

3.5. Vetting

A. Vetting requirements may be unrealistic in certain contexts. In particular, documentation on past performance of the PSP, as well as service and criminal records of its employees, may be unobtainable.

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GOOD PRACTICES*

As part of the risk assessment exercise, gather as much information as possible on the private security industry in the country, in particular with regard to regulation and performance history of local PSPs.

- ▶ Consult with host and home government authorities, other companies, civil society organisations and local communities.
- ▶ Conduct research using local media, web resources and reports developed by international organisations, multi-stakeholder initiatives, civil society organisations and experts.
- ▶ Examine applicable private security laws and other national legal requirements, in particular with regard to the issuance of business and equipment licenses, and training certificates. This will provide the company with some notions of the kind of documentation that PSPs will be able to submit with their applications to bid for a contract.
- ▶ Identify trends in cases of human rights abuses in which local PSPs have been involved.
- ▶ Elaborate a list of all PSPs that are known to have been involved in human rights abuses and violations of international humanitarian law and use it as part of the criteria for automatic exclusion in the evaluation process for the selection of a PSP. (See Challenge 3.2.a.)
- ▶ Where a country's public security is known to be associated with human rights abuses and violations of international humanitarian law, and is a likely source of private security personnel, incorporate this into the risk assessment.

Develop a Request for Proposals (RFP) requesting that each applicant provides background information in order to assist the client in assessing their application in terms of due diligence and professionalism. (SCG: 4) (See Challenge 3.2.a.) Key information required for vetting purposes should include (based on SCG: 4):

- Ownership structure.
- Relations with subcontractors, subsidiary corporations and ventures.
- Evidence of business licenses and equipment licenses (particularly as these relate to weapons, firearms and ammunition).
- Extent of pre-employment screening for employees and management staff, including proof of qualifications, background and work experience.
- Proof of training provided by the company to its employees on human rights and humanitarian law, the use of force, weapons and firearms, and first aid.

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- A list of principal services provided in the last three years.
- References from similar clients, in particular from those operating in the local area, as well as from local officials and communities.
- Information on any human rights incidents or complaints relevant to the operating environment and/or tasks to be performed and any remedial action taken.

“Evaluate bids in two stages; automatic exclusion on the basis of set criteria and the assessment of tenders according to award criteria” (SCG: 4) (See Challenge 3.2.a.)

1. The exclusion criteria related to vetting should consider (SCG: 5):

- Inability to fulfil any aspect of the RFP;
- Failure to provide requested documentation;
- Submission of false information or misleading information;
- Grave professional misconduct by the company or one of its management, particularly with regard to the excessive use of force;
- Conviction of the company or its management of an offence concerning its professional conduct;
- Proven involvement in political activities;
- Proven breaches of or complicity in breaches of international humanitarian and human rights law, including through its business relations with subcontractors, subsidiary corporations and ventures.

2. The award criteria related to personnel standards should take into account:

- Selection and recruitment: recruitment and selection methodology, criminal screening, human rights and international humanitarian law abuse screening, drug screening, discharge from public or private security services, psychological screening. (SCG: 6)
- Average officer experience: employee backgrounds, experience in industry, contract specific experience. (SCG: 6)
- Training on human rights, international humanitarian law (in situations of armed conflict), use of force and firearms, crowd management, conflict-diffusion techniques, and other skills, such as restraining or apprehending individuals.
- “Existence and implementation of policies relating to international humanitarian law and human rights law, especially on the use of force and firearms, as well as policies against bribery, corruption, and other crimes.” (MD Part 2: par. 12)
- “Existence of monitoring and supervisory as well as internal accountability mechanisms.” (MD Part 2: par. 12)
- Systems to control the management, use and handling of weapons, firearms and ammunition (registers, licenses, handing over, transportation).

Ensure the selected PSP has an effective vetting programme

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ICoC: Selection and Vetting of Personnel

45. Signatory Companies will exercise due diligence in the selection of Personnel, including verifiable vetting and ongoing performance review of their Personnel. Signatory Companies will only hire individuals with the requisite qualifications as defined by the applicable contract, applicable national law and industry standards, and the principles contained in this Code.

46. Signatory Companies will not hire individuals under the age of 18 years to carry out Security Services.

47. Signatory Companies will assess and ensure the continued ability of Personnel to perform their duties in accordance with the principles of this Code and will regularly evaluate Personnel to ensure that they meet appropriate physical and mental fitness standards to perform their contracted duties.

48. Signatory Companies will establish and maintain internal policies and procedures to determine the suitability of applicants, or Personnel, to carry weapons as part of their duties. At a minimum, this will include checks that they have not:

- a) been convicted of a crime that would indicate that the individual lacks the character and fitness to perform security services pursuant to the principles of this Code;
- b) been dishonourably discharged;
- c) had other employment or engagement contracts terminated for documented violations of one or more of the principles contained in this Code; or
- d) had a history of other conduct that, according to an objectively reasonable standard, brings into question their fitness to carry a weapon.

For the purposes of this paragraph, disqualifying crimes may include, but are not limited to, battery, murder, arson, fraud, rape, sexual abuse, organized crime, bribery, corruption, perjury, torture, kidnapping, drug trafficking or trafficking in persons. This provision shall not override any law restricting whether a crime may be considered in evaluating an applicant. Nothing in this section would prohibit a Company from utilizing more stringent criteria.

49. Signatory Companies will require all applicants to authorize access to prior employment records and available Government records as a condition for employment or engagement. This includes records relating to posts held with the military, police or public or Private Security Providers. Moreover, Signatory Companies will, consistent with applicable national law, require all Personnel to agree to participate in internal investigations and disciplinary procedures as well as in any public investigations conducted by competent authorities, except where prohibited by law.

Develop a contract with the PSP that includes clear “clauses and performance requirements that ensure respect for relevant national law, international humanitarian law and human rights law” by the contracted PSP. (MD Part 2: par. 14) Discuss these with the PSP to make sure the security provider understands its performance objectives ([See Challenge 3.2.c.](#))

Encourage the PSP to sign a formal declaration that none of their employees have been implicated in abuses of human rights and/or violations of international humanitarian law (IGTs: 57)

- Request an attestation by personnel that nothing in their present or past conduct would contradict the company’s policies and code of conduct for private security. (PSC.1: 19)