual new position in another company, he/she would need to request the issuance of a new license.

In recent years, the Government of Costa Rica has implemented a policy that only allows PSCs to acquire new small arms if they can document a new client contract justifying the requirement for additional weapons, over and above existing inventories. In any case, the highest number of permitted small arms currently held in inventory in Costa Rica is 262.⁹⁸

The Ministry of Public Security's Directorate for Private Security Services is authorized to review the PSC weapons storage and security conditions and to make recommendations for improvements. If the PSC does not implement those improvements, the authorities can take administrative actions, including the revocation of weapons possession and of PSC personnel carrying permits.

⁹⁴ Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, National Legislation Studies on PMSCs, Study on South American, United Nations Office of the High Commissioner for Human Rights, 2015, p. 17. Available at: <http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/NationalLegislationStudies.aspx>, (accessed 5 May 2016)

⁹⁵ *Ibid.*

⁹⁶ Interview with the former Superintendent of the Superintendencia de Seguridad y Vigilancia Privada, Republic of Colombia, Mr. Felipe Murgueitio, Lima, Peru, 1 September 2011.

⁹⁷ Costa Rica, Law 7530 on Firearms and Ammunition, 23 August 1995 (revised 12 May 2011), available at: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param2=NRTC&nValor1=1&nValor2=26048¶m2=1&strTipM=TC&Resultado=2&strSim=simp, (accessed October 2016).

⁹⁸ Interview with William Hidalgo, Director, Dirección General de Armamento, Ministry of Public Security, San José, Costa Rica, 14 August 2015.

Dominican Republic

In the Dominican Republic, the Ministry of Interior manages all authorization processes for civilian and PSC' weapons through the Ballistic and Biometric Laboratory of the National Firearms System.⁹⁹ This system is responsible for registering all weapons, taking ballistics samples from each of them, and for registering fingerprints from all authorized users. All PSC ballistic samples are then scanned into a digital imaging system. This system can be used for future comparisons, in case a PSC weapon is suspected of being involved in a criminal incident.¹⁰⁰

The Dominican Republic's legislation also forbids PSCs and civilians from using military-style weapons. Under national law, military-style weapons include .45 calibre pistols, semi-automatic rifles and carbines, machine guns, and artillery weapons.¹⁰¹ The law also enables the government authorities to prohibit the use of otherwise permitted calibres if the weapons in question have undergone some sort of modification that alters their functionality.

PSC stockpiles must be managed by retired personnel from either the police or the military forces with no record of misconduct. PSC's small arms and ammunition stockpile facilities must be separated from other areas of the company, and organized with appropriate security measures.¹⁰²

El Salvador

In El Salvador, nearly all PSCs employ armed personnel. The law does not make a distinction between armed and unarmed PSCs. The national law on PSS requires that PSCs be authorized by the General Director of the National Civilian Police in order to begin operations. This authorization is granted following a number of administrative procedures, including an inspection of the PSC small arms and ammunition stockpile to verify inventories, as well as security measures.¹⁰³ Conversely, the Ministry of Defence's logistics directorate is responsible for authorizing weapons possession and carrying permits to the PSC and its personnel. To gain such an authorization, one must first obtain the authorization for operations emitted by the national police.¹⁰⁴ PSCs may possess and carry the following types and calibres of weapons as permitted under national law:¹⁰⁵

- Revolvers and pistols of calibres up to 11.6 mm or the equivalent in inches;
- Rifles of calibres up to 11.6 mm or the equivalent in inches; and
- Shottuns of calibres .410 inches to .774 inches.

⁹⁹ For more information, see the official website of the Dominican Ministry of Interior and Police: <http://www.mip.gob.do/index.php/sobre-el-programa-armas>, (accessed 20 June 2016).

¹⁰⁰ Interview with Andrés Grullón, Director of Operations, Laboratorio Balístico y Biométrico del SISNA, Government of the Dominican Republic, Lima, Peru, 28 April 2016.

¹⁰¹ Dominican Republic, Ley N° 36-65 mediante la cual se regula el comercio, porte y tenencia de armas, 18 October 1965, Article 2.

¹⁰² Ibid.

¹⁰³ Republic of El Salvador, Ley de los servicios privados de seguridad No. 227, 24 January 2001, Article 5.

¹⁰⁴ Republic of El Salvador, Ley de control y regulación de armas de fuego, municiones, explosivos y artículos similares, 1999, Article 21.

¹⁰⁵ Ibid, Article 7.

Under existing legislation, PSCs are prohibited from using automatic fire weapons, as well as expanding ammunition. PSCs have a duty to report stolen or lost weapons within 72 hours to the relevant authorities. PSCs must also provide the police with small arms and ammunition inventory reports on a monthly and quarterly basis.

There is no express limit as to the quantity of weapons that PSCs may own, but, as a rule of thumb, the national authorities consider two weapons per PSC armed personnel (one handgun and one long gun) as acceptable parameters.¹⁰⁶ However, the Ministry of Justice and Public Security (the line ministry for the police) has the discretion to limit the overall size of a PSC arsenal using 'proportionality' and 'functionality' as criteria.¹⁰⁷

One additional element particular to the Salvadoran legal framework governing PSC small arms is that the Government of El Salvador retains the right to temporarily take possession of PSC weapons when armed guards go on strike or protest, in order to prevent the escalation of armed violence. The weapons are to be returned when the crisis has concluded. However, no case could be identified in which this policy has been implemented.¹⁰⁸

Peru

Contrary to most other jurisdictions addressed in this study, PSCs and their weapons are regulated by one single entity in Peru, situated within the Interior Ministry: the Superintendence for the Control of Security Services, Firearms, Ammunition and Civilian Explosives, also referred to as SUCAMEC. Under Peruvian regulations, PSCs may use the following weapons for armed security services within the national jurisdiction:¹⁰⁹

- Revolvers up to .38 calibre with a maximum barrel length of 6 inches and capacity of no greater than 8 rounds of ammunition;
- Pistols up to a maximum of calibre 9mm and magazines that hold no more than 15 rounds of ammunition;
- Pump action shotguns with a maximum holding capacity of 8 rounds; and
- Rifles and carbines (including semi-automatic) up to .44 in calibre with magazines with a maximum capacity for 15 rounds of ammunition.

¹⁰⁶ E. Amaya, *op. cit.*, p. 8.

¹⁰⁷ Republic of El Salvador, Ley de los servicios privados de seguridad No. 227, 2001, Article 10.

¹⁰⁸ Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, National Legislation Studies on PMSCS, Study on Central American, United Nations Office of the High Commissioner for Human Rights, 2015, p. 17. Available at:

<http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/NationalLegislationStudies.aspx>. (Accessed on 5 May 2016)

¹⁰⁹ Republic of Peru, Decreto Supremo No. 007-98-IN: Reglamento de ley que norma la fabricación, comercio, posesión y uso por particulares de las armas y municiones que no son de guerra, 5 October 1998.

As in most national jurisdictions, PSCs are prohibited from using automatic-fire weapons as well as expanding bullets. Security guards must pass written and practical tests on a government firing range, administered by the SUCAMEC in order to receive the authorization to provide armed security for their employers.

The Peruvian legislation also addresses PSC weapons and ammunition stockpile management.¹¹⁰ Companies with less than ten weapons must use a safe box, while those with more than ten must have a 'proper armoury'. A 'proper armoury' must have a fixed location, force-resistant doors, security cameras and alarms. For each of these parameters, specific technical criteria have been set. In the event that a PSC fails to meet these requirements, their weapons can be retained by the SUCAMEC for temporary safekeeping until deficiencies have been addressed.

After his/her shift is completed, the PSC agent must turn over weapons and ammunition to the PSC agent assigned to the next shift. In case the post does not operate 24 hours a day, the company must take the weapons to a central location. PSC weapons are generally specific to a client post and not assigned to individual PSC agents.

Trinidad and Tobago

PSCs in Trinidad and Tobago can act as auxiliaries of the justice system, in which case they are granted special powers. PSC guards are authorized to use lethal force where justified by absolute necessity. PSC personnel also have powers to arrest an individual if he or she is violent or demonstrates to be at risk of flight. In times of crisis, the Commissioner can potentially call on all precepted¹¹¹ officers to enhance the regular police force. And when precepted, private security officers perform an ostensibly public function—such as prisoner transport—on behalf of a PSC, they also enjoy quasi-police status.¹¹²

¹¹⁰ Republic of Peru, Decreto Supremo No. 003-11-IN: Reglamento de ley No. 28879 – Ley de servicios de seguridad privada, 31 March 2011.

¹¹¹ There are two types of Security Officers in Trinidad and Tobago – those who are precepted by the Commissioner of Police and those who are not. Those who are precepted (granted special powers of arrest, etc.) are referred to as Supplemental or Estate Police (refer to Supplemental Police Act, Chapter 15:02) and those who are not, are referred to as Security Officers or Guards.

¹¹² University of the West Indies and Project Ploughshares, *op. cit.*, p. 57.

D. Professionalizing operations: training frameworks and codes of conduct

In order to improve the performance of PSC personnel on the ground, implementation of training frameworks and clear rules of behaviour must be set out in laws or codes of conducts addressed at personnel.

PSC training frameworks are constantly evolving in the region, driven by legal reforms on one side and private sector innovation on the other side. Increasingly, social and ethical content is being integrated as a mandatory component of academic PSC training curriculum, including training on human rights. With this evolution, controversy has also risen over who should bear the cost of PSC's personnel basic and refresher training: the company itself or each individual.

Codes of conduct related to PSC activities are complementary to legal obligations. Usually set in the form of a series of principles of behaviour, codes of conduct help to support the implementation of law. Codes of conduct are usually voluntary, which is both one of their greater strengths and weaknesses. Thanks to their voluntary nature, they can foster higher standards than legislation, and are easier to adapt to new developments within the sector. Codes of conduct can be issued by legal authorities or stem directly from the PSCs, in line with their corporate principles.

This section will outline PSC training frameworks for six countries of the LAC region, and will then indicate some examples of how basic rules of behaviour are laid down in law and of how PSC codes of conduct are addressed by national legislation.

Republic of Peru, Decreto Supremo No. 003-11-IN: Reglamento de ley No. 28879 – Ley de servicios de seguridad privada, 31 March 2011.
There are two types of Security Officers in Trinidad and Tobago – those who are precepted by the Commissioner of Police and those who are not. Those who are precepted (granted special powers of arrest, etc.) are referred to as Supplemental or Estate Police (refer to Supplemental Police Act, Chapter 15:02) and those who are not, are referred to as Security Officers or Guards.
University of the West Indies and Project Ploughshares, op. cit., p. 57.

Training frameworks

Argentina

Due to Argentina's federal system of government, training requirements for PSC personnel are varied and dispersed throughout the country. Legislation in the province of Buenos Aires mandated the development of private training centres and the definition of study plans for the training of PSC personnel.¹¹³ The basic training for PSC guards, defined according to this legislation, costs approximately USD 70 and includes the following topics, over a two weeks schedule:¹¹⁴ It should be noted that this is the programme of a specific training company. Other programmes may vary.

Subject	Hours
• Legal notions	18
• Technical procedures	20
• Target practice	12
• First aid	9
• Human rights	12
• Fire prevention and response	8
• Physical fitness	12
• Self defence	10
Total	101

Colombia

In July 2011, the Superintendence of Private Security and Protection Companies issued a ministerial level resolution updating training schemes for private security.¹¹⁶ The resolution set introductory training at 100 hours, continued/refresher training to an additional 30 hours and advanced training an additional 30 hours. To successfully complete the training, PSC personnel must reach a minimum 80% overall score, 70 to 80% on target shooting, depending on whether the course is introductory, refresher or advanced, 60% minimum score on the social and humanistic elements of training, and demonstrate a perfect attendance. The study plan revised in 2011 includes the following subjects and hours:¹¹⁷

¹¹³ Argentina, Government of the Province of Buenos Aires, Ley N° 12297/1999: Actividades de las personas jurídicas prestadoras del servicio de seguridad privada, 21 April 1999, Article 18.

¹¹⁴ Instituto Argentino de Seguridad Integral, http://www.iasi.com.ar/htmls/Curso_B%C3%A1sico_Vigiladores.html, (accessed on 11 May 2016).

¹¹⁵ Full name: Superintendencia de Vigilancia y Seguridad Privada, resorting under the Colombian Ministry of Defence.

¹¹⁶ Superintendencia de Vigilancia y Seguridad Privada, Republic of Colombia, Resolución 4973, 27 July 2011. See: http://legal.legis.com.co/document?obra=legcol&document=legcol_aa42261ff17b0226e0430a0101510226, (accessed on 15 July 2016).

¹¹⁷ Ibid.

Subject	Hours
• Social / humanistic (ethics, public relations, customer service, stress management)	18
• Legal aspects (human rights, constitution, criminal/penal law, relations w/police and military, etcetera)	21
• Private security procedures (decision-making, documentation, access control, alarms management, modalities of crime, etcetera)	28
• Technical functions (explosives ID and safety, less lethal weapons, radio communication)	16
• Emergencies, fire prevention and response and first aid	7
• Physical condition and self defence	4
• Firearms (basic knowledge and target practice)	6
Total	100

The introductory training must not cost more than one month of a PSC guard's salary, and the costs must be covered by the prospective employer.

Costa Rica

Costa Rican law requires that PSC personnel pass a basic private security course that covers the following areas:¹¹⁸

- Inter-personal/community relations
- Professional ethics
- Public security legislation
- Human rights
- Technical procedures
- Firearms handling and use (with a focus on .38 revolvers, 9 mm pistols and shotguns)
- Security of physical infrastructure
- Radio communication

The training is delivered either by the national police academy or by a duly authorized private institution.

In terms of use of force, the training manual of the basic course on private security, which is taught by the Police Training Academy, refers to reasonability and proportionality, but does not refer to the main UN and international norms in this area.¹¹⁹ The manual also provides a detailed conceptual discussion of human rights although the material does not relate it directly to the daily work of a PSC guard. Those elements may be more directly addressed during classroom instruction. The programme has a 42 hours duration over a five-day period and costs approximately USD 50.

¹¹⁸ Escuela Nacional de Policía, Curso Básico de Seguridad Privada, San Jose, Costa Rica, Ministerio de Seguridad Pública, October 2011, available at: http://www.seguridadpublica.go.cr/direccion/escuela_policia/directrices/Manual%20de%20Seg.%20Priv.%20actualizado%20ENERO%20202013.pdf, (accessed 15 July 2016).

¹¹⁹ Ibid.

The current Costa Rican law on private security services, in its article 4, refers to a series of ethical principles that PSC guards must adhere to:¹²⁰

- Carry and utilize only firearms that are legally permitted under the national firearms law.
- Assist public security authorities upon request.
- Report the facts about security-related incidents observed to judicial authorities.
- Always carry PSC guard ID and company issued-uniform while on duty.
- Only detain individuals momentarily and when caught in an illegal act.
- Immediately report detention to public authorities and refrain from interrogation.
- Protect the physical integrity and honor of all persons engaged.
- Maintain the privacy of individuals' personal documents and other digital communications.
- Never take on the functions of public officials.

El Salvador

In El Salvador, PSC introductory training is similar in cost, content and duration to those for PSC personnel in Costa Rica, described above. The introductory trainings are delivered by the national Police Training Academy and the week-long course covers the following modules:¹²¹

- Human rights
- Mental health
- Legal issues relevant to private security duties
- Private security procedures and techniques
- Extra-curricular activities

Article 13 of the law on PSS in El Salvador calls for PSCs and their employees to behave in line with a Code of Behaviour to be defined through the secondary regulations called for in the law. However, to date, this Code has not been adopted nor integrated into the national legal framework.¹²²

Guatemala

In Guatemala, the 'Dirección General de Servicios de Seguridad Privada', under the Ministry of Government, is in charge of defining and approving the content of the training programs for PSC personnel, including its administrative, as well as its operative personnel.¹²³ Completion of this defined training programme is a mandatory requirement for all PSC personnel.¹²⁴ The PSCs have the duty to guarantee and to check the formation of each of its employees.¹²⁵

¹²⁰ Government of the Republic of Costa Rica, Ley de Regulación de Servicios de Seguridad Privados No. 8395, 12 May 2003, Articles 4, 16 and 45.

¹²¹ See on the official website of the National police training academy (ANSP): <http://www.ansp.gob.sv/actualizacion-y-especialidades/> (accessed 6 July 2016).

¹²² Government of the Republic of El Salvador, Ley de los Servicios Privados de Seguridad de 2001 y reformas del año 2003, 6 March 2003, Article 13.

¹²³ Guatemala, Decreto N°52-2010, Ley que Regula los Servicios de Seguridad Privada, art. 7.h, available at: <http://www.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnálisisDocumentaciónJudicial/cds/CDs%20Leyes/2010/pdfs/decretos/D052-2010.pdf>, (accessed 22 June 2016)

¹²⁴ Ibid, art. 42.d.

¹²⁵ Ibid, art. 51.a.

The defined content includes several modules, divided into three areas:

- Humanist theory area
 - interpersonal and human relations
 - what is expected of private security agents
 - ethic norms in the service
 - behaviour, functions and obligation of PSC personnel
- Juridical theory area
 - legal basis
 - constitution (incl. human rights)
 - penal code
 - law regulating private security services
- Operative technical area
 - functions
 - definition and weapon straining
 - industrial security¹²⁶

Jamaica

The Private Security Regulatory Authority of Jamaica requires that all private security personnel receive more than 80 hours of training from military, police, or other legally authorized trainers. All PSC personnel must pass a course that covers the following material:¹²⁷

Subject	Hours
● Principles of security (access control, search procedures, record keeping)	11
● Communication skills (verbal, telephone, radio, written)	15
● Self defence (use of baton)	6
● First aid	11
● Legal (criminology, legal powers, use of force, relations with security forces, crime scene and court appearances)	14
● Protocol/grooming	3
● Tactical skills (control points, crowd control, emergency drills)	10
● Fire safety (prevention and precautions, firefighting equipment)	6
● Stress management	6
Total	82

¹²⁶ Dirección General de Servicios de Seguridad Privada, Manual del Curso Básico de Agentes de Seguridad Privada, available at: <http://iepad.es/wp-content/uploads/2014/04/Manual-Curso-basico.pdf>, (accessed 22 June 2106).

¹²⁷ Private Security Regulatory Authority, Government of Jamaica, <http://www.pspa.gov.jm/training.html>, (accessed 11 May 2016).

Additionally, armed guards must undergo additional small arms training that includes:¹²⁸

Subject	Hours
• Intro to firearms	1 hour
• The Firearms Act	1 hour
• Firearms – legal and moral responsibilities	40 min
• Structure of firearms	40 min
• Safe handling of weapons	40 min
• Weapons care and maintenance	1 hour
• Weapons carrying and use	40 min
• Principles of shooting	1 h 20 min
• Range firing preparation	1 h 10 min
• Range firing (live)	1 hour
• Written test	1 hour
• Evaluation	1 hour
• Other	1 hour
Total	12 hours and 10 min

This course for PSC firearms users takes place over two days.

Peru

In Peru, PSC personnel must pass an initial training course, and must later go through continued refresher training to maintain their authorizations. The most recent update to the introductory training curriculum includes the following topics:¹²⁹

Subject	Hours
• Constitution and human rights	6
• Private security legislation	6
• Ethics	4
• Security rules and procedures	6
• Emergency response and installations security	6
• Customer service and ID	5
• Firearms awareness and handling	6
• First aid	6
• Report writing and record keeping	5
• Radio communication and alarms response	6
• Self defence	4
Total	60

¹²⁸ Ibid.

¹²⁹ Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosivos de Uso Civil, Government of the Republic of Peru, Resolución de Superintendencia 074-2015-SUCAMEC-SN, 20 March 2015, Article 6.2.

ARMED PRIVATE SECURITY IN LATIN AMERICA AND THE CARIBBEAN: Oversight and accountability in an evolving context

Refresher courses are shorter and do not include specific time slots for human rights content. In Peru, PSC guard training is not undertaken by government agencies, but rather by legally authorized instructors and training centres.

In its sections on principles, a recently passed legislative decree governing PSS in Peru, calls on PSCs to develop their own internal procedures in a transparent way, at the same time promoting the development and implementation of codes of conduct applicable to the different modalities of security services, including armed security.¹³⁰ A national code of conduct that can be voluntarily accessed by companies, thereby giving them contracting advantages, is currently being developed by SUCAMEC.¹³¹

¹³⁰ El Peruano, Normas Legales: Decreto Legislativo que Regula los Servicios de Seguridad Privada, 24 September 2015.

¹³¹ Interview with Cristhiam Leon, Manager of Private Security, Peruvian Superintendencia Nacional de Control de Servicios de Seguridad, Armas, Municiones y Explosivos de Uso Civil, Lima, Peru, 8 May 2016.

Codes of conduct and other behavioural instructions – selected cases¹³²

Barbados

The Government of Barbados elaborated a code of conduct for private security guards operating in its jurisdiction. This code includes the following elements:¹³³

- A guard must at all times maintain a high standard of behaviour and undertake any duties assigned to him/her in a professional and responsible manner.
- A guard must carry his/her ID card at all times when on duty and shall produce it to a member of the police force or his/her employer when requested to do so.
- A guard must assist a police officer in making an arrest or in the prevention of a breach of the peace if requested to do so.
- A guard must produce his/her ID card on the request of a member of the public, where appropriate.
- A guard must not wear his/her uniform unless he/she is on duty, which includes journeying to and from work.
- A guard must exercise due care in carrying out his/her duties and must not use more force than is reasonably necessary.
- A guard must at all times act reasonably in the performance of his/her duties.
- A guard is expected to be civil to the public at all times and refrain from acting in a manner which could bring the security service into disrepute.
- A guard is expected to be honest and refrain from knowingly making or singing any false statement.
- A guard must not accept any tip, bribe or other inducement.
- A guard must not render him or herself incapable of effectively performing his/her duties on account of the influence of alcohol or any drug.

Guyana

In Guyana, national law requires that each PSC adopt its own disciplinary code that governs the conduct of guards and supervisors.¹³⁴

Mexico

Article 32 of Mexican law establishes a code of conduct in regards to PSC obligations, including:¹³⁵

- Provide periodic training to all personnel, appropriate to the modality of security services they provide.
- Only use weapons and equipment authorized by the national authorities.
- Avoid use of logos, clothing and language restricted to the use of the armed forces.
- Avoid at all times acts of torture, cruelty, inhuman and degrading treatment even when ordered to do so by superiors.
- Refrain from giving or receiving tips and gifts at all times.

¹³² These are selected cases. It does not mean that a county under the Code of Conduct section does not have a training framework for PSC guards.

¹³³ Government of Barbados, *Private Investigators and Security Guards Regulations*, 13 October 1985, Annex 1, Schedule 2.

¹³⁴ Government of the Cooperative Republic of Guyana, *Private Security Services Bill 32/2009*, 29 October 2009, Article 11, available at: http://parliament.gov.gy/documents/acts/2964-act_no_32.pdf, (accessed 6 July 2016).

¹³⁵ Cámara de Diputados del H. Congreso de la Nación, *Estados Unidos Mexicanos, Ley Federal de Seguridad Privada*, Last reforms published on 17 October 2011, Article 32, available at: <http://www.diputados.gob.mx/LeyesBiblio/pdf/LFSP.pdf>, (accessed 6 July 2016).

Nicaragua

Under the most recent legislation approved in Nicaragua the duties of PSC personnel include:¹³⁶

- Carrying PSC guard ID at all times.
- Carry firearms license at all times.
- Only use firearms and non-lethal weapons according to authorized techniques.
- Use company issue uniform while on duty.
- Maintain discretion regarding information obtained while on the job.
- Never abandon assigned work post while on duty.
- Participate in all trainings and meetings provided by the PSC.

¹³⁶ Government of the Republic of Nicaragua, Ley 903, Ley de Servicios de Seguridad Privada, 29 July 2015, Article, 41, available at: <http://www.mific.gob.ni/Portals/0/Documentos%20UGA/Gacetas%20a%C3%B1o%202015/G.%20No.%20141Ley%20903%20Seguridad%20Privada.pdf> (accessed 6 July 2016).

Main findings – Section 2

Section 2 provides an overview of the legislative and regulatory framework of the private security sector in the LAC region. Most countries in the region have adopted national legislation specific to the private security sector and its operations, usually focusing heavily on licensing procedures and requirements with less emphasis on oversight. There are a wide range of institutions and sectors engaged in the regulation of PSCs and their weapons. In some countries, the role is assigned to defence and military institutions, in others, to the interior and justices sectors. With a few notable exceptions, almost all States have chosen to appoint one institution regulating PSCs and another to regulate PSC small arms and ammunition holdings, leading to challenges for administrative sequencing, coordination and information-sharing.

The public security sector and the PSS are interconnected. In several cases, national legislation prohibits active military or police officers from owning PSCs or working as PSC personnel. However, this is not true across the board; some countries allow active police personnel to work as a private security provider when they are off duty, generating potential conflicts of interest.

Legal frameworks governing PSCs possession and use of small arms revolve around three key issues: the types and calibres of weapons allowed for PSC use; rules and regulations related to licensing and authorizing possession of weapons by companies and use by guards; and stockpile and inventory management requirements. While some countries from the Southern Cone of South America have seen a tendency towards the decreasing use of firearms by PSCs in recent years, firearms use by PSCs remains high in Central America, where some PSCs are even obliged to be armed by regulations and contracts with clients.

Lastly, in an effort to improve the performance of PSC personnel on the ground, PSC training frameworks are increasingly incorporating social, ethical and human rights content. Some governments are also adopting codes of conducts and statement of principles to help companies and their staff carry out their duties with greater respect for the law and the communities they serve in.



Section 3: Global norms and frameworks

A. International and regional normative framework

The security landscape is changing and expanding, not just in the LAC region, but globally. With it, the need for effective and relevant regulations to address the challenges presented by the evolution of the PSS is increasing. The potential for PSC operations to negatively impact human rights and the rule of law has been increasingly acknowledged in recent years leading to the development and adoption of diverse normative frameworks. There are several regulatory instruments at the international or regional level, which set out normative frameworks relevant for the private security industry and its use of force.

While international law provides a general framework for establishing State's obligations concerning the protection of human rights, the traditional international legal framework is challenged by questions of jurisdiction and extraterritoriality. Firstly, traditional international law is addressed to States, not to private actors. Secondly, the enforcement of both criminal and civil laws is problematic in cases where PSCs and their personnel operate across borders. Recent international initiatives have sought to address these challenges and contribute to global standard setting for PSCs. This section briefly presents some of the most relevant international and regional initiatives applicable to the private security industry.

The Montreux Document, the International Code of Conduct and the UN Draft International Convention on PMSCs are presented as the three main international initiatives developed specifically to address PSCs. Moreover, the Voluntary Principles on Security and Human Rights (VPs) and the UN Guiding Principles on Business and Human Rights (UNGPs) are introduced as examples of initiatives that, while not directly tailored to address PSCs, can nevertheless contribute to improving the regulation of the sector and setting higher standards in terms of respect for IHL and human rights and of accountability. Finally, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPOA), as well as the International Small Arms Control Standards (ISACS) and the International Ammunition Technical Guidelines (IATGs) are global initiatives on small arms and ammunition control, which have a bearing on private security actors.¹³⁷

¹³⁷ These examples were chosen as some of the most relevant in the context of this study, however this list is not meant to be exhaustive.

B. International frameworks on private military and security companies

The Montreux Document¹³⁸

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 (Montreux Document) was drafted at the initiative of the Swiss government and the International Committee of the Red Cross (ICRC). Finalized in 2008, it currently has the support of 53 States and 3 international organizations.

The Document does not create any new obligations: it only compiles and recalls existing international legal obligations stemming from international humanitarian law and human rights law, and provides practical guidance for effective state oversight. The Montreux Document therefore provides a clear response to the misconception that private military and security companies operate in a legal vacuum. It sets out obligations for home,¹³⁹ territorial¹⁴⁰ and contracting States¹⁴¹ when engaging with PMSCs.

The Montreux Document is divided into two parts. The first recalls State obligations based on human rights and humanitarian law applicable during armed conflict. The second part translates these legal obligations into good practices, supporting governments in establishing effective oversight and control over PMSCs. These good practices are also of relevance outside conflict situations, as they are best implemented during peacetime, providing a set of benchmarks for an effective national legal and regulatory system governing PSCs.¹⁴² From Latin America, Ecuador, Chile, Uruguay and Costa Rica are members of the Montreux Document.

¹³⁸ Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (hereafter: Montreux Document), 17 September 2008, available at: <http://www.mdforum.ch/pdf/document/en.pdf>.

¹³⁹ Home States are states of nationality of a PMSC, i.e. where a PMSC is registered or incorporated. See complete definition in the Montreux Document, Preface 9.e.

¹⁴⁰ Territorial States are states on whose territory PMSCs operate. See Montreux Document, Preface 9.d.

¹⁴¹ Contracting State are states that directly contract for the services of PMSCs. See complete definition in the Montreux Document, Preface 9.c.

¹⁴² Montreux Document, Part II.

Box 6: Good Practices of the Montreux Document

As an example, good practices 43 to 45, under the subsection B.VI “Rules on the provision of services by PMSCs and their personnel”, are of particular relevance in the context of the use of force. Among others, these recommend the following rules:

- using force and firearms only when necessary in self-defence or defence of third persons
- immediately reporting to and cooperation with competent authorities in the case of use of force and firearms.
- limiting the types and quantity of weapons and ammunition that a PMSC may import, possess or acquire;
- requiring the registration of weapons
- requiring PMSC personnel to obtain an authorization to carry weapons
- limiting the number of employees allowed to carry weapons in a specific context or area
- requiring the storage of weapons and ammunition in a secure and safe facility
- requiring that PMSC personnel carry authorized weapons only while on duty
- controlling the further possession and use of weapons and ammunition after an assignment is completed.

The International Code of Conduct

The International Code of Conduct for Private Security Service Providers (ICoC), agreed in 2010, is a multi-stakeholder initiative in which PSCs, governments and civil society organizations (CSOs) jointly agreed upon standards for PSCs in order to respect human rights and humanitarian law. While the Montreux Document sets out the obligations of States in relation to PSCs, the ICoC addresses the obligations of PSCs directly.

The ICoC requires its signatory companies to undertake to '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'. It applies only to security services delivered in 'complex environments'.¹⁴³ The ICoC is constructed around two main parts: firstly, the ICoC outlines core human rights principles, including the prohibition of torture and human trafficking and rules on the use of force and detention. Secondly, it sets out policy and management rules, such as vetting and training of personnel, weapons management, or grievance procedures, thereby outlining corporate good practices.

¹⁴³ 'Complex environment' is defined in the ICoC as “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.” See ICoC, Section B. Definition, available at: <http://www.icoca.ch/>.

The specific commitments of the ICoC regarding weapons include: (a) management of weapons; (b) weapons training; (c) management of materiel of war; and (d) incident reporting (on weapons use).¹⁴⁴ In 2013, a Geneva based Association was created, the ICoC Association (ICoCA), mandated to promote, govern and oversee the implementation of the ICoC through:

- Certification of member companies to ICoC standards;
- Reporting, monitoring and assessing performance of member companies' compliance with the ICoC; and
- Handling complaints on alleged violations of the ICoC.

Currently, 101 PSCs, 6 Governments (Australia, Norway, Sweden, Switzerland, the United Kingdom, and USA), and 16 CSOs are members of the ICoCA. Amongst them, 3 CSOs¹⁴⁵ and 4 companies¹⁴⁶ are from LAC. Furthermore, some 15 international companies, which are members of the ICoCA are actively operating in the region.¹⁴⁷ However, according to interviews conducted for this study, it seems that the ICoC is not well known by the subsidiaries and the local industry, prompting questions on how international companies ensure implementation by such subsidiaries. In addition, it is important to note that the largest PSC in Latin America, Prosegur, has not signed the ICoC.

Specifically, the ICoC has been used as a tool for improving private security operations in the region by the Inter-American Development Bank (IADB), which underlined the need to implement the ICoC in one of its projects in Haiti.¹⁴⁸ In a similar way, the World Bank highlighted the importance of the ICoC in infrastructure projects,¹⁴⁹ albeit without including a hard requirement in the procurement or compliance regulations of the Bank. Both the IADB and the World Bank can exert important influence, not only due to their ability to promote norms, but also because they could incorporate ICoC principles into standard contracts for loans and large infrastructure projects, which could positively impact, from the demand side, the regulatory environment for the private security industry at the regional level.

¹⁴⁴ International Code of Conduct for Private Security Service Providers, 2010, available at: http://www.icoca.ch/sites/all/themes/icoca/assets/icoc_english3.pdf.

¹⁴⁵ Indepaz from Colombia, the Instituto de Democracia y Derechos Humanos, from Peru, and Socios Peru, also from Peru.

¹⁴⁶ Interglobal Seguridad from Colombia, Centurion Security from Guatemala, Amalgamated Security, and Innovative Security Technologies, both from Trinidad and Tobago.

¹⁴⁷ Source: ICoCA Secretariat, email correspondence 29 April 2016. The number might fluctuate, as operations are ever changing. Companies include: Centurion; Veritas International; Somacor; Spartent; Vesper Group; Innovative Security Technologies; Interglobal Seguridad y Vigilancia; Siete24; Argus Security Projects; Amalgamated; Salamanca Group; Garda World; Securitas; Torres International.

¹⁴⁸ J. Renshaw and S. Casolaro and J.P. Mathurinm and D. Cahn, Haiti Social Impact Assessment: Key Impacts and Recommendations for Stakeholders of the Caracol Industrial Park, IADB, 10 February 2012, available at: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37091614>, (accessed June 2016).

¹⁴⁹ Handshake Issue N°9: Reconstructions PPP, International Finance Corporation (IFC), April 2013, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2015/09/03/090224b0828ca01e/1_0/Rendered/PDF/Handshake000IF0at e0partnerships0090.pdf, (accessed June 2016).

Industry standards

Building on the principles of the ICoC and the Montreux Document, two industry standards have been developed to provide auditable criteria and guidance to the private security industry: the ANSI/ASIS PSC.1-2012 standards (PSC.1) and the ISO 18788. PSC.1, issued by the American National Standard Institute and widely used for contracting in the US and UK, enables organizations to “demonstrate their commitment to integration of the principles of the Montreux Documents and ICoC into their management system and their day-to-day operations.”¹⁵⁰ ISO 18788 is based on PSC.1 and provides requirements and guidance for a management system with auditable criteria. It aims at improving security operations, in accordance with respect for human rights, legal obligations and good practices, particularly in conditions where governance and the rule of law have been weakened by conflict or disaster. Companies can be certified by accredited certification bodies to their compliance with this standard. The standard provides a mechanism for security providers and their clients to prove demonstrable commitment, conformance and accountability to the principles outlined in the ICoC.¹⁵¹

The UN Draft International Convention on Military and Security Companies

Dialogue between states has taken place for a number of years on an international level to develop a United Nations Convention to set out binding international regulation for the use of PMSCs.¹⁵² Such a Convention would provide a legal obligation for signatory states to develop domestic laws in line with the provisions set out in the Convention. The Draft Convention is being developed under the mandate of two working groups: the UN Working Group on the Use of Mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (WGM) and the UN open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (OEWG). However, a lack of consensus between states on its content has constrained this initiative from moving forward.

C. International frameworks relevant to private security companies

The Voluntary Principles on Security and Human Rights

The Voluntary Principles on Security and Human Rights (VPs) is a multi-stakeholder initiative established in 2000 involving governments, companies and non-governmental organizations (NGOs).¹⁵³ The VPs comprise a set of principles designed to guide extractive companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights.

¹⁵⁰ Management System for Quality of Private Security Company Operations Requirements with Guidance, ANSI/ASIS PSC.1-2012, introduction p. XV, available at: http://www.acq.osd.mil/log/ps/.psc.html/7_Management_System_for_Quality.pdf, (accessed June 2016).

¹⁵¹ A. McGuire, 'ISO Publishes Security Operations Management System Standard based on ANSI/ASIS.PSC.1:2012', Nasquad Global News Wire, 24 September 2015, <https://globenewswire.com/news-release/2015/09/24/770841/10150527/en/ISO-Publishes-Security-Operations-Management-System-Standard-based-on-ANSI-ASIS-PSC-1-2012.html>, (accessed June 2016).

¹⁵² See for more information: <http://www.ohchr.org/EN/HRBodies/HRC/WGMilitary/Pages/OEIWGMilitaryIndex.aspx> (accessed June 2016)

¹⁵³ See official website of the Voluntary Principles: <http://www.voluntaryprinciples.org/>.

Specifically, the principles guide companies in conducting a comprehensive assessment of security and human right risks in their engagement with public and private security providers in complex environments. The obligations on participating companies and governments to develop arrangement with private security that are in line with human rights, thus results in knock-on obligations for contracted PSCs.

Participants of the Voluntary Principles include 9 states, 30 companies and 10 NGOs (as of April 2016). While Colombia is to date the only Latin American member state, several companies with large extractive operations in LAC, and a number of NGOs active in the region are also official members.¹⁵⁴ In Colombia, a key initiative established to further the implementation of the Voluntary Principles is the Mining and Energy Committee on Security and Human Rights (CME), a public-private partnership that provides a forum for the identification and dissemination of security-related human rights best practices. Within the CME, the Contractors Working Group has for instance “...developed practical tools for companies in managing private security, through the translation of the Voluntary Principles into concrete on-the-ground actions that are specific to the Colombia context.”¹⁵⁵ Initiatives in other states of the LAC region, include a Working Group on the Voluntary Principles in Peru, which serves to improve awareness about the VPs, as well as to discuss local security and human rights challenges and good practices to address them. Globally, several tools have been developed to support companies and governments in the implementation of this initiative,¹⁵⁶ including notably guidance specifically for engagement of VP companies with PSCs.¹⁵⁷

Guiding Principles on Business and Human Rights

The UN Guiding Principles were unanimously endorsed by the UN Human Rights Council in 2011. While the Guiding Principles recognize that the primary responsibility to protect human rights rests with states, they also specify that all companies have a duty to respect human rights. By improving private security industry standards, private security providers, states and CSOs can collectively address the dual problems of weak corporate governance and human rights abuses in a chaotic and fast-changing industry, as well as to meet their obligations under the GPs.

Sector specific initiatives setting standards of business operations in line with human rights, such as the ICoC and the VPs, are a way to implement the UN Guiding Principles, which are more general in nature. There is a continuing trend of inserting such obligations and broader company human rights due diligence into national laws, procurement policies and contracts, hence ensuring that these standards become an accepted norm.

¹⁵⁴ Inter alia, Anglo American, Barrick, Newmont Mining, Repsol, Rio Tinto, in the company pillar; inter alia International Alert and Human Rights Watch of the NGO pillar.

¹⁵⁵ Colombia Progress Report for the Voluntary Principles Initiative, The Process of Implementation of the Voluntary Principles in Colombia, 29 April 2014, <http://www.voluntaryprinciples.org/wp-content/uploads/2014/07/The-Colombia-VPs-Process-Report-2014-04-29.pdf>, (accessed June 2016).

¹⁵⁶ See <http://www.securityhumanrightshub.org/>

¹⁵⁷ Addressing Security and Human Rights Challenges in Complex Environments Toolkit - Third Edition (DCAF and ICRC, June 2016) Chapter 3: Private Security Providers <http://www.securityhumanrightshub.org/content/private-security-providers>, (accessed July 2016).

D. International frameworks on small arms control

UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

The States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001 the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA).¹⁵⁸ It has been adopted by all States from the LAC region. Although the PoA is not a legally binding instrument, it constitutes a political commitment and an unprecedented step towards supporting arms control measures. The UNPoA encourages States, regional and sub-regional bodies, international organizations and civil society to undertake measures at national, regional and global levels to eliminate the illicit trade in small arms and light weapons.¹⁵⁹

Both the UN Security Council and UN General Assembly welcomed the adoption of the PoA, calling on all Member States to take the necessary measures for the prompt implementation of the recommendations contained in the document. Since 2006, the UN has hosted two Review Conferences to review progress made in the PoA implementation. States have committed to meet on a biennial basis to consider the national, regional and global implementation, as well as to report every two years on its implementation.

As part of this programme, governments committed, inter alia, to the following:

- to establish adequate laws and regulations to control small and light weapons' (SALW) production, export, import, transit or retransfer;
- to establish national coordination agencies responsible for policy guidance, research and monitoring efforts;
- to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons;
- to establish national points of contact to act as liaison between States on matters related to UNPoA implementation;
- to keep adequate records, brokering, marking, and tracing systems;
- to establish stockpile management standards and procedures;
- to identify and dispose of firearms surpluses; and
- to engage in international cooperation and assistance

¹⁵⁸ Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15, New York, 9-20 July 2001.

¹⁵⁹ The term light weapons goes hand in hand with the term small arms in all international firearms instruments. It should be noted that light weapons refer to military weapons that require a team of two or more people to be used like heavy machine guns, portable anti-tank guns, mortars, portable launchers of anti-tank missile and rocket systems, and others. Light weapons are mainly used by the military. PSCs hold small arms as part of their much smaller and less varied weapons holdings.

Though the UNPoA does not explicitly mention private security, States are to consider PSCs' small arms control, regulation and oversight in their efforts to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients. In line with this, some of the measures States can implement towards enhanced small arms control addressed to PSCs, include the development of appropriate legislation and regulations on PSCs weapons' acquisition, recordkeeping, marking and tracing, physical security and stockpile management, and final disposal.

States can also include any relevant actions regarding PSCs' small arms control in the UNPoA reports. For instance, in its 2008 PoA report Guatemala mentioned the country had introduced measures to ensure all weapons in the possession of civilian security forces for use by the state and private security firms are marked and registered, and that this also includes a weapons database with ballistic fingerprints.¹⁶⁰ Likewise, Brazil reported in 2008 that the Sistema Nacional de Armas includes records of firearms acquired by citizens and firearms belonging to private security and armoured car companies.¹⁶¹

The International Small Arms Control Standards

The International Small Arms Control Standards (ISACS) were developed by the UN to provide guidelines for practitioners and policymakers on effective policy, programming and advice on curbing the illicit trade, uncontrolled proliferation and misuse of small arms and light weapons.¹⁶² The ISACS are framed by existing global agreements related to small arms and light weapons control¹⁶³ and build upon standards, best practice guidelines, model regulations, etc. that have been elaborated at the regional and sub-regional levels. ISACS were developed, and continue to be improved and supplemented, by a broad coalition of small arms control specialists drawn from the United Nations, governments, international and regional organizations, civil society and the private sector.

A number of ISACS modules provide practical guidance on instituting effective controls over the full life cycle of small arms and light weapons, ranging from legislative and regulatory, design and management and operational support. States can make use of several ISACS modules to implement small arms control policies and measures addressed to, but not exclusively, the private security industry.

¹⁶⁰ Parker, S. and Green, K., A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons. Analysis of National Reports, New York and Geneva, Small Arms Survey / United Nations Institute for Disarmament Research (UNIDIR), 2012, p.59.

¹⁶¹ Ibid, p.124-125.

¹⁶² See ISACS' official website: <http://www.smallarmsstandards.org/>, (accessed in October 2015).

¹⁶³ The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA); the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol).

The modules that could support States to develop and introduce small arms control policies and measures directed to the private security sector are listed below:

- ISACS 02.10 - Small arms and light weapons control in the context of preventing armed violence
- ISACS 03.20 - National controls over the international transfer of small arms and light weapons
- ISACS 03.21 - National controls over the end-user and end-use of internationally transferred SALW
- ISACS 03.30 - National regulation of civilian access to small arms and light weapons
- ISACS 03.40 - National coordinating mechanisms on small arms and light weapons
- ISACS 04.10 - Designing and implementing a National Action Plan
- ISACS 04.30 - Raising awareness of the need for small arms and light weapons control
- ISACS 04.40 - Monitoring, evaluation and reporting
- ISACS 05.20 - Stockpile management: Weapons
- ISACS 05.30 - Marking and recordkeeping
- ISACS 05.31 - Tracing illicit small arms and light weapons

In addition, two ISACS modules can be relevant to the private security industry itself:

- ISACS 03.30 - on “National regulation of civilian access to small arms and light weapons”, which includes standards about weapons licensing procedures for PSCs; and
- ISACS 05.20 - on “Stockpile management: Weapons”, which was originally contemplated for government security forces, but also provides a useful guidance for PSCs. These standards on stockpile management include, for example, questions related to stockpiles composition and location, risk assessment, physical security, operating procedures, security plan, staff selection, inventory management, and determination of surplus stocks

The International Ammunition Technical Guidelines

The International Ammunition Technical Guidelines (IATG) were developed in 2011 under the UN SaferGuard Programme¹⁶⁴ to provide States with guidelines for adequate ammunition management. Effective ammunition stockpile management needs a 'whole life management' approach, ranging from categorization and accounting, to physical security, to surveillance and to recurrently assessing the stability and reliability of ammunition. There are minimum standards of protective and physical security to be applied to the storage, use and movement of ammunition held by, or under control of PSCs.

¹⁶⁴ See their official website at: <https://www.un.org/disarmament/un-safeguard/>.

The inventory of most PSCs operating in Latin America and the Caribbean will generally be limited to ammunition classified under UN Hazard Division 1.4.¹⁶⁵ This simplifies the level of expertise required for effective management of the ammunition. Therefore, ammunition management by PSCs should include regulation, ammunition accounting requirements, Issue and receipt of ammunition, monthly stock checks, ammunition storage safety issues, and reporting loss of ammunition in order to comply with international standards.

PSCs that wish to improve the safety and security of their ammunition storage sites can apply relevant standards for the private security sector such as:

- Module 12.10 (Small unit ammunition storage) of the International Ammunition Technical Guidelines (IATGs), which introduces guidance for the safe storage and handling of ammunition in small units.

ISACS and IATGs are voluntary technical standards placed at the disposition of Latin American and Caribbean PSCs. However, they are significant, because they fill the gaps identified throughout the region in relation to safety, accounting and oversight.¹⁶⁶

Main findings – Section 3

Section 3 has discussed how several international or regional regulatory instruments relevant for PSCs and their use of force have been developed and adopted in responses to the global growth of the PSS. International frameworks, such as the Montreux Document, the ICoC, industry standards and the UN Draft International Convention on PMSCs provide a clear response to the misconception that private military and security companies operate in a legal vacuum: they provide guidance and recall existing international legal obligations stemming from international humanitarian law and human rights law. They set standards for the states engaging with PSCs, as well as for the operations of PSCs, and provide practical tools for PSC oversight.

Other international frameworks, such as the VPs, the UNGPs or international frameworks on small arms control, such as the UNPoA, ISACS and IATGs promote norms and provide technical guidance applicable to PSC activities. They also inspire higher standards within the industry. Both small arms and ammunition control standards serve not only as guidance for States in their oversight and control responsibilities, but also as reference for PSCs themselves in their efforts to maintain a better control of their firearms and ammunition.

However, most of these global frameworks are incipient and in some cases their operationalization is ongoing. Their wider dissemination and concrete implementation remains a work in progress.

¹⁶⁵ IATG 01.50 UN Explosive Classification System and Codes.

¹⁶⁶ Conclusions drawn from interviews, as well as from the amount of reported stockpile management challenges and firearms losses.

FORMED

PRIVATE

SECURIT

LATIN AMER

THE CARIBB

Section 4: Challenges

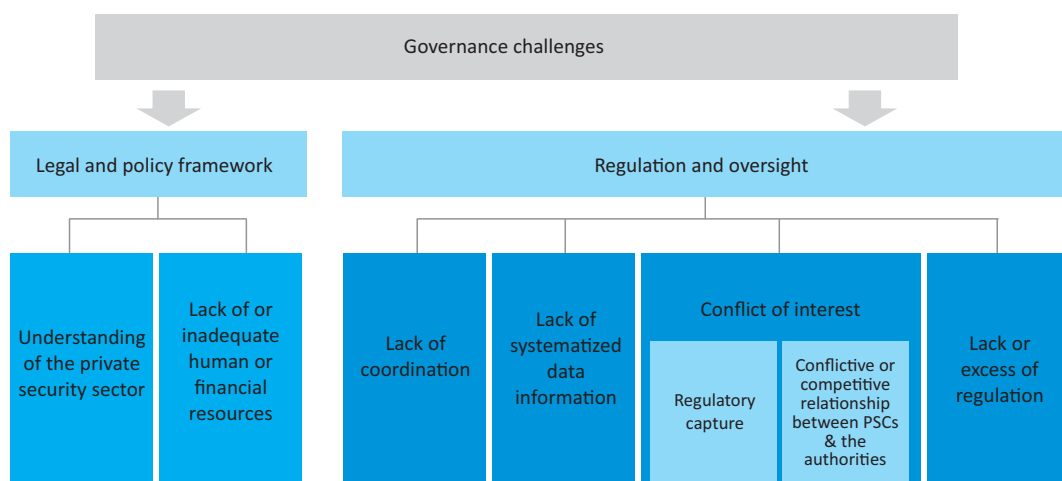
The private security industry in the LAC region faces serious challenges in the area of governance as well as at the operational level. The ability of government authorities to regulate and provide oversight of PSCs has proven to be largely insufficient. In particular, at the more operational level, staff training in areas such as human rights, use of force and firearms stockpile management is often deficient generating risks for companies and the communities where they work. The manifestation of these risks can have a direct impact on citizen security, development, human rights and the rule of law.

The challenge presented by private security governance in LAC goes beyond strengthening the service delivery of PSCs. It is very much about the lack of transparency, accountability and effectiveness and hence the need to strengthen good security sector governance. It is also about government and society looking at the PSS as part of the overall security sector and defining the relevant boundaries and parameters. This section summarizes and clarifies the most significant challenges related firstly to private security governance, and secondly to more specific issues related to small arms use and violence.

A. Governance challenges

Good governance of the PSS, including of possession and use of firearms, depends to a large extent on a State's legal and policy framework, as well as on its institutional capacities for regulation and oversight. Major challenges are encountered in both fields.

Figure 2: Governance challenges



1. Legal and Policy Framework

National legal frameworks regulating the PSS do not always adequately respond to the regulatory needs of a growing industry, in particular when it comes to the use and management of small arms. National frameworks can be inadequate, weak, contain gaps or be ineffective in reaching the desired policy goals.

Lack of specific Private Security Companies legislation and outdated legislation

Not every country in LAC has rules and regulations in place that apply to private security. Some regulations can be found either within laws and regulations on public security (regarding PSC guards) or within firearms legislation (regarding the licensing and possession of firearms for PSCs guards). Other countries have yet to adopt an effective and comprehensive set of rules that govern PSS providers.

In addition, some countries have outdated legislation and/or legislation without further regulation (e.g. decrees that create a control authority or regulatory body without including all aspects of governance structures). This creates gaps in the normative framework leaving aspects open to interpretation, such as quantities and types of weapons authorized to PSCs, role of the public forces vis-à-vis private security, or destiny of surplus weapons held by PSCs.

Understanding of the private security sector

Disagreements or simple lack of information and coordination between the government and the private security industry is one potential cause for inadequate regulation. Without transparent communication and in-depth knowledge of the PSS, there is a higher chance that regulation will not reflect the needs of the industry and its clients. Hence, an open dialogue with PSCs is essential to the development of appropriate laws and policies. Similarly, the lack of sufficient and trained personnel within the government to support research, communication and the necessary processes and mechanisms for coordination between public and private security presents a significant gap.

2. Regulation and Oversight

Lack of or inadequate financial and human resources

Even where national regulatory frameworks have been adopted, government agencies are often allocated insufficient resources to secure correct implementation and monitoring of compliance. In El Salvador, government agencies have insufficient personnel to adequately monitor the private security industry: as a consequence of this lack of capacity, from the total fines of USD\$ 325,000 imposed in 2011, only USD\$ 23,000 could be recovered.¹⁶⁷ In several countries, the oversight and regulatory entity has few employees to cover the quantity of PSCs.

¹⁶⁷ E. Amaya, *Mapeo sobre seguridad privada y armas de fuego en El Salvador*, 1 October 2015.

Lack of coordination

One key area for course correction identified by the authors in many countries is the issue of coordination. This is a particularly important issue in governments where PSC regulation and small arms control of PSCs weapons are undertaken by separate institutions or departments within the same agency. A lack of coordination and transparency often lead to bottlenecks in licensing processes. The absence of robust coordination and information-sharing mechanisms is a recurrent problem in the region and makes cross-referencing and proper monitoring of the private security industry and its weapons, or reviewing of records difficult. As mentioned in section 2. A, almost all of the countries in the region have separate agencies for regulating and licensing small arms control and private security.

In federal systems of government, the institutional arrangements are even more complex. In Argentina, the possession or carrying of firearms is regulated by the Registro Nacional de Armas (RENAR, National Weapons Registry), while private security is regulated by each of the 24 local jurisdictions (provinces and Federal Capital) and their responsible agencies. Thus, if PSCs wish to operate throughout the country, they need the authorization of 27 different agencies, in addition to the RENAR.

Disorganized data and lack of information systems

Very few countries in the LAC region have data information systems that house information related to both small arms control and broader PSC licensing. In theory, such systems should include reports of misconduct and incidents involving firearms use. Without such indicators, it is nearly impossible to evaluate the quality of government regulation and industry self-regulation. Ideally, information systems would also monitor companies that fall into the informal and/or irregular categories.

Conflicts of interest

There are a number of areas where conflicts of interest may arise impeding the design and implementation of healthy and robust regulatory and oversight mechanisms. First, strong links between the private and public security sectors, including the ownership and management of PSCs by both senior public officials and active and retired police and military personnel, may make even well-designed regulations difficult to implement in practice. Second, aggressive lobbying by the PSS may exert disproportional influence over legislation or regulations adopted by governments. Third, cases where police units or individual officers provide armed security services to private clients can create a market where the rules of engagement become blurred. Mechanisms to address conflicts of interest such as those mentioned above are few and far between, and where they do exist are rarely adequately implemented.

Excessive regulation

Excessive regulation can also weaken the system's effectiveness in creating unnecessarily heavy burdens, delays and deviating public resources. Such problems have been reported in the LAC region in relation to overly long and complex authorization processes or stringent certification requirements for unarmed guards, in combination with low enforcement capacities and resources.

B. Small arms and use of force challenges

Challenges linked to small arms and to the use of force by PSCs at the operational level are linked in two ways to the governance challenges described above. On the one hand, it is due to these challenges that improved legislation and more effective implementation is needed. On the other hand, these challenges are also a consequence of inadequate legislation and/or weak implementation. Both aspects are interlinked and must therefore be simultaneously addressed. Some examples of PSCs committing human rights abuses in the LAC region include:¹⁶⁸

- In Honduras, PSCs were widely reported to possess illegal weapons restricted to military and police use.¹⁶⁹
- Also in Honduras, PSCs and their personnel were accused of involvement in extra-judicial killings, forced disappearances, forced eviction, and sexual violence.¹⁷⁰
- In Peru, PSCs protecting extractive industries were reported to have restricted citizens' freedom of movement, as well as to have engaged in armed actions against individuals holding grievances against their clients.¹⁷¹
- Also in Peru, PSCs have been reported to exploit workers' rights through low wages, excessive work hours, and underpayment of social benefits.¹⁷²

This section establishes a typology of the different scenarios related to small arms control and the use of force that emanate from the armed PSS's activities in LAC, posing human rights and rule of law challenges. This typology is intended to help identify specific measures and strategies that can be pursued to minimize such occurrences, with the aim of strengthening both the rule of law and citizen security. This section identifies four main types of problematic: small arms use; small arms circulation; small arms storage; and small arms theft and violence against PSC personnel. Each of these challenges has been split into their most common scenarios, which are briefly explained through examples drawn from media reports, illustrating real-life cases from the LAC region.

¹⁶⁸ The investigations of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination has, among other, produced studies reporting on the human rights and rule of law issues related to PSC. In the frameworks of its global mandate, the Group visited four Latin American Countries: Honduras, Chile, Peru, and Ecuador. It also issued two studies addressing the national legislation on PMSCs: one on Central America and the second one on South America. See the Working Group's official website: <http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/WGMercenariesIndex.aspx>.

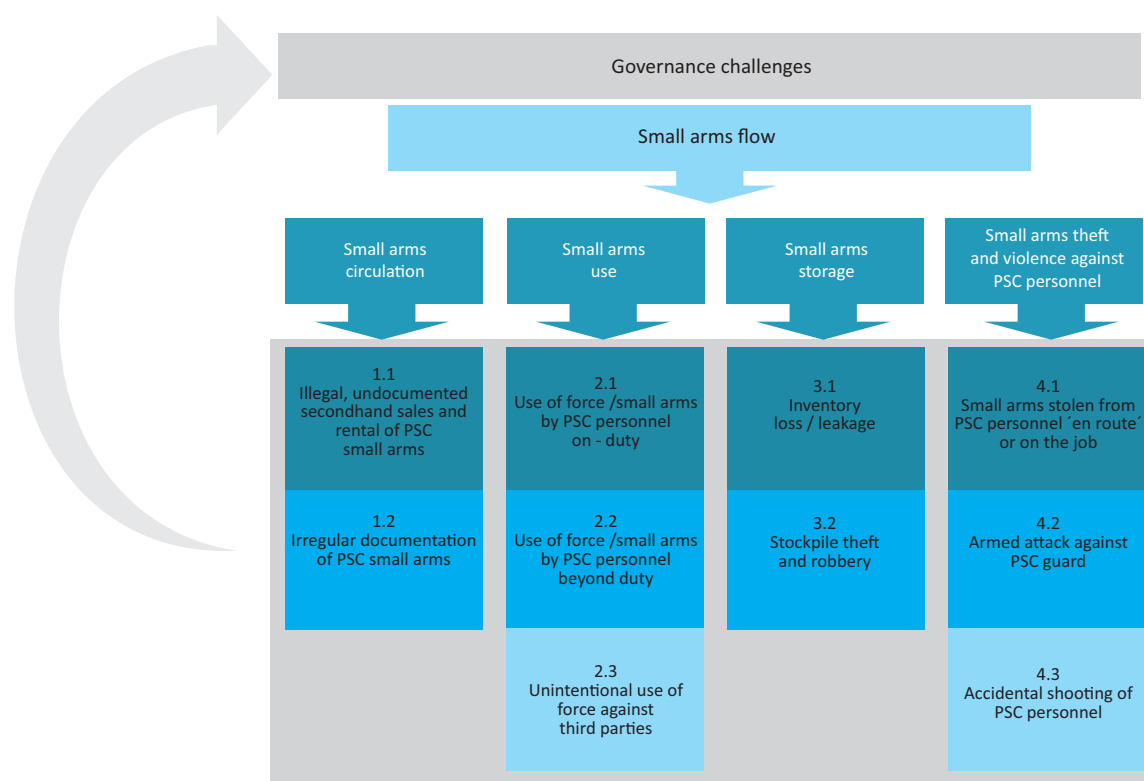
¹⁶⁹ United Nations, General Assembly, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination Addendum MISSION TO HONDURAS, A/HRC/4/42/Add.1 20 February 2007, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/109/69/PDF/G0710969.pdf?OpenElement>, (accessed June 2016), p. 15.

¹⁷⁰ United Nations, General Assembly, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination Addendum Mission to Honduras (18–22 February 2013), A/HRC/24/45/Add.1, available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/24/45/Add.1, (accessed June 2016), p. 12.

¹⁷¹ United Nations, General Assembly, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, MISSION TO PERU, A/HRC/7/7/Add.2 4 February 2008, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/104/19/PDF/G0810419.pdf?OpenElement>, (accessed June 2016), p. 15 – 16.

¹⁷² *Ibid.*

Figure 3: Small arms and use of force challenges



1. Small arms circulation

In the normal course of operations, a PSC would purchase small arms and ammunition via legal channels, obtaining possession and use permits from national authorities as called for under national laws and procedures. The weapons would then be stored, deployed to client posts, and maintained in accordance with applicable laws and safety procedures. They would only leave the company if taken into administrative and/or legal custody by authorities, sold to third parties when renewing inventory or during closing operations, or destroyed in accordance with national laws.

Nevertheless, several common patterns have been identified where small arms circulation move from the legal to the illegal domain. The most common of these patterns are analyzed hereafter.

Scenario 1.1: Illegal, undocumented second-hand sales and rental of PSC small arms

PSCs may contribute to the illicit circulation of small arms and ammunition through a number of modalities. These include serving as fronts for illegal arms purchases or renting and/or lending weapons to unauthorized users, such as irregular and illegal PSCs, common crime or organized crime. In some cases, PSCs have shut down operations and sold their weapons to third parties without adequately documenting the transfer of property and informing the authorities. In several national

jurisdictions there is a lack of clarity as to the final destination of PSCs weapons once a company ceases operations voluntarily or due to regulatory suspension or closure. Are they to be surrendered to the authorities for safekeeping, destroyed or sold to third parties? National frameworks would benefit from greater clarity in this area in order to prevent the illicit proliferation of small arms and ammunition.

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 1.1:

Colombia: the national regulatory authority confiscated 42 small arms from four different PSCs when it was discovered they were renting weapons to unauthorized persons and companies. Eighteen other companies are also under investigation for irregularities in their weapons management systems.¹⁷³

Colombia: an extortionist operating in the city of Cali was arrested with weapons, including 9mm pistols, legally registered to a PSC.¹⁷⁴

Costa Rica: a total of 7,070 firearms registered to PSCs have disappeared. These weapons had been registered before 2013 to a total of 707 companies and were lost over time with no record of their destination.¹⁷⁵

Dominican Republic: A PSC guard was arrested for renting his 12 gauge shotgun to criminals involved in home invasions and robberies.¹⁷⁶

Honduras: the government intelligence agency reported that PSCs were being used as fronts for organized crime rackets, including international weapons trafficking.¹⁷⁷

Trinidad and Tobago: a private security employee was charged in court for selling his company issued 9 mm pistol and 15 rounds of ammunition that he had originally reported as stolen.¹⁷⁸

¹⁷³ C. Chamat and A. Escobar, 'Seguridad privada bajo investigación' Bogotá, Colombia', El Mundo, 9 May 2012, http://www.elmundo.com/portal/noticias/seguridad/seguridad_privada_bajo_investigacion.php#.VxZ0HPnhBkg, (accessed 19 April 2016).

¹⁷⁴ 'La Dimax, una banda que operaba con armas legales', El País.com.co, 23 September 2015, <http://www.elpais.com.co/elpais/judicial/noticias/dimax-banda-delinquia-con-armas-legales>, (accessed 17 April 2016).

¹⁷⁵ C. Arguedas, '7.000 armas de vigilancia privada se esfumaron', La Nación, 24 May 2106, http://www.nacion.com/sucesos/seguridad/armas-vigilancia-privada-esfumaron_0_1562643732.html, (accessed 25 May 2016).

¹⁷⁶ 'Apresan vigilante alquilaba escopeta para que otros atracaran', Diario Digital RD, 4 March 2016, <http://diariodigital.com.do/2016/03/04/apresan-vigilante-alquilaba-escopeta-otros-atracaran/>, (accessed 17 April 2016).

¹⁷⁷ J. Bargent, 'Private Security Companies a Front for Criminals in Honduras', Insight Crime, 25 March 2013, <http://www.insightcrime.org/news-briefs/honduras-private-security-organized-crime>, (accessed 17 April 2016).

¹⁷⁸ 'Security guard in court: selling firearm', Trinidad Express, http://www.trinidadexpress.com/news/Security_guard_in_court__selling_firearm-115244474.html, (accessed 19 April 2016).

Scenario 1.2: Irregular documentation of PSC weapons

This scenario addresses the broader issue of irregularity and informality encountered throughout the PSC sector with respect to small arms and ammunition management. Among the phenomena frequently identified under this scenario are small arms inventories with no record of legal acquisition, weapons with altered or erased serial numbers, discrepancies between names on firearms user permits and actual users as well as the presence of prohibited weapons under national law.

Purchases by PSCs of weapons on the black-market have been reported on very sparsely. It is nevertheless mentioned here, given that it represents one source by which unregistered small arms reach PSCs and are kept in circulation while not being properly accounted for in national registries, hence evading control and oversight.

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 1.2:

Colombia: national authorities discovered that several PSCs held weapons in their inventories with erased or altered serial numbers. Altering serial numbers renders weapons illegal both under Colombian and international law.¹⁷⁹

Costa Rica: twenty percent (20%) of Costa Rican PSCs are under investigation for discrepancies between the names on weapons' carrying permits and the actual users of the weapons.¹⁸⁰

El Salvador: several security guards who provided night watch services to residential neighbourhoods were fired after it was discovered that they were affiliated with local gangs and used illegal, unregistered weapons on the job.¹⁸¹

Guatemala: three PSC guards, known to be associated with a violent street gang, were captured by the police in possession of a sub-machine gun, two pistols, a shotgun, a high capacity magazine and 63 rounds of mixed calibre ammunition. The use of several of these types of weapons is restricted to members of the Armed Forces. The PSC involved is owned by a government official responsible for presidential security and is dedicated primarily to providing security services to state entities.¹⁸²

Peru: of the 2,300 PSC small arms taken into custody by national authorities for administrative violations, 300 were illegal weapons that had erased serial numbers and no record of legal importation, sale or registry in the country.¹⁸³

Dominican Republic: due to a shortage of small arms and ammunition on the legal market, a PSC posted an announcement in a newspaper, seeking to purchase both long and handguns.¹⁸⁴

¹⁷⁹ C. Chamat and A. Escobar, 'Seguridad privada bajo investigación' Bogotá, Colombia', El Mundo, 9 May 2012, http://www.elmundo.com/portal/noticias/seguridad/seguridad_privada_bajo_investigacion.php#VxZ0HPnhBkg, (accessed 19 April 2016).

¹⁸⁰ H. Miranda, '390 empresas de vigilancia privada están en investigación', La Nación, 14 September 2012, http://www.elmundo.com/portal/noticias/seguridad/seguridad_privada_bajo_investigacion.php#VxZ0HPnhBkg, (accessed 19 April 2016)

¹⁸¹ J. Santos, 'Pandilleros laboran como vigilantes', La Prensa Gráfica, 15 April 2013, <http://www.laprensagrafica.com/pandilleros---laboran-como-vigilantes>, (accessed 19 April 2016).

¹⁸² CMI-G, 'Empresa de jefe de SAAS vende armas a pandilleros', Centro de Medios Independientes, 20 April 2016, <https://cmiguante.org/empresa-de-jefe-de-saas-vende-armas-a-pandilleros/>, (accessed 20 April 2016).

¹⁸³ 'Se duplican el número de armas incautadas con números de serie borrados', La República, 7 June 2015, <http://larepublica.pe/sociedad/5990-pnp-armas-incautadas-con-numero-de-serie-borrado-se-duplica>, (accessed 19 April 2016).

¹⁸⁴ E. Echavarría, 'Mercado negro de armas se expande en R. Dominicana', Pueblo en línea, 03 September 2010, <http://spanish.peopledaily.com.cn/31614/7127761.html>, (accessed 09 June 2016).

2. Small arms use

Scenario 2.1: Use of force by PSC personnel on duty

Several governments authorize PSCs to offer armed services allowing the use of weapons under agreed rules on use of force. It is difficult to make affirmations concerning specific cases in regards to the legality, necessity and proportionality of the use of lethal force. The scenarios documented hereafter illustrate situations whereby lethal force had been used by PSC personnel on-duty.

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 2.1:

Chile: a PSC guard exchanged fire with armed bank robbers after they fled from the bank with large sums of money.¹⁸⁵

Costa Rica: a fifteen-year-old youth was shot and killed when he and another man attempted to assault an on duty armed PSC guard in the town of Puntarenas.¹⁸⁶

Jamaica: a PSC guard engaged in a shootout with four armed robbers that broke into the warehouse he was protecting. One of the intruders was killed in the act.¹⁸⁷

Honduras: The security guard on a property shot and killed a young man who was picking mangos from a tree. The guard stated he believed the young man was trying to enter the property.¹⁸⁸

El Salvador: The security guard at a restaurant shot and killed a man because he was offended after the man threw garbage at him.¹⁸⁹

Scenario 2.2: Use of force by PSC personnel acting when off duty or outside mandated tasks

The cases of misuse and/or threat of illegal lethal force involving firearms are numerous, and mostly relate to workplace shootings. These cases often involve alcohol and/or the criminal use of company weapons by PSC personnel when off duty or while on duty, but engaged in activities outside their mandate. There have been cases documenting PSCs illegally using lethal force against protesters and local communities, these cases arise frequently around controversial extractive industry and natural resource projects.

¹⁸⁵ 'Delincuentes asaltan sucursal bancaria en Lo Valledor', 24 Horas, 13 April 2016, <http://www.24horas.cl/nacional/delincuentes-asaltan-sucursal-bancaria-en-lo-valledor-1985995>, (accessed 19 April 2016).

¹⁸⁶ A. Garita, 'Vigilante mata a menor de 15 años que intentó asaltarlo', La Nación, 9 March 2013, http://www.nacion.com/sucesos/Vigilante-mata-menor-intento-asaltarlo_0_1328267199.html, (accessed 20 April 2016).

¹⁸⁷ 'Security guard kills gunman in downtown wholesale break-in', Jamaica Observer, 6 September 2015, <http://www.jamaicaobserver.com/latestnews/Security-guards-kill-gunman-in-downtown-wholesale-break-in>, (accessed 19 April 2016).

¹⁸⁸ 'Guardia de seguridad mata a joven por bajar mangos', El Heraldo, 15 April 2013, <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Guardia-de-seguridad-mato-a-joven-por-bajar-mangos>, (accessed 9 July 2016)

¹⁸⁹ 'Vigilante mató a hombre porque le lanzó basura', La Prensa Gráfica, 3 October 2012, <http://www.laprensagrafica.com/Vigilante-mato-a-hombre-porque-le-lanzo-basura>, (accessed 9 July 2016).

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 2.2:

Antigua and Barbuda: a PSC guard shot and injured a work colleague with the company's weapon after a heated discussion. The company's firearm did not have a valid permit.¹⁹⁰

El Salvador: a security guard under the influence of alcohol while on duty killed his colleague, who had threatened to report him to the shift supervisor.¹⁹¹

Guatemala: the former head of security for a multinational mining company operating in Guatemala ordered private security employees to shoot at villagers protesting mining operations for environmental reasons. He was captured in Peru thanks to an INTERPOL alert.¹⁹²

Trinidad and Tobago: three uniformed PSC guards used their company weapons to intimidate, beat and rob an elderly man at an ATM machine.¹⁹³

Uruguay: two security guards working in an industrial complex died after a confrontation. One of the guards was under the influence of alcohol when the other tried to take away his firearm. One was shot and killed, while the other immediately committed suicide.¹⁹⁴

Venezuela: after a heated discussion, two off-duty security guards used their company issued weapons to murder a waiter at a local restaurant.¹⁹⁵

Scenario 2.3: Unintentional use of force against third parties

Even when using firearms strictly according to legal directives, PSC employees might cause firearms accidents with negative consequences, primarily as a result of stray bullets: bullets that do not reach their intended target and end up injuring and killing bystanders. PSCs may shoot into the air to alert potential robbers with innocent victims as a result. In addition, celebratory gunfire is a widespread cultural practice in some countries to celebrate New Year, soccer games and festivities and the participation of PSCs employees does happen on occasion.

¹⁹⁰ M. Johnson, 'Security guard shot in neck', Antigua Observer, 12 March 2012, <http://antiguaobserver.com/security-guard-shot-in-neck/>, (accessed 21 April 2016).

¹⁹¹ J. Santos, 'Vigilante ebrio mata a su compañero en Soyopango', La Prensa Gráfica, 27 December 2012, <http://www.laprensagrafica.com/vigilante-ebrio-mata-a-su-companero-en-soyapango>, (accessed 21 April 2016).

¹⁹² 'Capturan a Alberto Rotondo', La Hora, 22 January 2016, <http://lahora.gt/capturan-a-alberto-rotondo>, (accessed 21 April 2016).

¹⁹³ 'Trini security guards mercilessly beat old man at ATM', Jamaica Observer, 7 September 2012, <http://www.jamaicaobserver.com/news/Trini-security-guards-mercilessly-beat-old-man-at-ATM>, (accessed 19 April 2016).

¹⁹⁴ 'Guardia de seguridad asesinó a su compañero y se suicidó', El Telégrafo, 28 May 2012, <http://www.eltelegrafo.com/index.php?id=60379&seccion=nacionales&fechaedicion=2012-05-28>, (accessed 21 April 2016).

¹⁹⁵ 'Acusan a funcionarios de seguridad de matar a mesero', El Universal, 27 December 2012, available at: <http://www.eluniversal.com/sucesos/121227/acusan-a-funcionarios-de-seguridad-de-matar-a-mesero>, (accessed 15 October 2013).

Example drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 2.3:

Uruguay: a PSC guard protecting a residential neighbourhood fired his weapon at alleged thieves. A stray bullet hit a three-year old boy nearby, leaving him paralyzed.¹⁹⁶

El Salvador: An eight-year-old girl was shot and injured by a stray bullet in the town of San Miguel. The shot was fired by a PSC guard firing his service weapon to celebrate Christmas.¹⁹⁷

Guatemala: A woman was injured by a stray bullet fired by a PSC guard in a parking lot in a busy district of Guatemala City. The reasons surrounding the discharge of the weapon were not clear, but it appeared to be an accident.¹⁹⁸

Mexico: A stray bullet from a PSC guard killed a fifteen-year-old boy near a train depot. The guards were trying to stop a group of people from stealing corn from a cargo train car.¹⁹⁹

3. Small arms storage

Scenario 3.1: inventory loss and/or leakage; and Scenario 3.2: stockpile theft and/or robbery

Inventory loss and/or leakage imply weapons being taken by internal actors, such as PSC personnel. Stockpile theft and/or robbery imply external actors removing the weapons from the companies' facilities. While scenarios 3.1 and 3.2 are technically different, it proved difficult to identify loss of small arms and ammunition in the PSC sector in media reports. Stockpile theft, large or small, is on the other hand easier to identify. Interviews carried out in the framework of this study with PSC executives and managers suggest that Scenario 3.1 (inventory loss and/or leakage), does take place, in particular in relation to ammunition. However, this is not widely communicated since it may have legal implications and harm the reputation of companies.

¹⁹⁶ 'Niño de tres años podría quedar parapléjico por una bala perdida', La Red 21, 14 November 2007, <http://www.lr21.com.uy/justicia/284621-nino-de-tres-anos-podria-que-dar-paraplejico-por-una-bala-perdida>, (accessed 21 April 2016).

¹⁹⁷ 'Niña de 8 años es víctima de bala perdida,' San Miguel, El Salvador, Diario 1, 25 December 2013, available at: <http://diario1.com/nacionales/2013/12/nina-de-8-anos-victima-de-una-bala-perdida/>, (accessed on 21 April 2016).

¹⁹⁸ 'Bala perdida hiere a mujer en Zona 17,' Guatemala City, Publimetro, 11 January 2015, available at: <http://www.publinews.gt/nacionales/bala-perdida-hiere-a-mujer-en-supermercado-en-zona-17/Tetoal--0IEBHYBo5NxY/>, (accessed on 21 April 2016).

¹⁹⁹ 'Bala perdida mata a adolescente en Pénjamo', Jalisco, Mexico, Union Guanajuato, 11 December 2014, available at: <http://www.unionguajuato.mx/articulo/2014/11/12/seguridad/bala-perdida-mata-adolescente-en-penajamo>, (accessed on 21 April 2016).

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenarios 3.1 and 3.2:

Brazil: the Federal Police reported that 854 weapons and more than 8,000 rounds of ammunition were stolen from PSCs in Rio de Janeiro alone between 2011 and 2015. Most of the stolen weapons and ammunition ended up in the hands of armed militia groups.²⁰⁰

Costa Rica: armed assailants entered the bedroom of a house that was used to store PSC weapons and stole 19 shotguns, two revolvers and one pistol.²⁰¹

El Salvador: the national association for PSCs reported two of its member facilities had been broken into for the purpose of stealing weapons. In one case, 50 small arms were stolen and in the other, 20 were taken.²⁰²

Guatemala: two PSC guards were arrested by the police for the theft of 36 small arms from the company in which they worked, including shotguns and revolvers.²⁰³

Honduras: a PSC guard was killed by a group of armed intruders when they attacked his PSC outpost in the capital to steal five company weapons.²⁰⁴

Jamaica: six small arms and 72 rounds of ammunition were stolen from a PSC facility after an armed assault in the town of St. Andrews.²⁰⁵

Paraguay: firearms stolen from a PSC were recovered by the police. The premises of the PSC had been broken into and the assailants had taken seven 12 gauge shotguns, five .38 calibre revolvers and a box with an undisclosed quantity of weapons and ammunition.²⁰⁶

Peru: in the up-scale San Isidro district of Lima, 100 small arms were stolen from a PSC facility, including 43 shotguns, 59 revolvers, one pistol and an unidentified quantity of ammunition.²⁰⁷

Trinidad and Tobago: armed assailants attacked a PSC facility, stealing eleven 9mm semi-automatic pistols, one shotgun and a .357 calibre revolver from a vault located below the company's counter.²⁰⁸

²⁰⁰ A. Alejandro, 'Centenares de armas de la Policía Militar de Río de Janeiro en manos de las milicias', El Mundo, 28 October 2015, <http://www.elmundo.es/internacional/2015/10/28/563128c546163f65328b45f0.html>, (accessed 12 April 2016).

²⁰¹ R. Hernandez, 'Sujetos roban 19 escopetas de empresa de seguridad', La Nación, 30 July 2012, http://www.nacion.com/archivo/Sujetos-roban-escopetas-empresa-seguridad_0_1283871844.html, (accessed 12 April 2016).

²⁰² J. Santos, 'Empresas de seguridad perdieron 875 armas en dos años', La Prensa Gráfica, 8 June 2014, <http://www.laprensagrafica.com/2014/06/08/609-empresas-reportaron-robo-y-hurto-de-armas#sthash.yPsUSFaP.dpuf>, (accessed 12 April 2016).

²⁰³ 'Dos guardias de seguridad detenidos por robo de 36 armas de fuego', Emisoras Unidas, <http://noticias.emisorasunidas.com/noticias/nacionales/dos-guardias-seguridad-detenidos-robo-36-armas-fuego>, (accessed 12 April 2016).

²⁰⁴ 'Asesinan a guardia de seguridad y le roban varias armas', Tiempo, 26 March 2016, <http://www.tiempo.hn/asesinan-a-guardia-de-seguridad-y-le-roban-varias-armas/>, (accessed 18 April 2016).

²⁰⁵ 'Six firearms and ammunition robbed from security company, police launch probe', Jamaica Gleaner, 1 August 2015, <http://jamaica-gleaner.com/article/news/20150801/six-firearms-and-ammo-robbed-security-company-police-launch-probe>, (accessed 12 April 2016).

²⁰⁶ 'Recuperan armas robadas a empresa de seguridad en asalto', La Nación, 27 April 2015, <http://www.lanacion.com.py/2015/04/27/recuperan-armas-robadas-a-empresa-de-seguridad-en-asalto/>, (accessed 12 April 2016).

²⁰⁷ 'San Isidro: robaron más de 90 armas y municiones a empresa de seguridad', El Comercio, 7 August 2013, <http://elcomercio.pe/lima/sucesos/san-isidro-robaron-mas-90-armas-municiones-empresa-seguridad-noticia-1614389>, (accessed 12 April 2016).

²⁰⁸ A. Brusal, '11 of 13 stolen firearms from Mi5 security firm, still missing', Newsday, 13 November 2009, http://newsday.co.tt/crime_and_court/0,110846.html, (accessed 12 April 2016).

4. Small arms theft and violence against private security companies personnel

Scenario 4.1: Theft from PSC personnel 'en route' to or on the job

The most frequently identified scenario of small arms theft – also linked to the illegal circulation of small arms – is scenario 4.1, whereby the PSC employee's weapon is stolen when on duty or on his/her way to the workplace. Such cases often include lethal violence.

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 4.1:

Ecuador: three armed individuals robbed a supermarket, taking \$10,000 as well as the firearms of the two PSC guards working on the premises.²⁰⁹

El Salvador: two armed attackers shot and killed a PSC agent, stealing his company issued 12 gauge shotgun in the town of Ayuxtupeque, on the outskirts of San Salvador.²¹⁰

Guatemala: armed attackers shot and killed a PSC guard protecting an entrance to a mine and stole his 12 gauge shotgun.²¹¹

Jamaica: three private security guards were killed on the premises of their employer. Company issued weapons were stolen from two of the victims.²¹²

Nicaragua: a PSC guard protecting a ranch was stabbed and killed by unidentified individuals who stole his company-issued shotgun.²¹³

Paraguay: a PSC guard was attacked and stabbed. The attacker stole his company's .38 calibre revolver.²¹⁴

Saint Lucia: a .380 calibre pistol and ten rounds of ammunition were stolen from the holster of a female PSC guard who was guarding a local market.²¹⁵

²⁰⁹ 'Asaltan comisariato en suburbia', El Universo, 25 February 2013, <http://www.eluniverso.com/2013/02/25/1/1422/asaltan-comisariato-suburbio.html>, (accessed 19 April 2016).

²¹⁰ B. Mauricio and A. Angela, 'Matan a vigilante para robarle el arma', La Prensa Gráfica, 2 April 2013, <http://www.laprensagrafica.com/2014/07/24/matan-a-vigilante-para-robarle-una-escopeta>, (accessed 2 March 2014).

²¹¹ O. Gonzalez, 'Matan a hombre en Asunción Mita, Jutiapa', Prensa Libre, http://www.prensalibre.com/jutiapa/Violencia-Homicidio-Jutiapa-Asuncion_Mita_0_1055294730.html, (accessed 19 April 2016).

²¹² H. Hines, 'Three guards slaughtered', Jamaica Observer, 30 June 2012, http://www.jamaicaobserver.com/news/Three-guards-slaughtered_11847447, (accessed 19 April 2016).

²¹³ T. Goussen, 'Muere vigilante apuñalado por robo de pistola', El Nuevo Diario, <http://www.elnuevodiario.com.ni/sucesos/265613-muere-vigilante-apuñalado-robo-pistola/>, (accessed 19 April 2016).

²¹⁴ T. Goussen, 'Atacan y desarmen a guardia', ABC Color, <http://www.abc.com.py/edicion-impresajudiciales-y-policiales/atacan-y-desarman-a-guardia-559601.html>, (accessed 19 April 2016).

²¹⁵ 'Handgun stolen from Secure Saint Lucia guard', St. Lucia News Online, <http://www.stlucianewsonline.com/handgun-stolen-from-secure-saint-lucia-guard/>, (accessed 19 April 2016).

Scenario 4.2: Armed attack against PSC personnel

Evidence suggests that armed PSC personnel are also highly vulnerable to armed attacks, either due to the weapons they carry (as described above in scenarios 4.) or to the valuable goods they are protecting. Additionally, some armed PSC personnel have been reported to participate in activities that may make them targets of personal vendettas.

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 4.2:

Argentina: a PSC guard protecting a cookie factory was injured by armed intruders fleeing the scene after breaking into the premises. A week before, another guard from the same company had been killed by an armed attacker, leading investigators to believe the company itself may have been targeted.²¹⁶

Costa Rica: two assailants stabbed and injured a PSC guard working at a football match in an attempt to steal his service weapon.²¹⁷

El Salvador: an armed individual shot and killed a PSC agent protecting a medical laboratory when he was denied access while in possession of alcoholic beverages.²¹⁸

Guyana: a PSC guard was shot and robbed of the bag of cash he was carrying on behalf of a local hospital. The gunshot wounds were not fatal.²¹⁹

Honduras: a PSC guard protecting the national soccer federation's official hotel in the industrial city of San Pedro Sula was shot and killed. The assassins were not identified.²²⁰

Jamaica: a PSC guard was shot in the head and killed by an armed intruder entering the waste management facility he was guarding.²²¹

Mexico: three PSC guards working for an armored car company were shot and injured when a group of armed individuals attempted to steal the vehicle's content.²²²

Panama: two PSC guards protecting a construction site were shot and killed, presumably by assailants looking to steal their weapons. A third guard successfully fled the attack.²²³

Paraguay: an armed PSC guard protecting a bank was shot and killed by armed attackers stealing money from a cash machine in the town of Piribebuy.²²⁴

Peru: a PSC guard working at a night club was shot five times and killed in the town of Juliaca. Another guard was also injured in the incident.²²⁵

²¹⁶'Hieren de tres balazos a un custodio de una fábrica en Lanús', TELAM, 21 February 2013, <http://www.telam.com.ar/notas/201302/8331-hieren-de-tres-balazos-a-un-custodio-de-una-fabrica-en-lanus.html>, (accessed 22 April 2016).

²¹⁷R. Sandi, 'Delincuentes hieren a guarda de seguridad en asalto', La Nación, 14 July 2012, http://www.nacion.com/sucesos/Delincuentes-hieren-guarda-seguridad-asalto_0_1289071211.html, (accessed 22 April 2016).

²¹⁸G. Melara and F. Aleman, 'PNC investiga muerte de vigilante en Soyopango', La Prensa Gráfica, 26 December 2012, <http://www.laprensagrafica.com/PNC-investiga-muerte-de-vigilante-en-Soyopango>, (accessed 22 April 2016).

²¹⁹'RK guard shot, robbed of millions', Guyana Chronicle, 12 October 2015, <http://guyanachronicle.com/rk-guard-shot-robbed-of-millions-while-escorting-cash-from-balwant-singhs-hospital/>, (accessed 22 April 2016).

²²⁰'Asesinan a guardia de seguridad en el hotel de la Fenafuth', El Herald, 27 March 2016, <http://www.elheraldo.hn/pais/943591-466/asesinan-a-guardia-de-seguridad-en-hotel-de-la-fenafuth>, (accessed 22 April 2016).

²²¹'Security guard killed at Riverton City dump', Jamaica Observer, 23 November 2012, <http://www.jamaicaobserver.com/news/Security-guard-killed-at-Riverton-City-dump>, (accessed 22 April 2016).

²²²'Lesionan a tres custodios en asalto a camioneta de valores en Edomex', Noticias MVS, 18 March 2013, <http://www.noticiasmvs.com/#!/noticias/lesionan-a-tres-custodios-en-asalto-a-camioneta-de-valores-en-edomex-949>, (accessed 14 October 2013).

²²³R. Rivera, 'Matan a dos guardias en Arraijan', Panamá America, 20 December 2015, <http://www.panamaamerica.com.pa/provincias/matan-dos-guardias-de-seguridad-en-arraijan-1005677>, (accessed 21 April 2016).

²²⁴D. Cabrera, 'Grupo comando ejecuta a guardia para robar un cajero en Piribebuy', ABC Color, 27 April 2013, <http://www.abc.com.py/edicion-impresa/judiciales-y-policiales/grupo-comando-ejecuta-a-guardia-para-robar-un-cajero-en-piribebuy-565681.html>, (accessed 22 April 2016).

²²⁵'Hampones balean a vigilantes de local nocturno en Juliaca', La República, 23 February 2013, <http://larepublica.pe/23-02-2013/hampones-balean-vigilante-de-local-nocturno-en-juliaca>, (accessed 21 April 2016).

Scenario 4.3: Accidental shooting of PSC personnel

As mentioned above in relation to armed violence affecting third parties, poorly trained armed guards manipulating or cleaning weapons not only pose risks to third parties, but also to themselves and their colleagues.

Examples drawn from media reports documenting cases from Latin America and the Caribbean that could be categorized under scenario 4.3:

Colombia: a PSC guard accidentally shot himself in the abdomen while manipulating his service weapon in the city of Neiva.²²⁶

Guatemala: a PSC guard handled his service weapon in an unsafe manner and accidentally shot and killed one of his co-workers.²²⁷

Mexico: a PSC guard was injured after accidentally shooting himself in the leg with his service weapon while on duty.²²⁸

Peru: a PSC guard working at a race track accidentally shot and killed a co-worker while handling his service weapon.²²⁹

Trinidad and Tobago: a 33-year old PSC guard accidentally shot himself in the genitals with his .38 calibre revolver. He was manipulating his company-issued firearm off duty.²³⁰

²²⁶ 'Falleció vigilante que se disparó accidentalmente', La Nación, 26 September 2014, <http://www.lanacion.com.co/index.php/noticias-judicial/item/241704-fallecio-vigilante-que-se-disparo-en-el-ventre>, (accessed 21 April 2016).

²²⁷ M. Castañon, 'Agente de seguridad mata por error a su compañero', La Hora, 29 May 2012, <http://lahora.gt/hemeroteca-lh/agente-de-seguridad-mata-por-error-a-un-companero/>, (accessed 21 April 2016).

²²⁸ A. Ponce, 'Vigilante herido al disparar su arma por accidente', El Siglo, 1 October 2014, <https://www.siglo.mx/coahuila/noticia/21477.vigilante-herido-al-disparar-su-arma-por-accidente.html>, (accessed 21 April 2016).

²²⁹ 'Vigilante muere baleado por su compañero en el Hipódromo', El Comercio, <http://elcomercio.pe/lima/policiales/vigilante-muere-baleado-su-companero-hipodromo-noticia-1742640>, (accessed 21 April 2016).

²³⁰ R. Williams, 'Security guard accidentally shoots off penis with illegal gun', The Independent, 24 January 2013, <http://www.independent.co.uk/news/world/americas/security-guard-accidentally-shoots-penis-off-with-illegal-gun-8465579.html>, (accessed 21 April 2016).

Main findings – Section 4

Section 4 has identified a variety of challenges within the PSS with respect to governance in general and small arms control in particular. Governance challenges include the lack of specific legislation addressing private security operations or weak and outdated legal frameworks. Furthermore, insufficient regulation and oversight (scarce human and financial resources, lack of updated and reliable data, poor information-sharing, conflict of interest) result in the inadequate implementation of laws and norms. Conversely, excessive regulation might be also counterproductive, whereas well-intentioned regulations are impossible to implement with existing resources causing congestion in the licensing process.

On the other hand, the PSS faces specific challenges regarding small arms control. Illegal and undocumented sales and rental of PSC small arms, as well as irregular weapons documentation often facilitate the illicit circulation of and trafficking in firearms. Moreover, inventory loss and leakage, as well as stockpile theft and robbery lead to firearms diversion and PSC' weapons ending up in the wrong hands. The use of force and firearms by PSC personnel on duty, off duty or outside mandated tasks, as well as the unintentional use of force against third parties represent serious challenges to citizen security and the rule of law. PSC personnel may also cause accidental shootings due to inappropriate weapons training and handling. Likewise, PSC guards are targets of criminal and violent activities such as armed attacks and theft of their service weapons.

R. Williams, 'Security guard accidentally shoots off penis with illegal gun', The Independent, 24 January 2013, <http://www.independent.co.uk/news/world/americas/security-guard-accidentally-shoots-penis-off-with-illegal-gun-8465579.html>, (accessed 21 April 2016).

Conclusions

The private security industry in LAC has grown significantly over the last 20 years. This study identified 16,174 PSCs in the region, with more than 2,450,000 legal employees working as security guards, thus representing an important source of employment. However, these figures are estimates based on available official and secondary data sources from different years. Updated and reliable information from every country is not easily obtainable. Large numbers of informal PSCs and PS guards pose not only a problem to data gathering but to both regulation and oversight mechanisms and the rule of law. Given that this growth does not seem directly nor exclusively correlated with crime levels or wider privatization, it can therefore be assumed that the PSC industry in the region will remain at its current levels for the foreseeable future, and may even grow further.

The private security industry has found market opportunities where public forces were either absent or did not have a mandate, leading to PSC guards to quantitatively outnumber police officers in some countries.

There is a diversity and fragmentation among national and local markets where private security services are offered with large national and multi-national firm presence on the one hand, and small and medium companies on the other. Private security services demand is generated by a range of different clients, such as large companies, households, banks, transports and many other businesses. State entities are also some of the sector's most important clients.

Even though there are some signs that governments in the region and even PSCs in specific markets are opting for more limited use of firearms in PSC contracts and operations, this is by no means uniform throughout the region and is largely the exception to the rule. Firearms continue to be heavily present in the private security sector posing potential risks to citizen security and making small arms control a key preventive measure for both PSCs themselves and national regulatory authorities.

Specific legislation governing private security and its operations has been adopted by most countries in the region, with a focus on licensing procedures and requirements with less emphasis on oversight. A widespread range of agencies from different sectors are responsible for the regulation and oversight of PSCs and their weapons. The majority of LAC States have one institution to regulate PSCs and another one to control PSC small arms and ammunition holdings, thus generating coordination and information-sharing challenges. States are progressively including social and human rights content into training frameworks, as well as codes of conducts aimed at supporting both PSC and PSCs guards perform their duties based on agreed ethical behaviour and in accordance with the law.

There is a continuous need for good governance of the private security industry, notably with regards to its day-to-day regulation. Of particular significance is the issue of storage, possession and use of firearms by PSCs. Looking across the LAC region, a number of important challenges can be identified in relation to the armed private security sector:

- **Lack of specific and complete legal frameworks:** the national legal frameworks regulating PSS do not always adequately respond to the regulatory needs of a growing and evolving industry. In particular, national frameworks on small arms management and use by PSCs can be outdated, weak, or contain gaps.
- **Informal private security markets:** a significant proportion of PSS are delivered without the required licenses. Large grey markets exist within the industry in the LAC region. This notably translates into insufficient staff training and absence of firearms stockpile management and oversight. Especially informal PSC guards might be unprepared to deal with complex situations, thus resulting in higher risks for human rights abuses. Weapons are also more likely to be stolen or misused for illegal purposes if informality remains high.
- **Absence of a whole-of-government approach to regulation and oversight:** the implementation of the legal and policy framework would be enhanced by more effective coordination between the different branches of the government responsible for private security regulation and small arms control. Some countries addressed this by creating a single entity in charge of regulation and implementation of both PSCs licenses and rules governing possession and carrying of firearms.
- **Institutional capacities for regulation and oversight:** even in cases whereby adequate legal and policy frameworks have been adopted, government agencies are often allocated insufficient resources to secure proper implementation and monitoring of compliance (lack of personnel with adequate training). This also applies to safeguards that would prevent potential conflicts of interest that sometimes arise between regulators and the companies they are mandated to regulate.
- **Clearly defined training requirements for PSC and their personnel:** the implementation of operational standards on the ground can be best achieved through tailored training curricula and clear provisions addressed to PSC personnel, for example through a code of conduct within the framework of national law. Only a few examples of elaborated and clear codes have been identified in the region; often this is left to the companies themselves. An accession of additional LAC countries to the Montreux Document and/or the ICoC would increase obligations further.
- **Physical security and weapons management of PSCs:** depending on their size, PSCs lack of trained personnel and standard procedures for the effective management and control of firearms and ammunition. The implementation of international standards and good practices in weapons management policies and procedures would contribute to the reduction of theft or loss of firearms and ammunition from PSCs and prevent its diversion to illegal markets.

Several international regulatory initiatives relevant for PSCs and their use of force have been developed and adopted in responses to the global growth of the PSS. International frameworks, such as the Montreux Document, the ICoC, the VPs, the UNGPs and the UN Draft International Convention on PMSCs provide guidance and recall existing international legal obligations stemming from international humanitarian law and human rights law. These initiatives set standards for the States engaging with PSCs and provide practical tools for PSC oversight. Furthermore, they provide guidance to PSCs operations in compliance with human rights and use of force standards.

On the other hand, international frameworks on small arms control (UNPoA, ISACS and IATGs) promote norms and provide technical guidance applicable to weapons management. They also inspire higher standards within the private security industry. Both small arms and ammunition control standards serve not only as guidance for States in their oversight and control responsibilities, but also as reference for PSCs themselves in their efforts to maintain a better control of their firearms and ammunition. The implementation of these international standards and good practices in weapons management policies and procedures would contribute to the reduction of theft or loss of firearms and ammunition from PSCs and prevent its diversion to illegal markets.

Recommendations

The challenges and entry points identified in this study provide an indication of what approaches could be followed by both States and PSCs to strengthen regulation, oversight and operations of the armed PSS in LAC. UNLIREC and DCAF recommend that the following initiatives be taken into consideration by both national authorities and PSCs. They also are intended to promote wider discussion and provide insights for the benefit of other stakeholders concerned with enhancing private security oversight.

Recommendations for States

➔ **Reinforce regulatory frameworks governing private security**

- Enact specific regulations addressing PSCs, clearly determining the permitted and prohibited activities and the minimal requirements PSCs must fulfil to operate.²³¹
- Enact effective oversight measures for PSCs operations, including in the area of small arms control, through a dedicated regulatory authority, special parliamentary commissions and/or other specialized entities. The regulatory authority should be provided with sufficient resources, capacities and qualified personnel to implement its mandate to regulate, monitor and oversee the PSS.
- Ensure national legislation clearly sets out conditions and limitations for the use of force by PSC guards, which are - at a minimum - consistent with the human rights provisions on the use of force, including the “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”.²³²

²³¹ For guidance regarding crucial elements of legislation of PSCs, see the Legislative Guidance Tool for States to Regulate Private Military and Security Companies (PMSCs), DCAF, 2016, available at: <http://www.ppps.dcaf.ch/sites/default/files/uploads/Legislative-Guidance-Tool-Final.pdf>, (accessed July 2016)

²³² Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba from 27 August to 7 September 1990.

➔ **Define obligatory minimal training requirements for PSC personnel**

- Mandatory training should include human rights and IHL training tailored to PSC personnel.
- Set minimum training requirements for PSC personnel allowed to carry firearms.

➔ **Include small arms control measures within regulatory PSCs frameworks**

- Establish communication and information sharing mechanisms between all state agencies responsible for small arms transfers, private security regulation and small arms control aimed at keeping records of both weapons transfer and circulation within and for the PSS.
- Include PSCs as potential end users in the small arms transfers' risk assessments.
- Include marking requirements for small arms destined to PSCs.
- Facilitate mechanisms to trace small arms held by PSCs over time.
- Determine the exact destination of PSC's obsolete and surplus weapons, as well as their small arms holdings, in order to prevent diversion once a PSC ceases to operate.
- Adopt a clear legal basis for the acquisition, possession, use, and storage of small arms and ammunition by PSCs and PSC guards.
- Determine the appropriate types and calibres of small arms and ammunition to be held by PSCs guards, according to the specific national contexts and security needs.
- Establish physical security and stockpile management requirements for PSCs in accordance with best practices and international standards, such as the ISACS and IATGs.
- Initiate a multi-stakeholder debate and analysis on the feasibility and desirability of incorporating less lethal weapons into the private security toolkit.

➔ **Participate in international fora on private security governance frameworks**

- Consider adhesion to international initiatives, such as the Montreux Document, the ICoCA, and the Voluntary Principles on Security and Human Rights (VPs).²³³
- Work to align regulation across the board with the implementation of the UN Guiding Principles on Business and Human Rights (“Ruggie Principles”).²³⁴
- Include in the UNPoA reports any actions undertaken with respect to small arms control within the PSS.
- Exchange on a regional level approaches and good practices with countries that face similar challenges.

➔ **Enforce other actors that may have an oversight role of the private security industry**

- Engage with civil society and academia to ensure monitoring of the private security industry and wider stakeholder engagement in discussions around this topic.

²³³ For more information see: <http://www.voluntaryprinciples.org/>.

²³⁴ For more information see: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

➔ **Accountability**

- Hold PSCs and their personnel accountable for any violations of national or international laws and norms.
- Adopt all necessary measures to ensure that all violations committed by corporate bodies, as well as natural persons are investigated, and the corresponding penalties and sanctions are imposed.
- Monitor potential conflict of interest among government officials.

➔ **Reinforce coordination and cooperation mechanisms between the private security sector and public security forces**

- Set clear requirements for PSCs to report criminal activities and incidents, and to request immediate support from public security forces.
- Require PSCs to immediately inform the authorities of cases of incidents, thefts, or losses of firearms and ammunition.

Recommendations for private security companies

➔ **Reinforce training programs**

- Invest in human resources and adequately train employees in the performance of their duties and responsibilities with a special focus on respect for human rights, use of force and firearms handling.

➔ **Improve physical security and stockpile management (PSSM)**

- Adopt international standards on stockpile management for firearms and ammunition, in particular the relevant and applicable aspects for PSCs as follows:
 - Module 05.20 (Stockpile management: Weapons) of the International Small Arms Control Standards (ISACS)²³⁵; and
 - Module 12.10 (Small unit ammunition storage) of the International Ammunition Technical Guidelines (IATGs).²³⁶
- Implement standard procedures on weapons management in accordance with best practices and international standards.
Partake in debates and on the feasibility and desirability of incorporating less lethal weapons into private security services.

²³⁵ For more information see: <http://www.smallarmsstandards.org/isacs/0520-en.pdf>.

²³⁶ For more information see: <https://unoda-web.s3.amazonaws.com/wp-content/uploads/assets/convarms/Ammunition/IATG/docs/IATG12.20.pdf>.

➔ **Codes of conduct**

- Consider adherence to the ICoC and membership of the ICoCA.
- Develop internal codes of conduct and self-regulation mechanisms in line with international best practices to complement national legislation.
- Align their policies to the principles for business entities as laid down in the UNGPs regarding respect for human rights and providing remedy for potential violations.
- Ensure their clients' human rights standards are aligned with the VPs, especially when working with VP members' clients companies.
- Promote the inclusion of human rights standards in all contracts when contracting with clients.

➔ **Share good practices both internally and externally**

- Leading PSCs, in cooperation with the associations that represent the sector, could spearhead the exchange of good practices to emphasize efforts in this area.

This study sheds additional light on the evolution of the private security sector in LAC and the potential role that both good governance initiatives and small arms control standards can play in strengthening regulation and oversight of this industry, as well as improving its performance in line with internationally-accepted human rights and use of force standards. UNLIREC and DCAF stand ready to work with Member States, PSCs and their associations, CSOs, private clients of PSCs, and other relevant stakeholders in order to create a balanced and inclusive approach, where good practices are implemented bottom-up as well as top-down.²³⁷

²³⁷ Actors who would like to engage with DCAF and UNLIREC on this study should contact programme@unlirec.org or ppps@dcaf.ch.

Bibliography

Books / Reports / Articles:

Amaya, E., Mapeo sobre seguridad privada y armas de fuego en El Salvador, Background Paper for the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, Lima, October 2015.

Arias, P., Seguridad Privada en América Latina, Santiago de Chile, Facultad Latinoamericana de Ciencias Sociales, 2009.

Burt, G., 'From Private Security to Public Good: Regulating the Private Security Industry in Haiti', in SSR Issue Papers No. 9, The Centre for International Governance Innovation, June 2012, available at: <https://www.ciaonet.org/attachments/20871/uploads>

Calvani, S., Dupuy, P. C., & Liller, S., Violencia, crimen y tráfico ilegal de armas en Colombia, Bogotá, UN Office on Drugs and Crime, December 2006.

Colombia Progress Report for the Voluntary Principles Initiative, The Process of Implementation of the Voluntary Principles in Colombia, 29 April 2014, <http://www.voluntaryprinciples.org/wp-content/uploads/2014/07/The-Colombia-VPs-Process-Report-2014-04-29.pdf>, (accessed June 2016)

Da Silva, C., Estudo Sevesp sobre o segmento prestador da servicios de servicios de seguridad privada, Sao Paulo, Sevesp, 2012.

Eleisegui, P., 'La seguridad privada suma 10.000 vigiladores por año en la Argentina y mueve más de \$3.200 millones', in www.iProfesional.com, 16 November 2010.

Fenavist Federação Nacional das Empresas de Segurança Privada, IV Estudio do Sector da Segurança Privada, June 2014, http://www.fenavist.com.br/static/media/essegs/IV_ESSEG.pdf

Figueroa, J.P. and Minay, S., Seguridad privada: El millonario negocio de explotar el miedo, Ciper Chile, 12 March 2009, <http://ciperchile.cl/2009/03/12/seguridad-privada-el-millonario-negocio-de-explotar-el-miedo/>, (accessed November 2015).

Finley, G., 'Security Management Programs in Colombia', in Calgary Papers in Military and Strategic Studies, Occasional Paper No. 9, 2013.

International Finance Corporation (IFC), Handshake Issue N°9: Reconstructions PPP, April 2013, http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2015/09/03/090224b0828ca01e/1_0/Rendered/PDF/Handshake0001F0ate0partnerships0090.pdf, (accessed June 2016).

Jaff, R., 'Criminal dons and extralegal security privatization in downtown Kingston, Jamaica', in Singapore Journal of Tropical Geography, Vol. 33(2), pp. 184-197.

Lorenc Valcarce, F., Seguridad Privada: La mercantilización de la Vigilancia y la Protección en la Argentina Contemporanea, Buenos Aires, Miño y Avila Editores, 2014.

Mandel, R., 'The Privatization of Security', Armed Forces & Society, Fall Vol. 28, Fas. 1, 2001.

McGuire, A., 'ISO Publishes Security Operations Management System Standard based on ANSI/ASIS.PSC.1:2012', in Nasdaq Globe Newswire, 24 September 2015, <https://globenewswire.com/news-release/2015/09/24/770841/10150527/en/ISO-Publishes-Security-Operations-Management-System-Standard-based-on-ANSI-ASIS-PSC-1-2012.html>, (accessed June 2016).

Minow, M., 'Public and Private Partnerships: Accounting for the New Religion', 116 Harvard Law Review 1229, March 2003.

Muñoz, M., 'Estado y seguridad privada en Costa Rica. Análisis de Coyuntura', in Revista Electrónica de Historia, September – February 2012.

Parker, S. and Green, K., A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons. Analysis of National Reports, New York and Geneva, Small Arms Survey / United Nations Institute for Disarmament Research (UNIDIR), 2012.

Project Ploughshares, Private Security Companies in The Caribbean: Case studies of St. Lucia, Trinidad and Tobago, and Jamaica, August 2013, available at: http://ploughshares.ca/wp-content/uploads/2013/09/Priv_Security_Co_Caribbean.webFINAL.pdf, (accessed 29 July 2016).

Small Arms Survey, 'Protected but Exposed Multinationals and Private Security', in Small Arms Survey 2011: states of security, Geneva, 2011.

Renshaw, J. et al., Haiti Social Impact Assessment: Key Impacts and Recommendations for Stakeholders of the Caracol Industrial Park, Inter-American Development Bank (IADB), 10 February 2012, available at: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37091614>, (accessed June 2016).

Superintendencia Nacional de Control de Servicios de Seguridad, Armas, Municiones y Explosivos de Uso Civil (SUCAMEC), La Seguridad privada en el Perú. Un estado situacional, Lima, UNLIREC/SUCAMEC, May 2016.

Taylor G., Making the case to arm private security guards, Nassau, Bahamas, in Tribune 242, 29 December 2014, Available at: <http://www.tribune242.com/news/2014/dec/29/making-the-case-to-arm-private-security-guards/>, (accessed 5 May 2016).

United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC), Norms and Legal Instruments on Firearms, Ammunition and Explosives: The Bahamas, Lima, August 2013.

United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15, New York, 9-20 July 2001.

United Nations, General Assembly, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Addendum MISSION TO HONDURAS, A/HRC/4/42/Add.1 20 February 2007, available at <https://documents-ddny.un.org/doc/UNDOC/GEN/G07/109/69/PDF/G0710969.pdf?OpenElement>, (accessed June 2016), p. 15, (accessed 27 May 2016).

United Nations, General Assembly, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination Addendum Mission to Honduras (18–22 February 2013), A/HRC/24/45/Add.1, available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/24/45/Add.1, (accessed June 2016), p. 12.

United Nations, General Assembly, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, MISSION TO PERU, A/HRC/7/7/Add.2 4 February 2008, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/104/19/PDF/G0810419.pdf?OpenElement>, (accessed June 2016), p. 15–16.

United Nations Office on Drugs and Crime (UNHCR), Global Study on Homicide 2013, Vienna, UNODC, 2014.

Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, National Legislation Studies on PMSCS, Study on South America, United Nations Office of the High Commissioner for Human Rights, 2015, p. 19. Available at: <http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/NationalLegislationStudies.aspx>, (accessed 5 May 2016).

Newspaper articles:

24 Horas, 'Delincuentes asaltan sucursal bancaria en Lo Valledor', 13 April 2016, <http://www.24horas.cl/nacional/delincuentes-asaltan-sucursal-bancaria-en-lo-valledor-1985995>, (accessed 19 April 2016).

Alejandre, A., 'Centenares de armas de la Policía Militar de Río de Janeiro en manos de las milicias', in *El Mundo*, 28 October 2015, <http://www.elmundo.es/internacional/2015/10/28/563128c546163f65328b45f0.html>, (accessed 12 April 2016).

Arguedas, C., '7.000 armas de vigilancia privada se esfumaron', in *La Nación*, 24 May 2016, http://www.nacion.com/sucesos/seguridad/armas-vigilancia-privada-esfumaron_0_1562643732.html, (accessed 25 May 2016).

Aguirre Pascal, B., 'Seguridad privada: Empresas del rubro crecen 46% en cinco años y ya son más de cien mil los abonados a alarmas en Chile', in *El Mercurio*, 12 July 2012, http://www.nexchannel.cl/Nex/noticias/noticia_pescria.php?nota=12774937, (accessed June 2016).

Bargent, J., 'Private Security Companies a Front for Criminals in Honduras', in *Insight Crime*, 25 March 2013, <http://www.insightcrime.org/news-briefs/honduras-private-security-organized-crime>, (accessed 17 April 2016).

Brusal, A., '11 of 13 stolen firearms from Mi5 security firm, still missing', in *Newsday*, 13 November 2009, http://newsday.co.tt/crime_and_court/0,110846.html, (accessed 12 April 2016).

Cabrera, D. 'Grupo comando ejecuta a guardia para robar un cajero en Piribebuy', in ABC Color, 27 April 2013, <http://www.abc.com.py/edicion-impresajudiciales-y-policiales/grupo-comando-ejecuta-a-guardia-para-robar-un-cajero-en-piribebuy-565681.html>, (accessed 22 April 2016).

Castañón, M., 'Agente de seguridad mata por error a su compañero', in La Hora, 29 May 2012, <http://lahora.gt/hemeroteca-lh/agente-de-seguridad-mata-por-error-a-un-companero/>, (accessed 21 April 2016).

Centro de Medios Independientes, 'Empresa de jefe de SAAS vende armas a pandilleros', , 20 April 2016, <https://cmiguate.org/empresa-de-jefe-de-saas-vende-armas-a-pandilleros/>, (accessed 20 April 2016).

Chamat, C. and Escobar, A., 'Seguridad privada bajo investigación" Bogotá, , in El Mundo, 9 May 2012, http://www.elmundo.com/portal/noticias/seguridad/seguridad_privada_bajo_investigacion.php#.VxZ0HPnhBkg, (accessed 19 April 2016).

Diario Digital RD, 'Apresan vigilante alquilaba escopeta para que otros atracaran', 4 March 2016, <http://diariodigital.com.do/2016/03/04/apresan-vigilante-alquilaba-escopeta-otros-atracaran/>, (accessed 17 April 2016).

Diario 1, 'Niña de 8 años es víctima de bala perdida,' San Miguel, 25 December 2013, Available at: <http://diario1.com/nacionales/2013/12/nina-de-8-anos-victima-de-una-bala-perdida/>, (accessed on 21 April 2016).

Echavarría, E., 'Mercado negro de armas se expande en R. Dominicana', in Pueblo en línea, 03 September 2010, <http://spanish.peopledaily.com.cn/31614/7127761.html>, (accessed 09 June 2016).

El Comercio, 'San Isidro: robaron más de 90 armas y municiones a empresa de seguridad', 7 August 2013, <http://elcomercio.pe/lima/sucesos/san-isidro-robaron-mas-90-armas-municiones-empresa-seguridad-noticia-1614389>, (accessed 12 April 2016).

El Comercio, 'Vigilante muere baleado por su compañero en el Hipódromo', <http://elcomercio.pe/lima/policiales/vigilante-muere-baleado-su-companero-hipodromo-noticia-1742640>, 13 July 2014, (accessed 21 April 2016).

El Comercio, 'El 68% de empresas de seguridad incurre en prácticas informales', 19 March 2015, <http://elcomercio.pe/economia/peru/68-empresas-seguridad-incurre-practicas-informales-noticia-1798589>, (accessed November 2015).

El Heraldo, 'Guardia de seguridad mata a joven por bajar mangos', 15 April 2013, <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Guardia-de-seguridad-mato-a-joven-por-bajar-mangos>, (accessed 9 July 2016).

El Heraldo, 'Asesinan a guardia de seguridad en el hotel de la Fenafuth', 27 March 2016, <http://www.elheraldo.hn/pais/943591-466/asesinan-a-guardia-de-seguridad-en-hotel-de-la-fenafuth>, (accessed 22 April 2016).

El País, 'La Dimax, una banda que operaba con armas legales', 23 September 2015, <http://www.elpais.com.co/elpais/judicial/noticias/dimax-banda-delinquia-con-armas-legales>, (accessed 17 April 2016).

El Telégrafo, 'Guardia de seguridad asesinó a su compañero y se suicidó', 28 May 2012, <http://www.eltelegrafo.com/index.php?id=60379&seccion=nacionales&fechaedicion=2012-05-28>, (accessed 21 April 2016).

El Tiempo, 'Proponen que 150 mil vigilantes privados no tengan armas de fuego', 16 January 2012, <http://www.eltiempo.com/archivo/documento/CMS-10946845>, (accessed 19 April 2016).

El Universal, 'Acusan a funcionarios de seguridad de matar a mesero', 27 December 2012, <http://www.eluniversal.com/sucesos/121227/acusan-a-funcionarios-de-seguridad-de-matar-a-mesero>, (accessed 15 October 2013).

El Universo, 'Asaltan comisariato en suburbia', 25 February 2013, <http://www.eluniverso.com/2013/02/25/1/1422/asaltan-comisariato-suburbio.html>, (accessed 19 April 2016).

Garita, A., 'Vigilante mata a menor de 15 años que intentó asaltarlo', in La Nación, 9 March 2013, http://www.nacion.com/sucesos/Vigilante-mata-menor-intento-asaltarlo_0_1328267199.html, (accessed 20 April 2016).

Gonzalez, O., 'Matan a hombre en Asunción MIta, Jutiapa, in Prensa Libre, http://www.prensalibre.com/jutiapa/Violencia-Homicidio-Jutiapa-Asuncion_Mita_0_1055294730.html, (accessed 19 April 2016).

Goussen, T., 'Muere vigilante apuñalado por robo de pistola', in El Nuevo Diario, <http://www.elnuevodiario.com.ni/sucesos/265613-muere-vigilante-apunalado-robo-pistola/>, (accessed 19 April 2016).

Goussen, T., 'Atacan y desarman a guardia', in ABC Color, <http://www.abc.com.py/edicion-impresa/judiciales-y-policiales/atacan-y-desarman-a-guardia-559601.html>, (accessed 19 April 2016).

Guyana Chronicle, 'RK guard shot, robbed of millions', 12 October 2015, <http://guyanachronicle.com/rk-guard-shot-robbed-of-millions-while-escorting-cash-from-balwant-singhs-hospital/>, (accessed 22 April 2016).

Hernandez, R., 'Sujetos roban 19 escopetas de empresa de seguridad', in La Nación, 30 July 2012, http://www.nacion.com/archivo/Sujetos-roban-escopetas-empresa-seguridad_0_1283871844.html, (accessed 12 April 2016).

Hines, H., 'Three guards slaughtered', in Jamaica Observer, 30 June 2012, http://www.jamaicaobserver.com/news/Three-guards-slaughtered_11847447, (accessed 19 April 2016).

Jamaica Gleaner, 'Six firearms and ammunition robbed from security company, police launch probe', 1 August 2015, <http://jamaica-gleaner.com/article/news/20150801/six-firearms-and-ammo-robbed-security-company-police-launch-probe>, (accessed 12 April 2016).

Jamaica Observer, 'Trini security guards mercilessly beat old man at ATM', 7 September 2012, <http://www.jamaicaobserver.com/news/Trini-security-guards-mercilessly-beat-old-man-at-ATM>, (accessed 19 April 2016).

Jamaica Observer, 'Security guard killed at Riverton City dump', 23 November 2012, <http://www.jamaicaobserver.com/news/Security-guard-killed-at-Riverton-City-dump>, (accessed 22 April 2016).

Jamaica Observer, 'Security guard kills gunman in downtown wholesale break-in', 6 September 2015, <http://www.jamaicaobserver.com/latestnews/Security-guards-kill-gunman-in-downtown-wholesale-break-in>, (accessed 19 April 2016).

Johnson, M., 'Security guard shot in neck', in Antigua Observer, 12 March 2012, <http://antiguaobserver.com/security-guard-shot-in-neck/>, (accessed 21 April 2016).

La Hora, 'Capturan a Alberto Rotondo', 22 January 2016, <http://lahora.gt/capturan-a-alberto-rotondo>, (accessed 21 April 2016).

La Nación, 'Falleció vigilante que se disparó accidentalmente', 26 September 2014, <http://www.lanacion.com.co/index.php/noticias-judicial/item/241704-fallecio-vigilante-que-se-disparo-en-el-vientre>, (accessed 21 April 2016).

La Nación, 'Recuperan armas robadas a empresa de seguridad en asalto', 27 April 2015, <http://www.lanacion.com.py/2015/04/27/recuperan-armas-robadas-a-empresa-de-seguridad-en-asalto/>, (accessed 12 April 2016).

La Prensa Gráfica, 'Vigilante mató a hombre porque le lanzó basura', 3 October 2012, <http://www.laprensagrafica.com/Vigilante-mato-a-hombre-porque-le-lanzo-basura>, (accessed 9 July 2016).

La Red 21, 'Niño de tres años podría quedar parapléjico por una bala perdida', 14 November 2007, <http://www.lr21.com.uy/justicia/284621-nino-de-tres-anos-podria-que-dar-paraplejico-por-una-bala-perdida>, (accessed 21 April 2016).

La República, 'Hampones balean a vigilantes de local nocturno en Juliaca', 23 February 2013, <http://larepublica.pe/23-02-2013/hampones-balean-vigilante-de-local-nocturno-en-juliaca>, (accessed 21 April 2016).

La República, 'Se duplican el número de armas incautadas con números de serie borrados', 7 June 2015, <http://larepublica.pe/sociedad/5990-pnp-armas-incautadas-con-numero-de-serie-borrado-se-duplica>, (accessed 19 April 2016).

Martínez, F., 'Irregulares, 50% de empresas de seguridad', in El Universal, 15 July 2009, <http://archivo.eluniversal.com.mx/ciudad/96434.html>, (accessed 12 April 2016).

Mauricio B. and Angela A., 'Matan a vigilante para robarle el arma', in La Prensa Gráfica, 2 April 2013, <http://www.laprensagrafica.com/2014/07/24/matan-a-vigilante-para-robarle-una-escopeta>, (accessed 2 March 2014).

Melara, G. and Aleman, F., 'PNC investiga muerte de vigilante en Soyopango', in La Prensa Gráfica, 26 December 2012, <http://www.laprensagrafica.com/PNC-investiga-muerte-de-vigilante-en-Soyopango>, (accessed 22 April 2016).

Miranda, H., '390 empresas de vigilancia privada están en investigación', in La Nación, 14 September 2012, http://www.elmundo.com/portal/noticias/seguridad/seguridad_privada_bajo_investigacion.php#.VxZ0HPnhBkg, (accessed 19 April 2016).

Noticias MVS, 'Lesionan a tres custodios en asalto a camioneta de valores en Edomex', 18 March 2013, <http://www.noticiasmvs.com/#!/noticias/lesionan-a-tres-custodios-en-asalto-a-camioneta-de-valores-en-edomex-949>, (accessed 14 October 2013).

Oviedo, S., 'Empresas de seguridad le adeudan 1,491 millones a la CCSS', in La Nación, 18 September 2015, http://www.nacion.com/nacional/salud-publica/Empresas-seguridad-adeudan-millones-CCSS_0_1512848766.html, (accessed 17 June 2016).

Ponce, A., 'Vigilante herido al disparar su arma por accidente', in El Siglo, 1 October 2014, <https://www.siglo.mx/coahuila/noticia/21477.vigilante-herido-al-disparar-su-arma-por-accidente.html>, (accessed 21 April 2016).

Publimetro, 'Bala perdida hiere a mujer en Zona 17,', 11 January 2015, Available at: <http://www.publinews.gt/nacionales/bala-perdida-hiere-a-mujer-en-supermercado-en-zona-17/Tetoal---0IEBHYBo5NxY/>, (accessed on 21 April 2016).

Rivera, R., 'Matan a dos guardias en Arraijan', in Panamá América, 20 December 2015, <http://www.panamaamerica.com.pa/provincias/matan-dos-guardias-de-seguridad-en-arraijan-1005677>, (accessed 21 April 2016).

Roizen, A., 'Con arma, pero sin formación', in El País, 18 October 2015, <http://www.elpais.com.uy/que-pasa/arma-formacion-seguridad-privada-uruguay.html>, (accessed October 2015).

Sandi, R., 'Delincuentes hieren a guarda de seguridad en asalto', in La Nación, 14 July 2012, http://www.nacion.com/sucesos/Delincuentes-hieren-guarda-seguridad-asalto_0_1289071211.html, (accessed 22 April 2016).

Santos, J., 'Vigilante ebrio mata a su compañero en Soyopango', in La Prensa Gráfica, 27 December 2012, <http://www.laprensagrafica.com/vigilante-ebrio-mata-a-su-companero-en-soyapango>, (accessed 21 April 2016).

Santos, J., 'Pandilleros laboran como vigilantes', in La Prensa Gráfica, 15 April 2013, <http://www.laprensagrafica.com/pandilleros---laboran-como-vigilantes>, (accessed 19 April 2016).

Santos J., 'Empresas de seguridad perdieron 875 armas en dos años', in La Prensa Gráfica, 8 June 2014, <http://www.laprensagrafica.com/2014/06/08/609-empresas-reportaron-robo-y-hurto-de-armas#sthash.yPsUSFaP.dpuf>, (accessed 12 April 2016).

St. Lucia News Online, 'Handgun stolen from Secure Saint Lucia guard', <http://www.stlucianewsonline.com/handgun-stolen-from-secure-saint-lucia-guard/>, 9 June 2015 (accessed 19 April 2016).

TELAM, 'Hieren de tres balazos a un custodio de una fábrica en Lanús', 21 February 2013, <http://www.telam.com.ar/notas/201302/8331-hieren-de-tres-balazos-a-un-custodio-de-una-fabrica-en-lanus.html>, (accessed 22 April 2016).

Tiempo, 'Asesinan a guardia de seguridad y le roban varias armas', 26 March 2016, <http://www.tiempo.hn/asesinan-a-guardia-de-seguridad-y-le-roban-varias-armas/>, (accessed 18 April 2016).

Trinidad Express, 'Security guard in court: selling firearm', 28 January 2010, http://www.trinidadexpress.com/news/Security_guard_in_court__selling_firearm-115244474.html, (accessed 19 April 2016).

Unión Guanajuato, 'Bala perdida mata a adolescente en Pénjamo', 11 December 2014, Available at: <http://www.unionguanajuato.mx/articulo/2014/11/12/seguridad/bala-perdida-mata-adolescente-en-penjamo.>, (accessed on 21 April 2016).

Viela, M., 'Unipol instruirá a los guardias de la privada', in La Razón, 12 June 2013, http://www.la-razon.com/ciudades/Unipol-instruira-guardias-privada_0_1850214974.html, (accessed October 2015).

Williams, R., 'Security guard accidentally shoots off penis with illegal gun', in The Independent, 24 January 2013, <http://www.independent.co.uk/news/world/americas/security-guard-accidentally-shoots-penis-off-with-illegal-gun-8465579.html>, (accessed 21 April 2016).

Organizational resources:

Addressing Security and Human Rights Challenges in Complex Environments Toolkit - Third Edition (DCAF and ICRC, June 2016) Chapter 3: Private Security Providers <http://www.securityhumanrightshub.org/content/private-security-providers>, (accessed July 2016).

Escuela Nacional de Policía, Curso Básico de Seguridad Privada, San Jose, Costa Rica, Ministerio de Seguridad Pública, October 2011. See: http://www.seguridadpublica.go.cr/direccion/escuela_policia/directrices/Manual%20de%20Seg.%20Priv.%20actualizado%20ENERO%20202013.pdf, (accessed 15 July 2016).

Instituto Argentino de Seguridad Integral, http://www.iasi.com.ar/htmls/Curso_B%C3%A1sico_Vigiladores.html. (Accessed on 11 May 2016).

National police training academy (ANSP) of El Salvador: <http://www.ansp.gob.sv/actualizacion-y-especialidades/>, (accessed 6 July 2016).

Private Security Regulatory Authority, Government of Jamaica, <http://www.psra.gov.jm/training.html>, (accessed 11 May 2016).

Superintendencia de Vigilancia y Seguridad Privada, Government of Colombia, <http://www.supervigilancia.gov.co/index.php>, (accessed 29 July 2016).

Laws / regulations:

Argentina, Government of the Province of Buenos Aires, Ley N° 12297/1999: Actividades de las personas jurídicas prestadoras del servicio de seguridad privada, 21 April 1999.

Barbados, Private Investigators and Security Guards Regulations, 13 October 1985.

Colombia, Decreto N°356 de 1994, por el cual se expide el Estatuto de Vigilancia y Seguridad Privada .

Colombia, Superintendencia de Vigilancia y Seguridad Privada, Resolución 4973, 27 July 2011.

Costa Rica, Decreto legislativo N°8395, Ley de Regulación de los Servicios de Seguridad Privados, 12 May 2003.

Costa Rica, Ley de Armas y Explosivos No. 7530, 23 August 1995 (revised 12 May 2011).

Dominican Republic, Ley N° 36-65 mediante la cual se regula el comercio, porte y tenencia de armas, 18 October 1965.

Ecuador, Ley de Vigilancia y de seguridad privada, n°2003-12, 14 July 2003.

El Salvador, Ley de los Servicios Privados de Seguridad n°227, 24 January 2001.

El Salvador, Ley de control y regulación de armas de fuego, municiones, explosivos y artículos similares, 26 July 1999.

Guatemala, Decreto N°52-2010, Ley que Regula los Servicios de Seguridad Privada, 9 December 2010.

Guatemala, Manual del Curso Básico de Agentes de Seguridad Privada, Dirección General de Servicios de Seguridad Privada, available at: <http://iepad.es.com/wp-content/uploads/2014/04/Manual-Curso-basico.pdf>, (accessed 22 June 2106).

Guyana, Private Security Services Bill 32/2009, 29 October 2009.

Mexico, Cámara de Diputados del H. Congreso de la Nación, Ley Federal de Seguridad Privada, Last reforms published on 17 October 2011.

Nicaragua, Ley 903 de Servicios de Seguridad Privada, 29 July 2015.

Peru, Decreto Legislativo No. 1213 que Regula los Servicios de Seguridad Privada, 24 September 2015.

Peru, Decreto Supremo No. 007-98-IN: Reglamento de ley que norma la fabricación, comercio, posesión y uso por particulares de las armas y municiones que no son de guerra, 5 October 1998.

Peru, Decreto Supremo No. 003-11-IN: Reglamento de ley No. 28879 – Ley de servicios de seguridad privada, 31 March 2011.

Peru, Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosivos de Uso Civil, Resolución de Superintendencia 074-2015-SUCAMEC-SN, 20 March 2015.

International treaties & standards :

International Ammunition Technical Guidelines (IATGs), <https://www.un.org/disarmament/un-safeguard/guide-lines/>

International Code of Conduct for Private Security Service Providers, 2010.

http://www.icoca.ch/sites/all/themes/icoca/assets/icoc_english3.pdf.

International Small Arms Control Standards (ISACS), <http://www.smallarmsstandards.org/>.

Management System for Quality of Private Security Company Operations Requirements with Guidance, ANSI/ASIS PSC.1-2012.

Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (hereafter: Montreux Document), 17 September 2008, available at: <http://www.mdforum.ch/pdf/document/en.pdf>, (accessed 29 July 2016).

Legislative Guidance Tool for States to Regulate Private Military and Security Companies (PMSCs), DCAF, 2016, <http://www.ppps.dcaf.ch/sites/default/files/uploads/Legislative-Guidance-Tool-Final.pdf>, (accessed July 2016).

United Nations Basic Principles on the Use of Force and Firearms, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba from 27 August to 7 September 1990.

United Nations Guiding Principles on Business and Human Rights, Human Rights Council resolution 17/4, 16 June 2011.

Voluntary Principles on Security and Human Rights, 2000, <http://www.voluntaryprinciples.org/>

ANNEX A: Government Survey

Project Strengthening Oversight and Building Capacities for Small Arms Control and Nonproliferation in the Private Security Sector

Survey

Country: _____

Institution: _____

Name: _____

Position: _____

Contact details: _____

1. What is/are the name(s) of the government entity(ies) responsible for regulation and oversight of the private security sector?
2. Does your country have specific legislation covering private security services? What is the name and date of that legislation? Please attach a copy of that legislation in pdf.
3. Are there current plans to revise existing PSC-related legislation or firearms related legislation as related to PSCs? If so please provide information on the nature and scope of these reforms:
4. How many private security companies (PSCs) are registered in your country/jurisdiction?
5. How many private security guards are registered in your jurisdiction?
6. How many PSCs in your jurisdiction provide armed security services?
7. How many firearms are registered property of PSCs in your jurisdiction?
8. Is there an estimate for the number of PSCs and guards operating in the following situations:
 - a. Irregular (expired or partial licenses): _____
 - b. Illegal (never authorized by State): _____
9. How many PSC firearms were confiscated by police or other security agencies in 2014 and to date in 2015?

10. What were the reasons for the confiscation of these weapons (select all that apply)?
- a. Unlawful use
 - b. Expired permit
 - c. Non-existent permit
 - d. Prohibited weapon
 - e. Other (please specify) _____
11. When PSCs are licensed to use firearms for the provision of services they are:
- a. Company property
 - b. Property of the individual guard
 - c. Both 'a' and 'b'
12. Do national laws or regulations related to private security weapons include standards for safe storage? If so, please indicate the specific article(s) of the associated norm.
13. PSC training on use of firearms and use of force is provided by (circle all that apply):
- a. Government agency
 - b. Private companies and institutes
 - c. Other
14. Are there any PSC industry associations in your jurisdiction? If so please provide their formal names here. If these associations have website please include them here as well.

ANNEX B: Private Security Companies and PSC personnel in Latin America and the Caribbean – Sources

Country	Source	
	Private Security Companies	Private Security Agents
Argentina	Author's own elaboration based on Observatorio de Empleo y Dinámica Empresarial de Argentina - Dirección General de Estudios y Estadísticas Laborales (DGEyEL), Subsecretaría de Programación Técnica y Estudios Laborales (SSPTyEL), Ministerio de Trabajo, Empleo y Seguridad Social (MTEySS), August 2015.	
Bahamas	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	
Barbados	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	
Belize	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	
Bolivia	La República, Unipol instruirá a los guardias de la privada, 12 June 2013, available at: http://www.la-razon.com/ciudades/Unipol-instruira-guardias-rivada_0_1850214974.html (accessed on 1 October 2015).	
Brazil	Authors' communication with the representative of the Brazilian National Federation of Private Security Companies and Armoured Car Services (FENAVIST), 8 November 2015.	
Chile	El Mercurio, Seguridad privada: Empresas del rubro crecen 46% en cinco años y ya son más de cien mil los abandonados a alarmas en Chile, 7 December 2012, available at: http://www.nexchannel.cl/Nex/noticias/noticia_pescria.php?nota=12774937 (accessed on 23 August 2016).	
Colombia	Superintendencia de Vigilancia y Seguridad Privada, National Report of Private Security Services, 24 July 2015, available at: www.supervigilancia.gov.co/?idcategoria=6846410&download=Y (on accessed 1 October 2015).	Superintendencia de Vigilancia y Seguridad Privada, Operational staff of Private Security: Monthly Report by Position and Gender, 30 June 2015, available at: http://www.supervigilancia.gov.co/?idcategoria=10001369# (accessed on 30 June 2016).
Costa Rica	Authors' communication with the Director of the Private Security Department, Ministry of National Security, 21 September 2016	

Country	Source	
	Private Security Companies	Private Security Agents
Dominica	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	
Dominican Republic	Official Response from the Ministry of Interior to the Baseline Survey, September 2015.	El Caribe, Seguridad privada crece ante la incapacidad y descredito policial, 9 October 2015, available at: http://www.elcaribe.com.do/2015/10/09/seguridad-privada-crece-ante-incapacidad-descredito-policial (accessed on 23 August 2016).
Ecuador	El Telégrafo, Guardias usaban armas clonadas en mal estado", 14 May 2014, available at: http://www.eltelegrafo.com.ec/noticias/judicial/13/guardias-usaban-armas-clonadas-y-en-mal-estado (accessed on 25 August 2016).	Ministry of Interior, Preparación de personal de seguridad privada, Official Database 2014, available at: http://www.ministeriointerior.gob.ec/preparacion-de-personal-de-seguridad-privada/2013/ (accessed on 6 August 2015).
El Salvador	Amaya, Edgardo, Mapeo sobre seguridad privada y armas de fuego en el Salvador, San Salvador: UNLIREC, October 2015. (Not public document, available upon request).	
Grenada	Official Response from the Royal Grenada Police Force to the Baseline Survey, September 2015.	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).
Guatemala	Official Response from the Ministry of Defence to the Baseline Survey, August 2015.	El Nuevo Diario, Nicaragua con menos gastos en seguridad privada, 23 March 2015, available at: http://www.elnuevodiario.com.ni/economia/355993-nicaragua-menos-gastos-seguridad-privada/ (accessed on 23 August 2016).
Guyana	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	

Country	Source	
	Private Security Companies	Private Security Agents
Haiti	Geoff, Burt, From Private Security to Public Good: Regulating the Private Security Industry in Haiti. The Centre for International Governance Innovation SSR Issue Paper. Ontario, N°9, pp.1-28. Available at: https://www.ciaonet.org/attachments/20871/uploads (accessed on 25 August 2016).	
Honduras	Official Response from the Secretary of Security to the Baseline Survey, October 2015.	
Jamaica	Private Security Regulation Authority. Registered Companies with Expiring Dates for 2015-2016, 20 October 2015. Available at: http://www.pusra.gov.jm/ (accessed on 20 October 2015).	
Mexico	Official Response from the Ministry of Foreign Affairs to the Baseline Survey October 2015.	El Universal. Inseguras, empresas de seguridad privada, 26 August 2014, available at: http://archivo.eluniversal.com.mx/finanzas-cartera/2014/inseguras-empresas-de-seguridad-privada-1033065.html (accessed on 23 August 2016).
Nicaragua	Asamblea Nacional de Nicaragua, Follow-up of the National Assembly, Ordinary Session N°4, volumes IV 2015, chapter 12, subparagraph 2.39, Private Security Act. Managua, 10 December 2014, available at: http://www.asamblea.gob.ni/trabajo-legislativo/diario-de-debates/ (accessed on 23 August 2016).	
Panama	CentralAmericaData.com, Panamá: Otro intento para regular seguridad privada, 3 August 2015, available at: http://www.centralamericadata.com/es/article/home/Panam_Otro_intento_para_regular_seguridad_privada (accessed on 1 October 2015).	
Paraguay	Paraguay, En el país operan 229 empresas de seguridad privada, 7 May 2012, available at: http://www.paraguay.com/nacionales/en-el-pais-operan-229-empresas-de-seguridad-privada-82394 (accessed on 4 October 2015).	ABC, Guardias privados invaden las calles ante inseguridad, 7 May 2012. Available at: http://www.abc.com.py/nacionales/aumenta-la-seguridad-privada-398573.html (accessed on 4 October 2015).
Peru	Superintendencia Nacional de Control de Servicios de Seguridad, Armas, Municiones y Explosivos de Uso Civil (SUCAMEC), La Seguridad Privada en el Perú: Un estado situacional, Lima: UNLIREC/SUCAMEC, May 2016.	
St Kitts and Nevis	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	

Country	Source	
	Private Security Companies	Private Security Agents
St. Lucia	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	
St. Vincent and the Grenadines	Hill, Sheridan, Regulations of Private Security Companies Regional Perspective, Organization of American States, presentation OAS 2011, available at: https://www.oas.org/dsp/Presentaciones/Presentacion_Hill.ppt (accessed on 23 August 2016).	
Trinidad and Tobago	Official Response from the Ministry Of National Security to the Baseline Survey, October 2015.	
Uruguay	El País, Con arma, pero sin formación, 18 October 2015, available at: http://www.elpais.com.uy/que-pasa/arma-formacion-seguridad-privada-uruguay.html (accessed on 31 October 2015).	
Venezuela	BBC Mundo, La inseguridad: un negocio seguro en Venezuela, 10 February 2011, available at: http://www.bbc.com/mundo/noticias/2011/02/110209_venezuela_seguridad_negocio_rg.shtml (accessed on 16 August 2016.)	

ANNEX C: PSC small arms in 17 Latin American and Caribbean countries - Sources

Country	Source
Belize	Author's own elaboration based on latest information available from the Belize Police Department from 2009.
Brazil	Author's communication with a representative of the Brazilian National Federation of Private Security Companies and Armoured Car Services (FENAVIST), 08 November 2015.
Chile	Official Response from the Ministry of Defence, 10 November 2015.
Colombia	El Tiempo, Proponen que 150 mil vigilantes privados no tengan armas de fuego, 16 January 2012, available at: /01/2012 http://www.eltiempo.com/archivo/documento/CMS-10946845 (accessed on 24 July 2015).
Costa Rica	Authors' communication with the Director of the Private Security Department, Ministry of National Security, 21 September 2016.
Dominican Republic	Official Response from the Ministry of Interior to the Baseline Survey, September 2015.
Ecuador	Policía del Ecuador, Departamento de Criminalística, Departamento de Criminalística registró 29.716 armas de fuego, 11 June 2014, available at: http://www.policiaecuador.gob.ec/departamento-de-criminalistica-registro-29-716-armas-de-fuego/ (accessed on 6 August 2015).
El Salvador	Amaya, Edgardo, Mapeo sobre seguridad privada y armas de fuego en el Salvador, San Salvador: UNLIREC, October 2015. (Not public document, available upon request).
Grenada	Official Response from the Royal Grenada Police Force to the Baseline Survey, September 2015.
Haiti	Geoff, Burt, From Private Security to Public Good: Regulating the Private Security Industry in Haiti. The Centre for International Governance Innovation SSR Issue Paper. Ontario, N°9, pp.1-28. Available at: https://www.ciaonet.org/attachments/20871/uploads (accessed on 25 August 2016).
Honduras	Official Response from the Secretary of Security to the Baseline Survey, October 2015.
Mexico	Official Response from the Ministry of Foreign Affairs to the Baseline Survey October 2015.
Nicaragua	Asamblea Nacional de Nicaragua, Follow-up of the National Assembly, Ordinary Session N°4, volumes IV 2015, chapter 12, subparagraph 2.39, Private Security Act. Managua, 10 December 2014, available at: http://www.asamblea.gob.ni/trabajo-legislativo/diario-de-debates/ (accessed on 23 August 2016).
Paraguay	Official Response from the Armed Forces Command – Division of War Material (DIMABEL) to the Baseline Study, September 2015.
Peru	Superintendencia Nacional de Control de Servicios de Seguridad, Armas, Municiones y Explosivos (SUCAMEC), La Seguridad Privada en el Perú: Un estado situacional. Lima, UNLIREC/SUCAMEC, May 2016.
Uruguay	Author's communication with the representative of the Ministry of Defence (RENAR), 04 November 2015.

Annex D

Government of Argentina PSC stockpile authorization request²³⁸



SOLICITUD DE INCRIPCION DE INSTALACIONES DE GUARDA Y/O ALMACENAMIENTO DE MATERIALES CONTROLADOS

Registro Nacional de Armas y Explosivos

Ministerio de Justicia y Derechos Humanos

APELLIDO y NOMBRE o RAZON SOCIAL									
TIPO DE USUARIO									
LEGAJO		CUIT/CUIL		TEL.					
DOMICILIO SDA/SDG	CALLE			Nº		PISO		DPTO	
LOCALIDAD		C.P.		PCIA.					
MATERIAL SOLICITADO					CANTIDAD				
ARMAS LARGAS									
ARMAS CORTAS									
MUNICIØN PARA ARMAS DE ANIMA LISA									
MUNICIØN PARA ARMAS DE ANIMA ESTRIADA (.22 PLG)									
MUNICIØN PARA ARMAS DE ANIMA ESTRIADA (Distinto a .22 PLG)									
MATERIALES DE USOS ESPECIALES (CHALECOS ANTIBALA)									
MATERIALES DE USOS ESPECIALES (CASCO)									
MATERIALES DE USOS ESPECIALES (PLACA BALISTICA OPACA O TRASPARENTE – ESCUDOS)									
CAPSULAS DE PERCUSIØN o CEBO									
POLVORA SIN HUMO									
POLVORA NEGRA									
REPUESTOS PRINCIPALES DE ARMAS									
COMPONENTES PRINCIPALES DE MUNICIØN									
EQUIPO DE RECARGA DE MUNICIØN									
AGRESIVO QUIMICO									
PIROTECNIA DE VENTA LIBRE									
VOLUMEN DEL SECTOR DE GUARDA/ALMACENAMIENTO DISPONIBLE PARA INSCRIBIR (Mts ³)									
CLASIFICACIØN DEL SECTOR DE GUARDA/ALMACENAMIENTO QUE SOLICITO INSCRIBIR									
FIRMA y ACLARACION					FIRMA Y SELLO DEL FUNCIONARIO CERTIFICANTE				

²³⁸ Available at: <https://www.renar.gov.ar/pdf/INSCRIPCIONSDGSDA.pdf>

© DCAF, 2016
© United Nations, 2016
All rights reserved

This report has been prepared by two agencies with distinct mandates that are working together to promote improved oversight of the armed private security sector in Latin America and the Caribbean: the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

DCAF and UNLIREC promote broad adherence to the principles and good practices contained within the Montreux Document on Private Military and Security Companies and the International Code of Conduct for Private Security Providers (ICoC). In combination with efforts to implement the UN Programme of Action on Small Arms (UN 2001 PoA) through the application of UN international stockpile management standards, the aforementioned principles and good practices can strengthen governance of private security companies, reinforce operational standards and contribute to reducing incidents. Neither UNLIREC nor DCAF hold institutional positions in favour or against the private security industry, considering determinations of this nature as the sole responsibility of sovereign governments and their institutions.

This study is developed by DCAF's Public-Private Partnerships division and UNLIREC's Public Security Programme, drawing on the research of external contributors.

With the support of:

