

## Module 3: Roles and Responsibilities of Security Personnel

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<b>Module Objective</b>	At the end of this module, you will be able to perform your duties and responsibilities as security personnel according to human rights (HR), national laws, Company policies, and the Voluntary Principles of Security and Human Rights (VPSHR), by applying your skills and knowledge to specific scenarios and activities.
<b>Assessment</b>	Assessment will occur through specifically designed group activities and sessions requiring you to apply the knowledge and skills acquired throughout the module.
<b>Sections</b>	<p>Introduction</p> <ol style="list-style-type: none"><li>1. Roles and Responsibilities of Security Personnel</li><li>2. Regulatory Framework for Security Personnel</li><li>3. A Gender Approach to Security</li><li>4. Dealing with Vulnerable Groups</li></ol> <p>Conclusion</p>

## INTRODUCTION

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

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



This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

## 1. GUIDELINES AND FRAMEWORK FOR SECURITY PERSONNEL

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

### Who does what?

Roles and Responsibilities of Security Personnel

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

## 1. ROLES AND RESPONSIBILITIES OF SECURITY PERSONNEL

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

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





## Duties and Responsibilities of Company and Private Security Personnel



### Duties ON Company Premises

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### Duties OUTSIDE Company Premises

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### Primary Role of Company and Private Security Personnel

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

### Primary Role of Public Security Personnel (Forces)

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



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



#### Duties ON Company Premises

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#### Duties OUTSIDE Company Premises

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## Reflection

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

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

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

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

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

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

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

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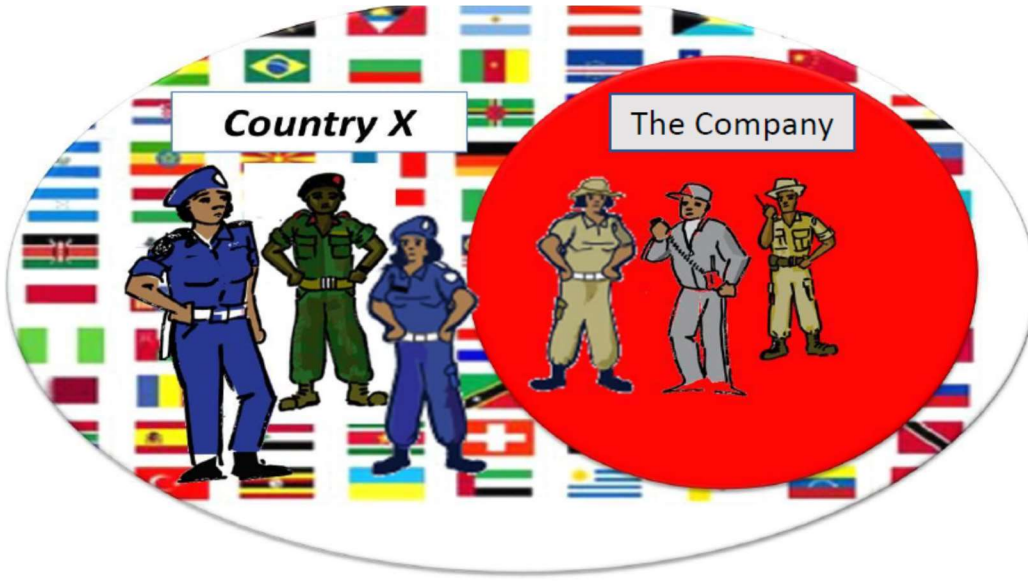
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**You have a responsibility to perform your duties and responsibilities in such a way that:**

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





## How do we work together?

## Cooperation between Security Personnel

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

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### Important!

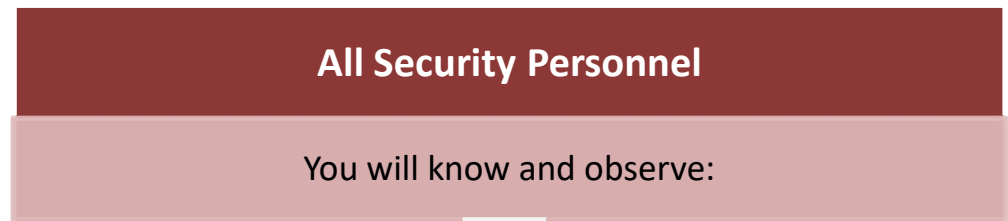
Private security personnel will not take orders from public security personnel (forces), and vice versa.

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

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

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

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



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

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

**Site or project specific security policies and procedures.**

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

**Human Rights and International Humanitarian Law (IHL).**

**Report any HR violation.**

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## Public Security Personnel (Forces)

Using a MOU, the Company will:

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

**Make public** the arrangement.

**Meet regularly with the community.**

**Discuss** the conduct of personnel with supervisors and government agencies.

Request **proof of HR training.**

**Support HR training.**

### **Memorandum of Understanding (MOU)**

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

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



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

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

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

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

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

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

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

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## Company and Private Security Personnel

Using internal procedures and contracts the Company will:

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

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

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

**Apply ethical conduct and HR policy** of the Company.

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

**Apply site specific security policies and procedures.**

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



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## How to Improve Cooperation between Security Personnel

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

## Reflection

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

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

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

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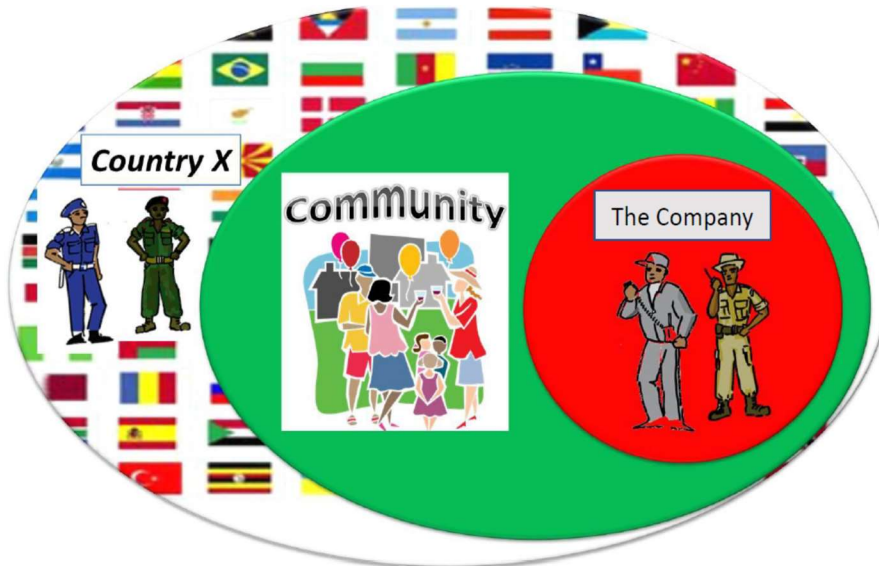
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## Cooperation between Security Personnel and the Community



### Involving the community ...

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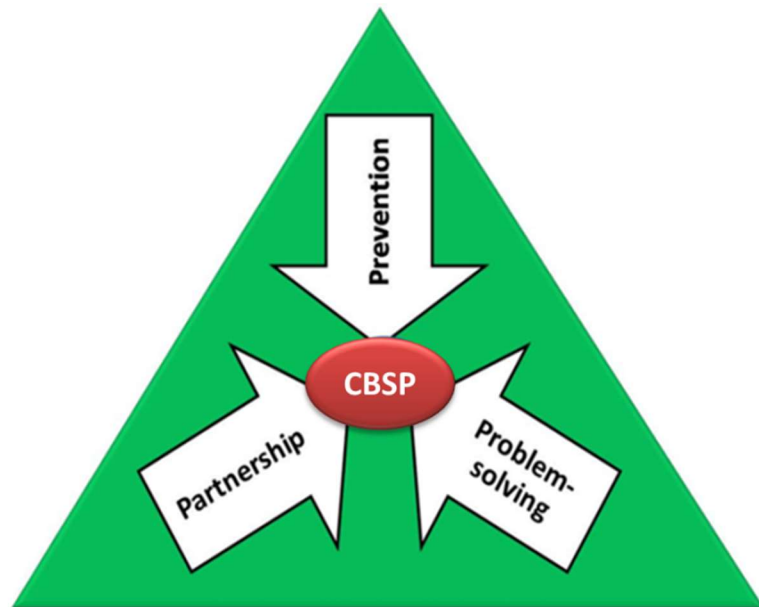
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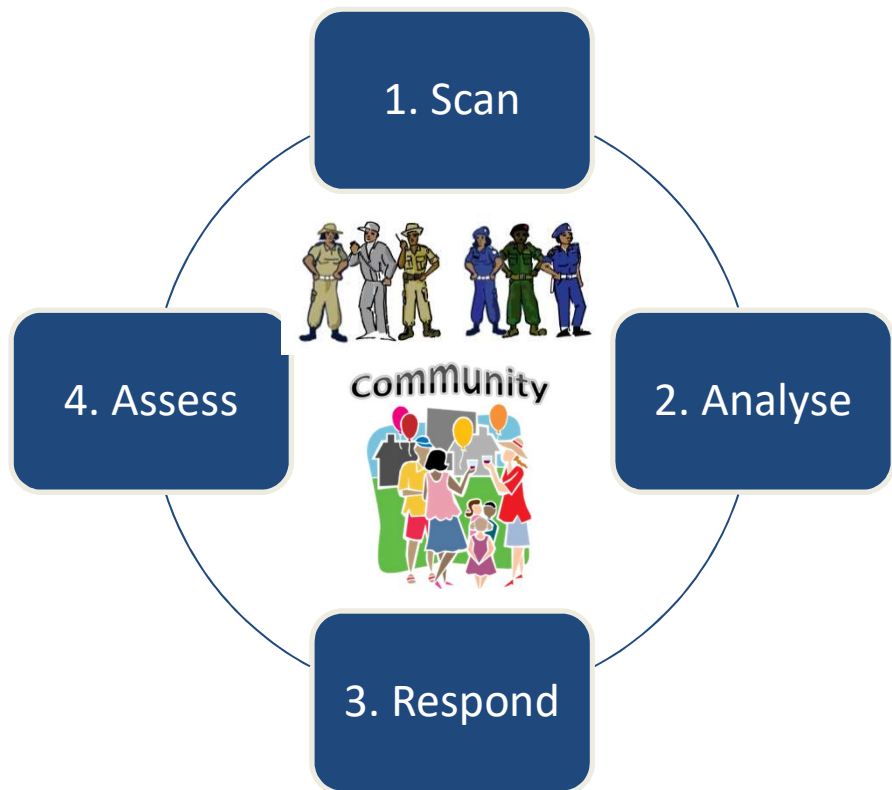
#### Reach Out and Increase Community Involvement on HR Issues

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

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



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





## SCAN

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

## ANALYZE

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

## RESPOND

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

## ASSESS

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

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

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

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

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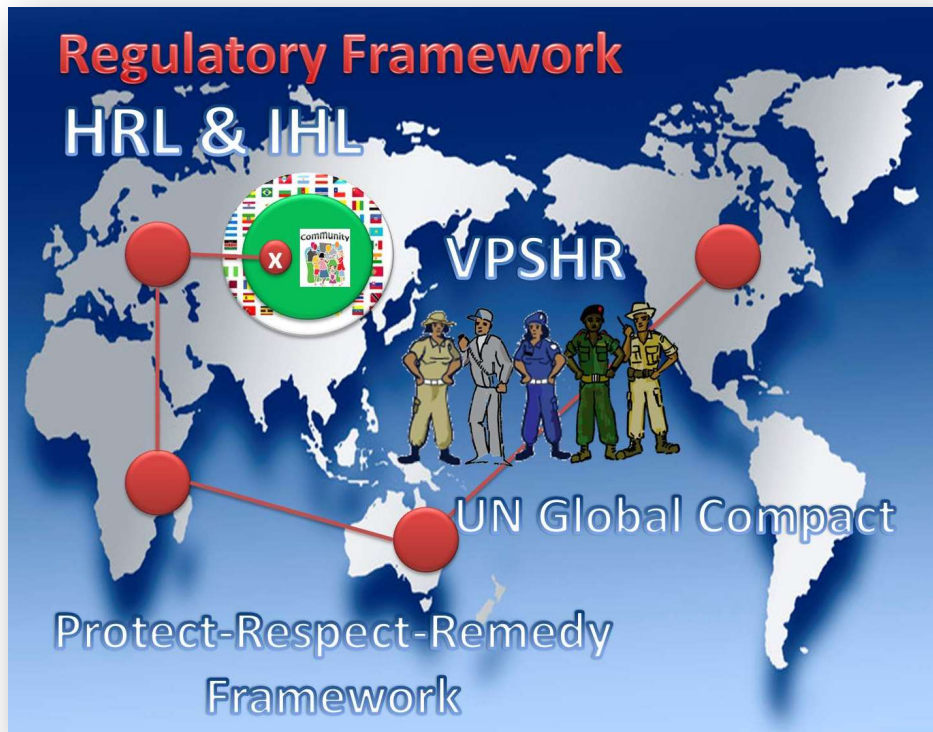
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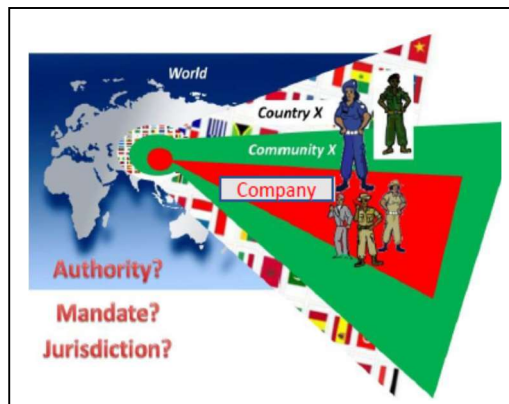
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## Regulatory Framework for Security Practices



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

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



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

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

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

## Reflection

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

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

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

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

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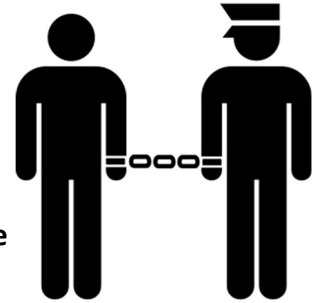
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## My Notes

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## b) Temporary Detention and Arrest

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



### Temporary Detention

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

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

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

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

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

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

Sources:

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

## Arrest

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

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

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

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

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

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

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

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

What are **your** powers?

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

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

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

## Arrest and Warrants

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

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

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

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

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

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

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



## Before I Arrest

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

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



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

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

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

### Guidance for Arrests

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

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

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

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

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

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

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

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

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

Sources:

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

### ***Role-Play: Arrest and Detention***

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

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

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**Q** What is the difference between temporary detention and arrest?

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

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

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

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

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

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### c) Perimeter Control and Searches

#### Purpose

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

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



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

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

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

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

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

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

### Remember:

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

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

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

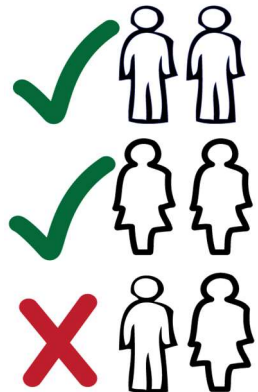
## Human Dignity and Searches

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

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

### *When searching a person, remember:*

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



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



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

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



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

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

### Persons Who Conduct Searches

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

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### Results of Unlawful Searches

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

## Searches Can Be Conducted With and Without a Search Warrant

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

## Before You Search or Seize

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

Ask yourself the following questions:

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





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

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

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### Remember!

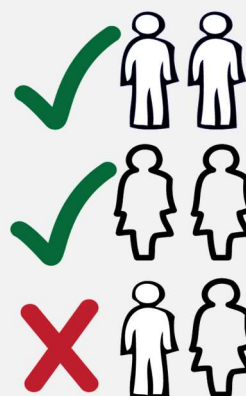
Even if you suspect someone or doing something wrong, you must still respect their human rights.

## Guiding Principles for All Searches

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

## When Searching Persons

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



## When Searching Property

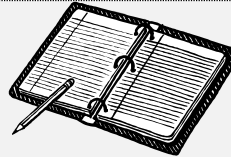
- Before you start, inform the person present or owner of the property that you intend to conduct a search. Ask for their consent.

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



## Seizure of Property

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



## Role-Play: Search and Seizure

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

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

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

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

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

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

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

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

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

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#### **d) The Investigation of Crime**

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

- Identify suspects.
- Identify witnesses.



### The Rights of Witnesses

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

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

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

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

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

Security personnel could be asked to:

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

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**In all circumstances, investigations will respect human rights.**

## Guiding Principles for Criminal Investigations

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

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

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



## The Rights of Suspects

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

## General Guidelines for Criminal Investigations

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

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

Sources:

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

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**Remember:**

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

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

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

***Role-Play: Criminal Investigations***

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

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

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

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

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

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

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

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

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

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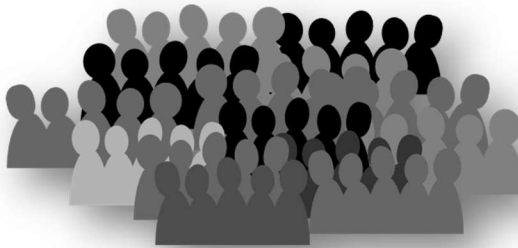
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## e) Dealing with Assemblies, Crowd Control, and Evictions

### Dealing with Assemblies and Crowd Control

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



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

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

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

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

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

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

Source: ICCPR, Articles 19.3, 21 and 22.2

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

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

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

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

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

Sources:

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

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## Basic HR Standards for Assemblies and Crowd Control

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

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## Planning for Assemblies

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

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

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

### ***Before assemblies and crowd control:***

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

### ***During assemblies and crowd control:***

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

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

***After assemblies and crowd control:***

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

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

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

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## Dealing with Evictions

Evictions are sometimes necessary because of:

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



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

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

## Rights of Evictees

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

This applies to government and Company alike.

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

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

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

### ***Activity: Assemblies, Crowd Control and Evictions***

#### ***Scenario 1: Handing Over a Petition***

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

**Q** What rights do the protestors have?

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

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

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

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### ***Scenario 2: Violent Protest***

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

**Q** What rights do the protestors have?

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

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

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### ***Scenario 3: Eviction***

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

**Q** What rights do the evictees have?

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

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

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## My Notes

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## 2. A GENDER APPROACH TO SECURITY

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

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

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

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

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

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

You need to treat women and men equally.

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

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

### Gender and Sex: What is the difference?

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

Do you know the difference?

#### SEX

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

#### GENDER

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



## Equal Opportunities for Women and Men Security Personnel

Equal opportunities for women and men security personnel imply:

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

### Remember!

**Equality does not necessarily mean the same.**

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

## Equal Treatment

Equal treatment implies:

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

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

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

## My Notes

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

### 3. DEALING WITH VULNERABLE GROUPS

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

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

### a) Dealing with Children

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

**CHILD**

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

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

## JUVENILE

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

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

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

## Children's Rights

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

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

Sources:

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

## When Children are Lawfully Detained by Authorised Security Personnel

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

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

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

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

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

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

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

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

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

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

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

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

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

## b) Dealing with Women

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

These rights include:

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

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

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

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

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

## HR Guidelines for Security Personnel

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

### Sources:

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

### Sexual Violence

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

### Gender-based Violence (GBV)

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

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

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### c) Dealing with Trafficking in Persons

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

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

**Trafficking in persons is a grave crime.**

The United Nations ask governments:

**Trafficking in persons involves persons trapped or deceived into:**

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

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

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



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

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

### **Types of Abuse Suffered by Trafficked Victims**

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

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

Foreign nationals have the same HR as country nationals.

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

### **The Rights of Foreign Detainees and Prisoners**

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

### **FOREIGN NATIONAL**

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

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

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

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

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

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

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

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

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

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## e) Dealing with Victims of Crime

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

### Rights of Victims of Crime

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

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

### VICTIMS OF CRIME

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

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

## Duties and Responsibilities of Security Personnel to Victims of Crime

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

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

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

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

### My Notes

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## CONCLUSION

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

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

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

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

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

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

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

## My Notes

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