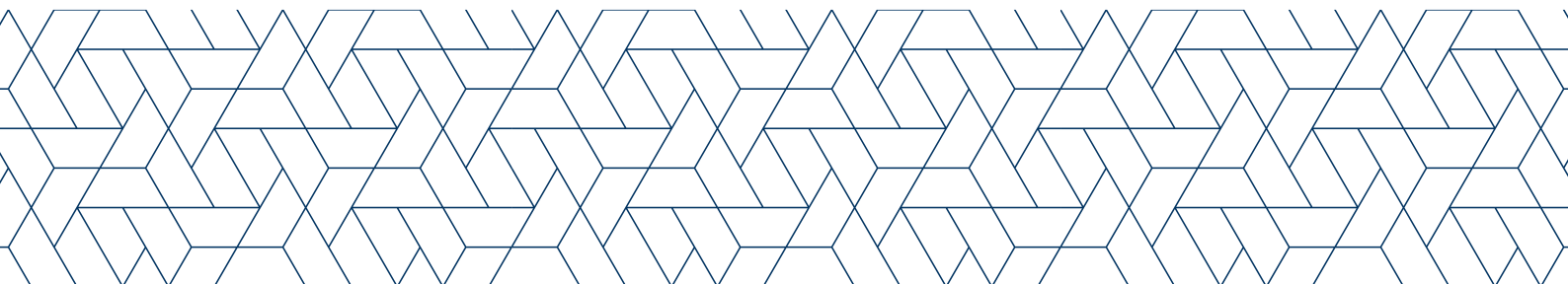


THEMATIC BRIEF

Governance of private security in the South Asia region



Note

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Cover picture

A security guard patrols the grounds of Humayun's Tomb in Delhi, India. Photo by Shanu D., licensed for nonexclusive use by Burst Photos.

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About DCAF

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

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List of abbreviations

APPF	Afghan Public Protection Force
CAPSI	Central Association of Private Security Industry (India)
CSO	Civil society organisation
ICoCA	International Code of Conduction Association
IHL	International humanitarian law
IHRL	International human rights law
MDF	Montreux Document Forum
PMSC	Private military and security company
PSC	Private security company
SSG	Security sector governance
SSR	Security sector reform
USD	United States dollars

1. Introduction

Asia overtook Europe and North America as the largest global market for private security services in 2020.¹ Valued at approximately USD 37 billion, the private security industry primarily offers security systems for home or commercial real estate, private security guards, and security consulting services.² In South Asia, the private security industry has assumed an increasingly critical role and significantly scaled its operational capabilities. This growth is related to rising urbanization, real and perceived threat of crime and terrorism, a perception that public security services are insufficient, and a growing middle class who can afford supplementary security measures.³ Private security services in the form of staffed guarding are most often used by the information technology, retail, manufacturing, and real estate sectors.⁴ In addition, cash management services, used by banks and businesses, as well as event security such as crowd control and VIP protection, are important parts of the industry.⁵

The growing privatization of security poses a challenge to the established paradigm of good security sector governance (SSG). As the state traditionally provides these services and holds exclusive authority on the legitimate use of force, the private security industry does not necessarily fall under the jurisdiction of existing relevant oversight mechanisms. Especially given their expansion of activities, the application of the principles of good governance to private security services is indispensable to a modern security sector that is based on the rule of law and respect for human rights. In particular, the growth of the private security industry requires establishing, strengthening, and promoting effective regulatory frameworks to ensure accountability and to promote professionalism in security provision. Better transparency and improved access to knowledge and understanding on how the industry operates in the South Asia region underscore such measures.

The growing interest in good governance of the private security sector in the South Asia region was highlighted at two events organized by DCAF – Geneva Centre for Security Sector Governance, namely the South Asia SSG Forum⁶ and a roundtable discussion on “Enhancing the Regulation, Oversight and Governance of the Private Security Industry in South Asia” (hereafter the “Roundtable”).⁷ Moreover, in its capacity as Secretariat to the Montreux Document Forum, DCAF focuses on the dissemination of guidance tools through targeted outreach to increase government support for the Montreux Document and the provision of contextualized advisory support to states. As the first step in this outreach in South Asia, this Thematic Brief has been produced by DCAF to inform future outreach and implementation efforts on improving private security governance in South Asia.

1. Statista Research Department (2022) “Size of the security services market worldwide from 2011 to 2020, by region”, 6 July, <https://www.statista.com/statistics/323113/distribution-of-the-security-services-market-worldwide/>.

2. Ibid.

3. Federation of Indian Chambers of Commerce & Industry (FICCI) and BDO in India (2018) “Private Security Industry: Job Creation and Skill Development”, p. 2, <https://ficci.in/spdocument/23012/Private%20Security%20Industry%20Report.pdf>.

4. Ibid, p. 4.

5. Ibid.

6. DCAF – Geneva Centre for Security Sector Governance (2021) “South Asia SSG Forum 2021”, 23 June, <https://www.asiapacificcssg.com/post/2021-south-asia-ssg-forum>.

7. Ibid.

This Thematic Brief responds to the following objectives:

- A. To map the private security industry in South Asia, and to review the status of the legal and regulatory frameworks under which the private security industry operates in the region.
- B. To identify emerging challenges and opportunities, and to develop corresponding recommendations for relevant stakeholders to ensure accountable, professional, and efficient service delivery.

More broadly speaking, this Thematic Brief also aims to enhance knowledge and sensitize wider audiences on these challenges and opportunities for the promotion of effective oversight and accountability of the private security industry. To this end, it lays a foundation for an informed debate by introducing the private security industry in South Asia; sharing lessons learned, international norms, and good practices; and discussing how these can be implemented in a contextualized manner.

Following this introduction, Section 2 will provide an overview and statistics on the private security industry in South Asian countries. Section 3 reviews the different national frameworks for the private security industry, including laws, regulations, oversight arrangements, and the different authorities involved. Section 4 reviews oversight mechanisms, both internal and external, for each South Asian country. Section 5 reflects on some of the challenges facing national governance of the private security industry in South Asia in relation to capacity, regulation, and risks. Section 6 highlights international norms and standards in good governance of the private security industry. Finally, Section 7 introduces recommendations for how various stakeholders can contribute to improved private security governance, taking into account the relevant international standards and national-level challenges and constraints.

Taken together, the data provided on the different countries in the region reflects differences in the availability of public information. As will be highlighted below, further evidence-based research is required to gather additional information on the private security industry, its governance and human rights impacts in South Asia, as well as to further anchor the recommendations to the facts on the ground. Additionally, it bears noting that research was conducted on the private security industry in Afghanistan prior to the Taliban takeover. The information presented here does not represent the current environment as of 2024, as there is currently little transparency in Afghanistan, and it is not possible to access relevant information in the country. This Thematic Brief nonetheless presents the private security industry of Afghanistan before the Taliban takeover and finds value in including Afghanistan as a case study in the region.

2. Overview of the Private Security Industry in South Asia

The private security industry has expanded rapidly in South Asia in the last quarter-century. This section illustrates the private security landscape by presenting data on the size, scope, and character of the industry in each country.⁸ This data aims to support further understanding of national regulatory frameworks, as well as challenges and opportunities to make national industries more efficient, accountable, and professional. The private security landscape, as well as the extent of regulation, varies widely between countries. The identification of these gaps is helpful in highlighting the need for further monitoring and transparency to promote a clearer understanding of the regional private security landscape and to assess governance challenges.

Overall, many PMSCs (private military and security companies)⁹ in South Asia have diversified their activities beyond basic security provision to a broad and varied range of services.¹⁰ PMSCs are deployed in more specialized areas such as maritime security and disaster management. However, there are no separate or tailored guidelines relating to these specialized areas, which underlines an area of potential weakness in regulation and oversight. Another trend to watch is the shift towards artificial intelligence-based security systems, a domain that has until now been managed by information technology companies.¹¹ It is also noteworthy that “industry associations” feature in several South Asian countries, whose role is to advocate for the industry and promote industry development.

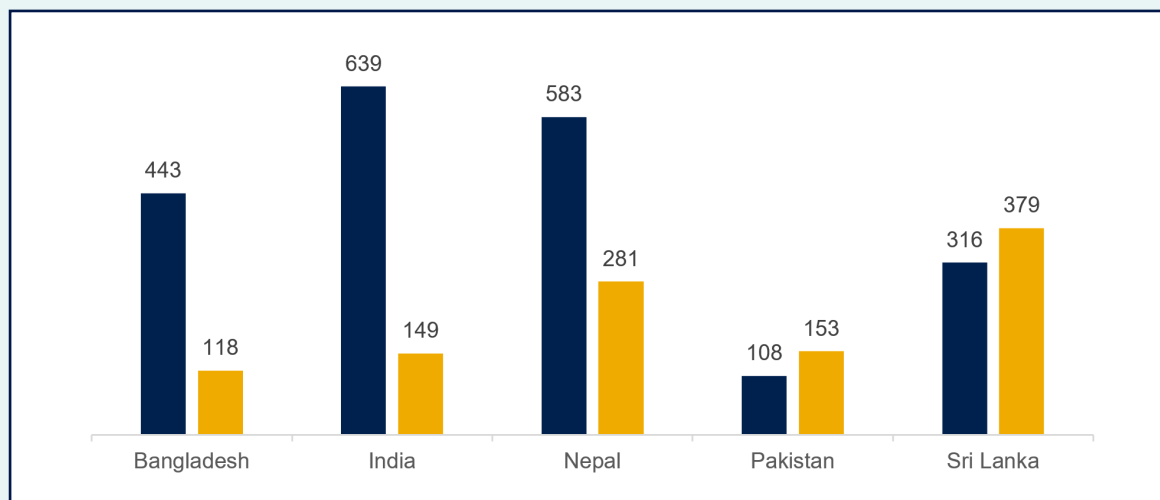
Table 1 depicts the number of private security personnel versus the number of police personnel per 100,000 inhabitants in five South Asian countries. By doing so, the extent of private security presence can be visualized.

8. Note that the numbers of private security providers in the region are typically uncertain and vary strongly between sources. They should therefore be considered best estimates. Any differences in terminology (e.g. “personnel” vs “guards”) in the table reflects the different terminology used in the information sources and may indicate a different scope of measurement.

9. While certain activities are traditionally associated with the military (e.g., combat) and others with security (e.g., residential guarding), many companies offer a diverse range of services spanning both categories. Moreover, from a humanitarian perspective, the crucial consideration is not the company’s label but the specific services it offers in a given context. Hence, this Thematic Brief avoids strict distinctions between private military and private security companies, opting for the inclusive term “private military and security companies” (PMSCs) to encompass all entities providing military, security, or both services.

10. Examples of these services include investigative services, executive/close protection, due diligence checks, emergency evacuations, critical/remote area operations, event security/crown control, electronic automation security, video, data, and record archiving and management, custodial services, and remote surveillance.

11. DCAF (2021), note 6 above.

Table 1: Comparative visualization of number of private security personnel per 100,000 people

Bangladesh has 500,000 (by some estimates as high as 750,000) private security personnel, 200,014 police personnel,¹² and a population of 169,356,251.¹³ India has nine million private security personnel, 2,091,488 police personnel as of 2020,¹⁴ and a population of 1,407,563,840.¹⁵ Nepal has 175,000 private security personnel,¹⁶ 84,411 police personnel including the Armed Police Force, Civil Police, and Metropolitan Police combined,¹⁷ and a population of 30,034,989.¹⁸ Pakistan has 250,000 private security personnel (interestingly, of which 150,000 are registered in Sindh Province alone),¹⁹ 354,221 police personnel as of 2011,²⁰ and a population of 231,402,117.²¹ Finally, Sri Lanka has over 70,000 private security personnel,²² 84,000 police personnel,²³ and a population of 22,156,000.²⁴ In Afghanistan, numbers are uncertain; there was a fast drop in the numbers following the withdrawal of international forces and no new information has been available since the Taliban takeover. Insufficient data was available for Bhutan or the Maldives.

12. Ministry of Finance (undated) "Public Security Division", Government of the People's Republic of Bangladesh, p. 238, https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/budget_mof/1b2ba434_9f5b_4be0_91ba_bd074269315a/G-3_06_122_Public%20%20Security_English.pdf.

13. World Bank (2021) "Population, total – Bangladesh", <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BD>.

14. Press Information Bureau (2020) "Bureau of Police Research & Development (BPR&D) Releases Data on Police Organizations as on 01.01.2020", Ministry of Home Affairs, Government of India, press release, 29 December, <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1684384>.

15. World Bank (2021) "Population, total – India", <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BD>.

16. Garud Securities (2013) "Private security services turning into an industry", <https://www.garudsecurities.com.np/news/1/private-security-services-turning-into-an-industry>.

17. Dhruva Kumar (2007) "Police reform and military downsizing", in Saferworld, Policing in Nepal: A collection of essays, p. 15, <https://www.files.ethz.ch/isn/46913/Policing%20Nepal.pdf>.

18. World Bank (2021) "Population, total – Nepal", <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=NP>.

19. Mohammad Ali Babakhel (2016) "The growing demand for private security", The Express Tribune, 21 January, <https://tribune.com.pk/story/1031851/the-growing-demand-for-private-security>.

20. United States Institute of Peace (2011) "Reforming Pakistan's Police and Law Enforcement Infrastructure", Special Report 266, p. 6, <https://www.usip.org/sites/default/files/resources/sr266.pdf>.

21. World Bank (2021) "Population, total – Pakistan", <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=PK>.

22. Industrial Security Foundation (2018) "History", <http://www.isfsrilanka.org/history.php>.

23. Sri Lanka Police "History", https://www.police.lk/?page_id=6537.

24. World Bank (2021) "Population, total – Sri Lanka", <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LK>.

Private security personnel outnumber police personnel by significant margins in Bangladesh and Nepal, and by an especially strong margin in India. The disparity raises questions about the ability of the police to ensure public order and safety, and about ensuring democratic control and governance of the private security industry. A very large private security industry, particularly where not sufficiently governed and controlled by state authorities, may also pose a risk to the state's monopoly on the use of force, as discussed in further detail below in Section 5.6.

Afghanistan. Between 2001 and 2021, when the Taliban was ousted from power, Afghanistan²⁵ was the only country in the region in which the private security industry comprised companies providing both traditional security as well as military services. When the Taliban fell in 2001, the arrival of coalition forces brought an influx of PMSCs that came to guard embassies and foreign representations.²⁶ From there, the industry continued to grow to meet the security needs of foreign governments, humanitarian organizations, development agencies, and private mineral extraction companies, and to aid reconstruction and training efforts.²⁷

The private security industry became seen as a threat to national security by undermining efforts at the disarmament, demobilization, and reintegration (DDR) of ex-combatants, so efforts at regulation became a priority.²⁸ By 2007 the Afghanistan Ministry of Interior Affairs began issuing licences and by 2008 together with the Disarmament and Reintegration Commission drew up guidelines for registering PMSCs.²⁹ In 2010, following numerous controversies regarding human rights violations and crimes committed by private security providers, the national government initiated a process to centralize all security provision under the Afghan Public Protection Force (APPF), which was a public entity but its services were paid for by clients.³⁰ PMSCs were obligated to dissolve, or could re-form as risk management companies which held advisory, training, and risk assessment roles in support of the APPF but were prohibited from managing weapons or guards or directly providing security.³¹ The APPF was later absorbed into the Afghan National Police and subsequently the Ministry of Interior Affairs, becoming a public security provider paid for by the government rather than clients.³² Nevertheless, PMSCs continued to provide services in Afghanistan and were left largely unregulated by the Afghan authorities, and with limited accountability to their own contracting governments or codes of conduct. The number of PMSC personnel fluctuated during these years, reaching as many as 20,000 contracted by the United States Department of Defense alone in 2018.³³

25. Please note that the information on Afghanistan reflects the situation in the country prior to the Taliban takeover of the country in August 2021. There is currently not sufficient information available to reflect the potential changes to the industry and its regulation since then.

26. Steve Brooking (2011) "Private Security Companies in Afghanistan, 2001-22", Afghanistan Analysts Network, p. 1, https://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/09/13_Brooking_Private_Security_Companies.pdf.

27. DCAF – Geneva Centre for Security Sector Governance (undated) "Private Security Governance Database: Afghanistan", <https://www.businessandsecurity.dcaf.ch/en/afghanistan>.

28. Brooking, note 25 above.

29. Ibid., pp. 1-2.

30. DCAF Private Security Governance Database: Afghanistan, note 26 above.

31. Ibid.

32. Fabrizio Foschini (2014) "Changing of the Guards: Is the APPF program coming to an end?", Afghanistan Analysts Network, <https://www.afghanistan-analysts.org/en/reports/international-engagement/changing-of-the-guards-is-the-appf-program-coming-to-an-end/>.

33. BBC News (2018) "What are private security companies doing in Afghanistan?", 2 December, https://www.bbc.co.uk/news/world-46400647_amp.

The number of PMSC operating now in Afghanistan is unclear. The United States' announcement and implementation of its withdrawal plan between 2020 and 2021 led to a significant drop in the number of PMSC personnel in the country.³⁴ Reports suggest that the number, which during the Trump presidency soared to nearly 6,000, dropped to around 2,850 in early 2021 and even further to around 1,400 in July 2021, with only about 450 serving in armed roles.³⁵ Some argue that the departure of private contractors, who played a crucial role in the functioning of the Afghan army, was a key turning point in the fall of the Afghan government and rise of the Taliban.³⁶ It has been speculated that Afghanistan may see a new increase in Chinese PMSCs.³⁷ Precisely how the Taliban take over in the summer of 2021 has affected the private security industry, however, is unclear as information is largely unavailable. This Thematic Brief therefore does not reflect any changes which have taken place since then.

Bangladesh. There is no official, accurate number of private security personnel in Bangladesh, but estimates range between 500,000 and 750,000.³⁸ The national industry association estimates there are around 380 registered PMSCs and an additional 250-300 unregistered companies and independent contractors.³⁹ PMSCs in the country mainly provide traditional security services in banks, commercial buildings, offices, schools, colleges, universities, hospitals, malls, restaurants, and residential apartments.⁴⁰ The Bangladesh Professional Security Service Providers Association (BPSSPA) is the private security industry association that provides a platform for PMSCs and security professionals to cooperate in developing the industry.

Bhutan. In Bhutan, two PMSCs are recognized officially and are regulated under the 2016 Guideline for Private Security Firms and Private Security Personnel.⁴¹ However, very limited information is available about their operational frameworks or the number of personnel working in the sector.

India. Demand for private security services in India has expanded rapidly in parallel with urbanization and increasing concern over crime, terrorism, and personal safety.⁴² There are over 22,000 PMSCs in the country and approximately nine million private security personnel.⁴³ In addition, protection of cash and valuables is a small but rising segment of the industry in India, as is operation and maintenance of electronic security products, for example for airports, public infrastructure, offices, and retail.⁴⁴

34. Paul D. Shinkman (2021) "Number of Private Contractors in Afghanistan Drops Precipitously as Biden Pushes Withdrawal Plan", US News, 21 July, <https://www.usnews.com/news/world-report/articles/2021-07-21/number-of-private-military-contractors-in-afghanistan-drops-precipitously-as-biden-pushes-withdrawal-plan>.

35. Ibid.

36. Jack Detsch (2021) "Departure of Private Contractors Was a Turning Point in Afghan Military's Collapse", Foreign Policy, 16 August, <https://foreignpolicy.com/2021/08/16/afghanistan-military-collapse-private-contractors/>.

37. Meia Nouwens (2021) "Afghanistan: the next frontier for China's private-security companies?", International Institute for Strategic Studies, 21 October, <https://www.iiss.org/blogs/analysis/2021/10/afghanistan-the-next-frontier-for-chinas-private-security-companies>.

38. DCAF South Asia SSG Forum 2021, note 6 above.

39. Ibid.

40. FM Associates "How to Setup Security Business in Bangladesh", <https://www.fmassociatesbd.com/doing-business/how-to-setup-security-business-in-bangladesh-doing-business-in-bangladesh>.

41. Royal Government of Bhutan (2016) "Guideline for Private Security Firms and Private Security Personnel, 2016", Ministry of Home and Culture Affairs, 27 September, <https://www.mohca.gov.bt/?p=851>.

42. FICCI and BDO in India, note 3 above, pp. 2-3.

43. Ibid., p. 6.

44. Ernst & Young LLP and Federation of Indian Chambers of Commerce and Industry (FICCI) (2013) "Private security services industry: Securing future growth", p. 7, <https://www.capsi.in/files/ficci-report.pdf>.

A crucial driver in the increasing demand for private security services is the low and inconsistent police-to-population ratio. The disparity is depicted in Table 1, above. Whereas over 600 private security personnel are available per 100,000 people in India, only 148 police officers are available for 100,000 people.⁴⁵

India's private security industry association, the Central Association of Private Security Industry (CAPSI), is a national body which operates through state chapters. CAPSI's Board of Governors includes former army generals, veteran police and paramilitary officers, and high-ranking intelligence professionals from the Central Bureau of Investigation and other governmental intelligence agencies. CAPSI has been involved in advocating for improved implementation of the Private Security Agencies (Regulations) Act 2005, for example by lobbying for a dedicated Directorate of Private Security Services whose sole purpose would be governance of the private security industry free from the constraints of public law and order obligation.⁴⁶ A code of conduct created by CAPSI sets principles and rules for its members and their employees to enhance the reputation and professionalism of the private security industry, establishes a framework for best practices in the interrelationships of its members,⁴⁷ and establishes a "disciplinary/regulatory committee" for internal dispute resolution and for redress of complaints against its members.⁴⁸ Internal oversight mechanisms are explored more in Section 4.1, below.

In addition to CAPSI, other industry cooperation mechanisms in India include the Private Security Industry Committee, recently formed by the Federation of Indian Chambers of Commerce and Industry (FICCI), which focuses on areas that have a significant bearing on the industry such as amendments to the Private Security Agencies (Regulations) Act 2005. The Committee has identified shortcomings in the Act that it suggests are hindering the industry's growth.⁴⁹ In lobbying for amendments to the Act, the Private Security Industry Committee has recently submitted a white paper to the Ministry of Home Affairs for consideration.⁵⁰

Maldives. While private security plays an important role in the Maldivian tourism industry, data regarding the number of companies and personnel is not available.

Nepal. The number of PMSCs grew rapidly during the conflict in Nepal between 1996 and 2006. In 2009, around 700 PMSCs were registered, employing about 25,000 personnel. By 2017, this figure had grown to approximately 110,000 personnel, demonstrating the rapid growth in the industry.⁵¹ The number currently stands at 175,000.⁵² As private security services remain outside the economic means of the majority of the population, hiring private security

45. Anviti Chaturvedi (2017) "Police Reforms in India", PRS Legislative Research, p. 1, https://prsindia.org/files/policy/policy_analytical_reports/Police%20Reforms%20in%20India.pdf.

46. Security Link India (2018) "CAPSI Demands Formation of Directorate of Private Security Services", 30 October, <https://www.securitylinkindia.com/latest/2018/10/30/capsi-proposes-to-the-government-to-form-the-directorate-of-private-security-services/>.

47. Anil Puri, "CAPSI's Code of Conduct", Central Association of Private Security Industry, pp. 2-3, <https://capsi.in/CAPSI%20Code%20of%20Conduct.pdf>.

48. Ibid., pp. 5-6.

49. Ernst & Young LLP and FICCI, note 43 above, pp. 25-28; FICCI and BDO in India, note 3 above, pp. 12-14.

50. Federation of Indian Chambers of Commerce & Industry (undated) "Private Security Industry in India", https://ficci.in/sector/91/Project_docs/PSi-profile.pdf.

51. Krishana Prasain (2017) "Thriving Business of Security", New Business Age, 16 January, <https://www.newbusinessage.com/MagazineArticles/view/1676>.

52. Garud Securities, note 15 above.

guards is often seen as a marker of status.⁵³ Beyond the domestic market, Nepalese private security personnel are respected security personnel in other countries, including as members of private security forces in India, the United Kingdom, and Singapore. One illustration of international recognition of Nepalese private security service providers is that the Government of Malaysia only allows Malaysian and Nepalese nationals to be employed in PMSCs in the country.⁵⁴

Pakistan. Demand for private security services has increased rapidly in Pakistan, in parallel with the deteriorating national security situation. In 2011, there were an estimated 400 PMSCs and 30,000 private security personnel.⁵⁵ By 2016, the number of registered private security personnel had risen to around 250,000, with 150,000 registered in Sindh Province alone.⁵⁶ The rapid expansion of PMSCs in the country is also attributable to general economic trends including the growth and liberalization of the banking and industrial sectors, as well as the expanding role of multinational corporations in Pakistan. Moreover, increasing threats stemming from the 9/11 attacks and subsequent instability in Afghanistan have contributed to an environment conducive to private security industry growth.⁵⁷ The private security industry association in Pakistan is the All-Pakistan Security Agencies Association (APSAA). Established in 1992, it has more than 325 member companies. The APSAA seeks to enhance the welfare of private security personnel, create public awareness about the importance of security, and to advocate for the interests of the industry. The APSAA has established training schools in Karachi and Lahore that have trained more than 20,300 private security guards.

Sri Lanka. Sri Lanka has over 70,000 private security personnel employed in its 250 registered PMSCs, and there are estimations that just as many personnel are employed by unregistered PMSCs.⁵⁸ In 2017, there were also over 45,000 vacancies for private security personnel, making it the second most in-demand employee category in the country.⁵⁹ The private security industry is represented by the Sri Lanka Security Service Providers Association (SLSSPA) and the Industrial Security Foundation (ISF). Both associations seek to promote standards of professionalism, efficiency, and growth of the industry.



In summary, the size of the private security industry – measured in numbers of PMSCs and personnel – as well as the range of functions fulfilled varies strongly between South Asian countries. This makes it difficult to draw overarching regional conclusions regarding the scope and role of the private security industry in ensuring public order and security. However, it is clear that private security personnel in some countries in the region strongly outnumber police personnel. Additionally, in some South Asian countries, the private security industry is organized and represented by industry associations, which can have an impact on the size and prevalence of the industry, its development, as well as its regulation and governance.

53. Aayushma KC (2009) "Private Security Companies", in Bishnu Sapkota (ed) *The Nepali Security Sector: An Almanac*, Geneva Centre for the Democratic Control of Armed Forces and Centre for European Studies, pp. 227-229, https://www.files.ethz.ch/isn/114860/Nepali_Security_Sector-An_Almanac.pdf.

54. *Ibid.*

55. NDTV (2011) "Boom in Pakistan's private security industry", 18 January, <https://www.ndtv.com/world-news/boom-in-pakistans-private-security-industry-445361>.

56. Babakhel, note 18 above.

57. *Ibid.*

58. The Sunday Times (2006) "Private Security Industry Marks 50 Years", <https://www.sundaytimes.lk/060514/ft/private%20security.html>.

59. T Amunugama and A Fuard (2020), "The Role of Sri Lanka's Private Security Sector in Assisting the Nation During Pandemics and Natural Disasters", 2020, [pdfresizer.com-pdf-split\(6\).pdf\(kdu.ac.lk\)](https://pdfresizer.com-pdf-split(6).pdf(kdu.ac.lk)).

Private security providers in South Asia provide a wide range of services, primarily staffed guarding, but also investigative services, executive/close protection, due diligence checks, emergency evacuation, critical/remote area operations, event security, electronic automation security, maritime security, video, data, and record archiving and management, custodial services, and remote surveillance.

3. Laws and regulations for the Private Security Industry in South Asia

This section presents the different national governance frameworks for the private security industry in South Asia, including laws and regulations, oversight mechanisms, and different national regulatory authorities. It brings together information and accounts from local security sector stakeholders and experts from each country in the region. In doing so, it provides a basis for comparison of national arrangements for private security governance in South Asia.

Effective national legal and regulatory frameworks that consider national contexts are important prerequisites for good private security governance and for ensuring responsible delivery of private security services. Numerous aspects of private security services must be addressed by these frameworks to ensure good governance.

Afghanistan. Regulation of PMSCs evolved dramatically in the years leading up to the 2021 Taliban takeover. In general, regulatory measures defined and distinguished between companies offering security services⁶⁰ and companies offering military services.⁶¹ These two types of private security providers have been dealt with under different policies and regulatory frameworks.⁶² Three phases are apparent in the regulation of PMSCs: 2001-2007 when no regulation was enforced, 2008-2010 when administrative regulation was enforced, and from 2010-2021 when PMSCs were dissolved.⁶³ The final stage of dissolution, ordered by Presidential Decree No 20, followed failed attempts to regulate the industry and to fight corruption and misuse of authority and equipment.⁶⁴ The Decree faced opposition from international actors and proved unrealistic to implement given the lack of capacity of Afghan police and security forces. Negotiations led to a compromise in March 2011, a strategy to institutionalize and nationalize private military and security providers by establishing the APPF, which was under public control but paid for by private clients. The strategy included many exceptions (e.g., for diplomatic security) and loopholes⁶⁵ and ultimately failed to provide better governance of the private security industry.

60. Afghanistan (2008) "Procedure for Regulating Activities of Private Security Companies in Afghanistan", Ministry of the Interior, Article 4.

61. DCAF Private Security Governance Database: Afghanistan, note 26 above.

62. Ibid.

63. Letizia Armendáriz (2013) "Corporate Private Armies in Afghanistan: Regulating Private Military and Security Companies (PMSCs) in a "Territorial State", The Privatization of War Series #2, International Institute for Nonviolent Action, p. 25, https://novact.org/wp-content/uploads/2013/11/INFORME_AFG_WEB_Nov14.pdf.

64. Ibid., pp. 25-26 and 38-40.

65. Ibid., pp. 26-28.

In 2014, the government announced the absorption of the APPF into the Ministry of Interior Affairs. The remaining PMSCs had the choice to either dissolve, or to reform as risk management companies which were restricted to training and advisory roles and were not permitted to provide security services.⁶⁶ An exception was foreign PMSCs, providing military services such as those for foreign governments that were not the subject of specific regulation by the Afghan government but were subject to the regulation of their home states. Otherwise, risk management companies needed a mandatory license to operate, and could only carry arms for self-defence and not for security provision.⁶⁷ There were regulations on use of force,⁶⁸ and on mandatory display of identification for mobile security vehicles,⁶⁹ but not on mandatory uniforms. The APPF required training at the APPF Training Centre for mobile security personnel.⁷⁰ Individuals working for risk management companies were required to hold a certificate in basic military or security training furnished by a licenced training company, or a “military bachelor’s degree” if foreign.⁷¹

Bangladesh. The primary legislation governing the private security industry in Bangladesh is the Private Security Services Act 2006 which is aimed at establishing, managing, and controlling private security service institutions to ensure quality provision of private security services.⁷² The Act defines a security guard as a person employed to protect the life or property of a person, or prevent the property of an institution from theft, robbery, or another offence, and to guard and maintain such property from illegal or unlawful taking by others.⁷³ It also includes definitions of “security services” and “private security service organization”.⁷⁴ As the primary legislation regarding private security, the Act takes precedence over other related legislation.⁷⁵

In Bangladesh, operating a PMSC requires a license,⁷⁶ and failure to comply is a criminal offence.⁷⁷ All security guards must complete a training,⁷⁸ and once recruited are required to wear a prescribed uniform and a conspicuously displayed identification card.⁷⁹ Private security providers are prohibited from carrying any firearm, weapon, or ammunition.⁸⁰

66. DCAF Private Security Governance Database: Afghanistan, note 26 above.

67. Ibid.

68. Afghanistan (2008) “Law on Using Force by Private Security Companies in Afghanistan”, Ministry of Interior; Afghanistan Procedure for Regulating Activities of Private Security Companies in Afghanistan, note 60 above, Annex 1. The latter provides for circumstances in which force may and may not be used, usage of graduated use of force, prevention of civilian casualties, and cooperation with national and international security forces.

69. Afghanistan Procedure for Regulating Activities of Private Security Companies in Afghanistan, note 60 above, Article 16.

70. Afghanistan (undated) “Convoy Mobile Security Team Procedure”, No. 1391, Article 13. Mobile security includes armed escorts for persons and vehicles, the establishment of check points and security belts, as well as the presence of guards in airplanes and the protection of “emergency areas”.

71. Afghanistan Procedure for Regulating Activities of Private Security Companies in Afghanistan, note 60 above, Articles 10 and 14.

72. Bangladesh (2006) “Private Security Services Act, 2006 (No. 11 of 2006)”, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice, and Parliamentary Affairs, Article 1, <http://bdlaws.minlaw.gov.bd/act-935.html>.

73. Bangladesh Private Security Services Act, note 72 above, Article 2.

74. Ibid.

75. Ibid., Article 3.

76. Ibid., Article 5.

77. Ibid., Article 17.

78. Ibid., Article 19(3).

79. Ibid., Articles 11(a)-(b); Deepak Acharjee (2019) “Common uniform for all private security guards on the cards”, The Independent, 23 November, <https://www.theindependentbd.com/post/224872>.

80. Bangladesh Private Security Services Act, note 72 above, Article 12.

India. The primary legislation relating to PMSCs in India is the Private Security Agencies (Regulation) Act 2005. The legislation is intended to make PMSCs and their personnel accountable for their actions and, at the same time, to protect them from exploitation. The Act provides for the regulation of PMSCs by the Ministry of Home Affairs⁸¹ and lays down guidelines on licensing,⁸² recruitment,⁸³ and training standards⁸⁴ for PMSCs. It stipulates that a photo identity card must be carried and produced upon inspection by the Controlling Authority.⁸⁵ While no uniform is specifically prescribed, the Model Rules amended 2020, call for security guards to wear an arm band distinguishing the agency, a shoulder or chest badge indicating rank in the agency, and headgear which may also carry the distinguishing mark of the agency.⁸⁶ The Private Security Agencies (Regulation) Act 2005 does not make any mention of arms being permitted by sole virtue of employment by a PMSC, but read together with the Arms Act of 1959, it has become custom for private security guards to carry arms based on private, individual permits.⁸⁷

In addition, the central government has promulgated the Model Rules 2006 to standardize the functioning of the private security industry across 26 states and six union territories of India. However, governance of the companies remains weak given the lack of a coherent national regulatory framework, which hampers consistent national oversight and consistent national standards of practice.

Maldives. The Maldives currently has no legislation regarding PMSCs. A draft bill – the Private Security Bill 2010 – is before Parliament but has not been promulgated. Information on other governance measures is limited, suggesting a general lack of regulation.

Nepal. Nepal has no legislation or oversight mechanisms for the regulation and governance of the industry. The Private Security Service Business Act 2015 has not yet been promulgated and is not publicly available. However, at their inception, PMSCs must register under the Ministry of Industry, Commerce and Supplies, receive authorization for formation from the Ministry of Home Affairs, obtain permits for any communications devices from the Ministry of Communication and Information Technology, and ensure payment of minimum wages set by labour laws.⁸⁸ While PMSCs are required to provide “minimal” training to their employees, the type of training is not specified and remains unregulated.⁸⁹ With an exception for those working at financial institutions, private security providers are not permitted to carry firearms.⁹⁰

Pakistan. PMSCs in Pakistan operate under the Private Security Companies Ordinance, an

81. Government of India (2005) “The Private Security Agencies (Regulations) Act”, Ministry of Home Affairs, Article 3, <https://www.mha.gov.in/sites/default/files/The%20Private%20Security%20Agencies%20%28Regulation%29%20Act%2C%202005.pdf>.

82. Ibid, Articles 4-13.

83. Ibid., Article 10.

84. Ibid., Articles 7(2), 9(2), and 10(1)(d). While the Private Security Agencies (Regulations) Act requires training, it does not describe the training required. However, the Private Securities Central Model Rules, at Article 5, do stipulate that the Controlling Authority shall frame a detailed training syllabus required for training security guards, for a minimum period of 100 classroom instructions and 60 hours of field training spread over at least 20 days, and lists the subjects which the training must cover.

85. Ibid., Article 17.

86. India (2020) “Private Security Agencies Central Model Rules, 2020”, Ministry of Home Affairs, Article 16(1).

87. Xerxes Adrianwalla (2013) “The Privilege of Protection”, Gateway House: Indian Council on Global Relations, <https://www.gatewayhouse.in/the-privilege-of-protection/>.

88. Aayushma, note 53 above, pp. 227-229.

89. Ibid.

90. Ibid.

administrative order issued by the Ministry of Interior in 1988. The Private Security Companies Ordinance covers the Islamabad Capital Territory and provides a model for the adoption of provincial ordinances. Provincial ordinances include the Sindh Private Security Agencies (Regulation & Control) Ordinance 2000, the Punjab Private Security Companies (Regulation & Control) Ordinance 2002, the North-West Frontier Province Private Security Agencies Ordinance 2002, and the Procedure for Private Security Companies in Balochistan.

The Private Security Companies Ordinance distinguishes between private security companies (PSCs) and private military companies (“organizations”).⁹¹ The latter are prohibited under the Private Military Organisations (Abolition and Prohibition) Act 1974, which allows the federal government to abolish an organization should it be “satisfied that any private organisation is capable of functioning as a military organisation”.⁹² Other notable provisions are the requirement of licensure to operate or employ personnel,⁹³ the requirement of licensure to carry firearms,⁹⁴ and the requirement of training.⁹⁵ While no specific uniforms are prescribed, they may not resemble those of public law enforcement.⁹⁶ Similarly, on use of force, there is no specific regulation, but PSCs may not exercise powers which belong to law enforcement, customs, immigration, prisons, or any other public officers.⁹⁷

The Government of Pakistan has also published a Policy on Establishment and Functioning of Private Security Companies 2018.⁹⁸

Sri Lanka. The primary legislation on private security in Sri Lanka is the Regulation of Private Security Agencies Act 1998. The Act stipulates compulsory licensing of PMSCs and the requirements for obtaining, cancelling, and renewing a license.⁹⁹ However, the Act does not provide for strict regulation or requirements regarding the operations of PMSCs. The Act specifically states that the Minister may, with the approval of Parliament, make further regulations on private security. Such regulations include regulation of procedures for selection and training of personnel, uniforms, and the level of competence in the use of firearms by private security personnel. However, the extent of such additional regulation is not clear.¹⁰⁰ In 2020, the Ministry of Defence announced plans to enhance regulation of the PMSCs, including intentions to enhance workers’ rights, require registration of new security firms, implement procedures for renewal of licenses, and provide for stricter control of PMSCs.¹⁰¹

91. Pakistan (2001) “The Private Security Companies Ordinance”, Article 2(1).

92. Pakistan (1974) “The Private Military Organisations (Abolition and Prohibition) Act, 1974”, Article 2, <http://nasirlawsite.com/laws/pmoara.htm>.

93. Pakistan Private Security Companies Ordinance, note 68 above, Articles 5-11.

94. Ibid., Article 13.

95. Ibid., Article 18(2)(g).

96. Pakistan (2018) “Establishment and Functioning of Private Security Companies Policy”, Ministry of Interior, Section 19.1.

97. Pakistan Private Security Companies Ordinance, note 91 above, Article 20.

98. Pakistan (2018) “Policy on Establishment and Functioning of Private Security Companies”. <https://www.interior.gov.pk/index.php/downloads/category/3-public-notices?download=123:policy-on-establishment-functioning-of-private-security-companies-2018-updated-04-06-18>

99. Sri Lanka (1998) “Regulation of Private Security Agencies Act (No. 45 of 1998)”, Article 11, http://www.commonlii.org/lk/legis/num_act/ropsaa45o1998449/index.html.

100. Ibid. at Article 18.

101. Daily News (2020) “Defence Ministry to regularize private security agencies”, 30 January, <https://www.dailynews.lk/2020/01/30/local/210014/defence-ministry-regularize-private-security-agencies#:~:text=The%20Defence%20Ministry%20will%20regularize%20private%20security%20services,operate%20island-wide%20to%20provide%20a%20quality%20security%20service>.



Legislation and regulation on the private security industry varies strongly between countries in South Asia. While some countries in the region lack private security legislation or regulation completely, or relevant instruments are still in development or otherwise unavailable, other countries have adopted detailed legislation and regulation. Still, the scope and measures vary. Where they exist, regulations tend to focus on the creation of a licensing system, requirements for receiving such licenses, and the processes surrounding the system.

The lack of legal frameworks specific to the private security industry raises concerns about the capacity for efficient national-level regulation of the industry, and the governance and rule of law challenges this may lead to. Some of these challenges, relating to the use of force, bearing weapons, and labour standards and working conditions for example, are discussed in Section 5. Guidance from international standards, and specific recommendations for strengthening the legal and regulatory framework, are provided in Sections 6 and 7.

4. Oversight mechanisms for the Private Security Industry in South Asia

In addition to legal and regulatory frameworks, good private security governance should include internal, external, and other oversight mechanisms at the domestic level to ensure the implementation and enforcement of applicable legal and regulatory standards. Important internal oversight mechanisms include regulatory authorities and industry- and company-level self-regulation, supporting the implementation of effective legislative, regulatory, and policy frameworks for the private security industry. External oversight mechanisms include bodies that oversee the private security sector as a part of their wider mandates, such as parliaments and civil society. Other external oversight mechanisms include clients, national human rights committees, ombuds institutions, and similar actors.

4.1 Private security regulatory authorities¹⁰²

Where they exist, regulatory authorities with a specific mandate relating to the private security industry are the most important oversight mechanisms. While most countries in South Asia have one, their effectiveness varies depending on resources, independence, and know-how or capacity of authorities.

In several countries in the region, laws provide for the creation of a designated authority tasked with regulation, monitoring, and oversight of the private security industry. Specific tasks and mandates of these authorities vary between countries, though in general they focus on vetting and providing licenses, and ensuring that PMSCs comply with relevant rules such as those on minimum qualifications for personnel, the carrying of firearms, and wages. In addition, the regulatory authorities are generally tasked with monitoring the implementation of legislation and recommending modifications to legislation. In providing this function, regulatory authorities sometimes undertake research on private security provision and operations. However, regulatory authorities face numerous challenges to systematic, diligent, and institutionalized monitoring. Primarily, they lack adequate funding, human resources, and capacity.¹⁰³ An additional critical line of inquiry with respect to effectiveness is the manner in which oversight is done. For example, there may be limitations inherent in only paper control such as the submission of annual reports, as opposed to hands-on announced or unannounced inspections.

Afghanistan. The APPF was monitored by the High Council, which eventually fell under state control by the Ministry of Interior Affairs. In essence, this standardized and centralized all risk management companies and their personnel under the Ministry of Interior Affairs. Risk management companies were required to report to the APFF on the number and type

102. The terms used to refer to various regulatory authorities as well as their specific mandates and tasks vary from state to state. Relevant terms include for instance “Licensing Authority”, “Competent Authority” and “Controlling Authority”.

103. See e.g. Security Link India, note 46 above.

of weapons, vehicles, personnel, and other equipment to be used.¹⁰⁴ Monitoring regulatory compliance fell under the purview of the High Council, who bore the authority to revoke licenses. It also exercised authority over the dispute resolution.¹⁰⁵ In addition, domestic criminal justice institutions such as the Prosecutor's Office for Investigation held companies accountable for any infringements of Afghan criminal law, including acting as a mercenary (defined as Afghan citizens supporting foreign armed forces for personal gain) which was prohibited under the Penal Code.¹⁰⁶

Bangladesh. In Bangladesh, a Licensing Authority reviews any person wishing to establish and operate a PMSC to ensure compliance with licensing requirements including: Bangladeshi citizenship; not having been declared bankrupt; being of sound mind; not having been convicted of and sentenced for a criminal offense with imprisonment of more than two years; and not having been dismissed from the service of any government or statutory body for misconduct or corruption.¹⁰⁷ Similar requirements apply to licensing companies and personnel wishing to be employed as security guards.¹⁰⁸ Police and other authorized officials may perform an inspection of the registers and equipment and equipment of licensees.¹⁰⁹ Violations are punishable by suspension or revocation of the license.¹¹⁰ Operating a PMSC without a license is a criminal offence punishable by imprisonment of up to three years and a fine.¹¹¹

India. At the national level, the Indian Private Security Agencies (Regulations) Act 2005 very broadly mentions personnel training, formation requirements, and reporting obligations.¹¹² However, it is state governments that are vested with the authority to define the conditions more specifically on which PMSC licenses are granted. PMSCs bear the responsibility of maintaining registers of names, addresses, and photographs of managers, personnel, and clients. The Controlling Authority can request such information to ensure compliance with the Private Security Agencies (Regulations) Act. However, under the Act, there are no provisions for entry, inspection, or enforcement powers. In other words, while India has a legal framework in place, the laws omit mechanisms for accountability. Approximately 70% of the sector remains unregistered and therefore outside the licensing system and legislative control. This results in serious governance problems and hampers the development and legitimacy of the industry at large.¹¹³

Nepal. There is no clear legal framework for monitoring or oversight mechanisms for the private security industry in Nepal. There have been concerns that the strong interpersonal connections between PMSCs and public security providers – enhanced through the recruitment of ex-police and ex-military personnel into private entities – leading PMSCs to support the interests of certain sections of the socio-political elite over those of the whole of society.¹¹⁴ However, despite the lack of a clear regulatory framework, PMSCs are still subject to some conditions and indirect oversight as detailed in Section 3, above. They must be

104. DCAF Private Security Governance Database: Afghanistan, note 26 above.

105. Ibid.

106. Ibid.

107. Bangladesh Private Security Services Act, note 72 above, Article 5.

108. Ibid., Articles 7, 9.

109. Ibid., Article 14.

110. Ibid., Article 15.

111. Ibid., Article 16.

112. India Private Security Agencies (Regulations) Act, note 82 above, Section 11(1).

113. Security Link India, note 46 above.

114. Aayushma, note 53 above, pp. 234.

registered with the company registrar under the Ministry of Industry, Commerce and Supplies, and permitted to operate by the Ministry of Home Affairs. Communication devices must be authorized by the Ministry of Communication and Information Technology. Other requirements with varying levels of monitoring include training personnel, holding weapons licenses, assuring punishment for any misuse of weapons licenses, distinguishing uniforms from those of public security providers, regularly updating police on the number of personnel employed, and adherence to labour laws.

Pakistan. After completing a generic company registration, PMSCs in Pakistan must be granted a specific security license by a Licensing Officer. Applicants must fulfil numerous requirements, including a minimum age requirement of 25 years, proof of good financial standing, having only Pakistani nationality, not having been convicted of any non-minor offence, having security clearance, and not having a conflict of interest with any other business. Additionally, one director of any proposed PMSC must be a retired officer of the armed forces or law enforcement.¹¹⁵ Intelligence agencies are tasked with verifying the information provided, and report on PMSC activities to the Ministry of Interior on an annual basis.¹¹⁶

PMSCs are also provided with standard operating procedures to be followed after the issuance of a license. These include prohibitions such as: establishing any training institutes or providing human resources to other PMSCs for commercial purposes, providing cash and carry services without a formal no-objection certificate from the Ministry of Interior, acting as an investigating or interrogating agency, hiring foreigners for security duties, and using armoured or bullet-proof vehicles without permission from the Ministry.¹¹⁷

The Licensing Officer, District Magistrate, or Superintendent of Police may authorize the inspection and search of any PMSC premises upon suspicion that the premises are being used for carrying out the business of a PMSC by any person who does not hold a license.¹¹⁸ Inspectors may use such force as is necessary to search the premises and all persons found therein, or to seize documents and things reasonably supposed to have been used or intended to be used in connection with the business of a PMSC.¹¹⁹ Breach of licensing rules is a criminal offense.¹²⁰ There is a presumption of guilt for “any person who at the time of the commission of the offence was a director, secretary, manager, partner or an officer of the company or who was purporting to act in any such capacity”.¹²¹

Sri Lanka. In Sri Lanka, the Regulation of Private Security Agencies Act 1998 is the main law on private security. It provides for compulsory licensing of PMSCs. Application for a license is assessed by the relevant regulatory agency (“the Competent Authority”) which determines whether the applicant has the necessary training and facilities to carry out the business of a PMSC, that the registration will not be prejudicial to national security, and that the applicant has not been convicted of an offence involving dishonest or immoral behaviors.¹²² Where a license has been issued, the Competent Authority may cancel or refuse to renew the license if it is satisfied that the PMSC has violated applicable rules and conditions, or has conducted

115. Pakistan Establishment and Functioning of Private Security Companies Policy, note 96 above, Section 5.

116. *Ibid.*, Section 9.

117. *Ibid.*, Section 12.

118. *Ibid.*, Section 19.2.

119. Pakistan Private Security Companies Ordinance, note 91 above, Article 15.

120. *Ibid.*, Article 15.

121. *Ibid.*, Article 16.

122. Sri Lanka Regulation of Private Security Agencies Act, note 98 above, Articles 2 and 4(2).

business in a manner detrimental to the safety of the persons or property of the persons under their protection.¹²³ The Competent Authority or other authorized persons may enter the premises of a PMSC at any time to inspect and ensure that the relevant rules are being complied with.¹²⁴ Operating a PMSC without a license is a criminal offence and may lead to imprisonment of up to seven years and a fine.¹²⁵



Overall, in a number of countries in South Asia, an embedded regulatory authority has been created, designed for, and tasked with oversight and monitoring of the private security industry. However, even in countries where such a regulatory authority exists, parts of the industry operate informally, outside the reach of domestic governance systems. This raises concerns about the function and efficiency of the existing regulatory authorities and the wider governance frameworks. Although information is scarce, such suggestions support a further need to establish systematic, diligent, and institutionalized monitoring mechanisms within these regulatory authorities. Each authority should be vested with the necessary resources, powers, and mechanisms to enable it to carry out its mandate. Considering the weaknesses of the regulatory authorities and related mechanisms, other internal oversight mechanisms are needed to fill the gaps in the short term and to complement, but not compete with, public oversight.

4.2. Internal oversight

Where public oversight is insufficient, or where the private security industry otherwise sees a need for further oversight, the industry may itself develop instruments of self-regulation such as codes of conduct. Such instruments and mechanisms can cover, for instance, minimum standards regarding recruitment, training, identification, use of firearms, and search and seizure powers. Self-regulations may also set standard operating procedures for relations with the public, clients, or the police, provide guidance for corruption control, set measures for reporting and investigations, or determine sanctions to ensure that all employees have an interest in knowing and respecting the code.¹²⁶

One example from India is CAPSI (the “Central Association of Private Security Industry”) which has adopted a code of conduct for the national private security sector. The code sets principles related to the interests of inter-company relations, individual companies, clients, and employees, and includes general ethical standards. In terms of implementation, the code creates a Disciplinary/Regulatory Committee to ensure compliance by association members, to serve as an internal dispute resolution mechanism between members, to take action against delinquent members, and to maintain a “black list” to provide notice of employees who have been terminated for gross misconduct or misappropriation, or who have been convicted for heinous crimes.¹²⁷ The code of conduct does not, however, deal with ethical standards in relation to those whom private security officers encounter in the line of their work, e.g. in relation to the use of force or non-discrimination in the provision of security services.

123. Ibid., Article 11.

124. Ibid., Article 14.

125. Ibid., Article 15. See also Articles 16-17.

126. Hans Born, Marina Caparini, and Eden Cole (2007) “Regulating Private Security in Europe: Status and Prospects”, DCAF – Geneva Centre for Security Sector Governance, Policy Paper No. 20, https://www.dcaf.ch/sites/default/files/publications/documents/PP20_Born_Caparini_Cole_.pdf.

127. Puri, note 47 above.

4.3 External oversight

Outside of industry-specific regulatory authorities and oversight mechanisms, external oversight is also critical. It ensures the implementation of relevant laws and regulations, monitors the societal and human rights impacts of private security providers, and indicates any further needs for enforcement underpinning the professionalism and accountability of the industry. A variety of actors may be involved in such oversight. Below is a short overview of the most relevant actors and their roles.

Parliamentary oversight

Parliamentarians and lawmakers can play important roles in ensuring that democratic oversight over the private security industry is established and maintained to achieve transparency and accountability. This is particularly important where private security accounts for a significant portion of the total security provision in the country and where governmental functions are directly or indirectly taken over by private actors. Democratic oversight can entail, for instance, developing or updating national laws in line with international obligations and good practices, establishing parliamentary committees or studies dealing with issues related to the private security industry and its wider impacts, and placing private security regulation and oversight within the mandate of existing parliamentary committees and other bodies. No direct information on explicit parliamentary oversight mechanisms in South Asia is available, which may indicate that the issue is underdeveloped in the region. This is an area in which further research and engagement are required.

Civil society

Civil society also plays a critical role in external oversight over the private security industry. Contexts in which national laws and policies, oversight, implementation, as well as industry self-regulation are weak can create situations permissive to human rights abuses, such as exploitation, abuse, excessive use of force, and sexual harassment. Civil society organizations (CSOs) can play a fundamental role in promoting a better understanding of the functions and responsibilities of private security, ensuring that violations are reported, and that applicable national laws and policies address all relevant issues.¹²⁸ They can gauge the public perception of private security and the authorities tasked with regulating them, and bring issues to the attention of other oversight bodies. In general, advocacy and awareness-raising by those CSOs representing the interests of local communities can help bring a voice to often marginalized people and open the policymaking process to a wider set of perspectives.¹²⁹ Civil society is a crucial agent for empowering people, enforcing accountability, and making governance of the private security industry more professional. However, reports from South Asia suggest there is typically a low level of community and civil society consultation and engagement on private security issues in the region.¹³⁰ More detailed information on the role of CSOs is required but largely unavailable.

128. DCAF – Geneva Centre for Security Sector Governance and International Code of Conduct Association (ICoCA) (2021) “Collecting, Documenting & Reporting on Private Security: A Practical Guide for Civil Society”, https://www.businessandsecurity.dcaf.ch/sites/default/files/ressources/DCAF_ICoCA_online-compressed.pdf.

129. DCAF – Geneva Centre for Security Sector Governance (2016) “The Role of Civil Society Organizations In Promoting Good Governance of the Private Security Sector”, Annual Report, https://www.dcaf.ch/sites/default/files/imce/Transparency/DCAF_AnnualReport_2016_FINAL_web.pdf.

130. DCAF South Asia SSG Forum 2021, note 6 above.

Other external oversight mechanisms

Various special statutory institutions can oversee particular aspects of private security provision and management, including national human rights commissions, independent complaints authorities, ombuds institutions, and anti-corruption commissions, among others. Before the 2004 Constitution of Afghanistan was abolished by the Taliban, it provided for the Independent Human Rights Commission, a grievance mechanism for human right violations and filing complaints against private security personnel. In India, Nepal, and Sri Lanka, the national human rights commissions are constitutional bodies with a general mandate to oversee security concerns of the public including actions of PMSCs and/or a role in verifying if the regulatory authority is fulfilling its mandate.

Information on the role of such institutions in relation to oversight of the private security industry in South Asia is difficult to come across. Considering the absence of information on the role and impact of statutory and other external oversight mechanisms on private security governance, there seems to be a lack of engagement by such bodies with issues related to private security providers. Strengthening such bodies and ensuring their mandates cover human rights and accountability measures of private security would be a positive step towards strengthening the overall oversight and governance over the private security industry.



Overall, the existing oversight mechanisms relevant for the private security industry in South Asia face significant gaps, inefficiencies, and a lack of publicly available information which inhibit transparency and accountability.

While some states in the region have adopted specialized legislation and regulations on PMSCs, their personnel, and some of their activities to a reasonable level of detail, other states completely lack such regulation or are only in the process of its adoption. Where legislation is in place, it does not generally cover the issues related to private security provision comprehensively, but instead focuses on a narrow range of issues related to the licensing of PMSCs. In the meantime, training requirements and more detailed regulation on specialized issues need further attention from the perspective of rule of law, use of force, and human rights. Regulations do not adequately deal with the wider issues raised by widespread use of private security, the potential for human rights violations, the industry's impact on the state's monopoly on the use of force, or on the lack of access to and monetization of security, in societies with widespread income and wealth inequality. The lack of regulation of the industry and problems related to it are reflected in the stark differences and many remaining challenges as relates to the oversight and governance of the sector, where there is a strong need for further engagement from relevant actors and for strengthening the mandates, resources, and capacities of existing governance and oversight mechanisms, and perhaps most importantly of the regulatory authorities. The following section will discuss more specific challenges and difficulties facing private security sector governance. Challenges and recommendations for various domestic stakeholders in relation to strengthening existing governance frameworks are provided further ahead in Sections 5 and 7.

5. Challenges

Input from the region and the reviewed materials have highlighted a number of more specific, thematic, current, and emerging challenges for governance of the private security industry in South Asia.

5.1 Training and capacity building of private security personnel

To ensure that PMSCs can work in an efficient, safe, and legitimate manner; abide by international standards and human rights obligations; and make a positive impact on security for their clients and wider society, it is of great importance that personnel have sufficient training to gain the required skills and knowledge. Although the legislation and regulations on the industry in South Asia generally recognize the importance of trained security personnel, none of the jurisdictions in the region stipulate in detail what training should be provided, how such training is to be carried out, which exact skills and knowledge areas such training should cover, or which skills PMSC personnel must have to qualify for service.

Bangladesh. Although PMSCs are obliged to “provide proper and adequate training to every security guard appointed by him and no security guard shall be appointed to provide security services without providing such training,” what such training entails is not regulated.¹³¹

India. The Private Security Agencies (Regulations) Act 2005 makes it mandatory for every private security guard to undergo at least 160 hours of training, which comprises 100 hours of classroom learning and 60 hours of on-the-job training. However, the Act does not consider the variety of services that are provided by the PMSCs. For example, while a staffed guard would need to have a different level of training than personnel in charge of the CCTV monitoring, the Act places all employees at the same level of training. Even so, Indian regulations on required level of training are the most detailed in the South Asia region, which highlights the general lack of detailed regulation.

Pakistan. Legislation vests the Licensing Authority and provincial authorities the power to set and monitor rules about the training required for security guards.¹³² The latter approves guidelines on the standards, roles, and responsibilities of such personnel.¹³³ Employing security guards without adequate training may lead to the revocation of a PMSC’s license. However, what training is required is not defined, and it is left up to the employers to “make arrangements for training and refresher courses of the guards employed by it through Elite Police Force Training School, Lahore or any other institution prescribed by the Licencing Authority”.¹³⁴ At the policy level, it is specified that guards should be given mandatory training by certified or official institutes on weapons handling, firing, ethics, and dealing with the public.¹³⁵

131. Bangladesh Private Security Services Act, note 72 above, Article 9(3).

132. Pakistan (2002) “The Punjab Private Security Companies (Regulation and Control) Ordinance”, Section 2(h), <http://punjablaws.gov.pk/laws/453.html>.

133. Pakistan Establishment and Functioning of Private Security Companies Policy, note 96 above, Section 13.

134. Pakistan Private Security Companies Ordinance, note 91 above, Articles 2(h), 11(1)(b), and 14.

135. Pakistan Establishment and Functioning of Private Security Companies Policy, note 96 above, Section 15.

Sri Lanka. There is no specific legal requirement on the amount or type of training to be provided to security guards. To receive a PMSC license, the applicant must convince the relevant authority that they have the required training to run such a company. However, what such training should entail is not specified. The Ministry of Defence may, with parliamentary approval, make further regulations, for example the procedure for selecting personnel, training to be provided to such personnel, and the level of competence to be possessed by such personnel in the use of firearms.¹³⁶ In 2020, the Ministry highlighted the need to introduce a standardized training facility for private security providers, with training covering firefighting, first-aid, security, emergency handling, and disaster evacuation.¹³⁷



Overall, the regulations and requirements in relation to the training and skills required of private security personnel are not adequately detailed. Typically, the regulation of specific training requirements is provided for in the relevant legislation and is left up to the local authorities or to the regulating authority to oversee. However, the lack of information available leaves it unclear whether such requirements are in fact adopted and implemented in practice. The absence of clear regulation on the training of security personnel poses a challenge to the work of the PMSCs, their legitimacy, and their professionalism. Clear standards on the necessary training to be provided to private security personnel should therefore be adopted. Such training should include capacity building of relevant skills and regulations to be followed, as well as overarching training on human rights including non-discrimination, minimizing the use of force, and gender sensitivity. In addition, it is pertinent that the relevant legislation specifies the role of the domestic authorities in ensuring a high level of training of security providers. This is particularly the case in relation to the accreditation and withdrawal of persons and institutions providing security training, the monitoring and auditing of the quality of training functions performed by accredited persons, and the taking of reasonable steps to verify the authenticity of training certificates provided. Besides the legally mandated training in various countries, further training for private security guards is offered by industry associations in some contexts. However, training that is not regulated in terms of length or substance may be insufficient to meet the training needs of the sector. It should therefore be complemented by adequate training delivered by an independent or possibly accredited institution.¹³⁸

136. Sri Lanka Regulation of Private Security Agencies Act, note 98 above, Article 18.

137. Sri Lanka (2020) "Defence Ministry to Regularize Private Security Agencies", press release, 29 January, https://www.defence.lk/Article/view_article/851.

138. Born, Caparini, and Cole, note 125 above.

5.2 Weapons and enforcement powers of private security providers

Another challenging area for private security governance is weapons and enforcement powers of PMSCs. This section will provide an overview of the issue and a few examples of explicit regulation on the matter in South Asia.

Firearms

Whether or not private security personnel are allowed to carry firearms varies between countries in the region. The matter is generally not reflected in the primary legislation governing PMSCs. While firearms or other weapons may help ensure safety in connection with high-risk security work, such as ensuring the safe transport of high-value items, carrying lethal or potentially lethal weapons also pose a security risk, including excessive use of force. This is particularly the case where the carrying, use, handling, and storing of weapons is unregulated or subject to weak regulation, and where the guards in question are not sufficiently trained or equipped to respond appropriately to different situations.

One example of a related challenge comes from India. The Private Security Agency (Regulation) Act 2005 does not touch upon the issue, but the Arms Act 1959 does allow private individuals to apply for arms licenses.¹³⁹ Due to the discrepancy, PMSCs are unable to receive professional firearms licenses, so they instead rely on guards to carry firearms licenses in their private capacity. It is also noteworthy that there is limited clarity on the usage of arms for commercial purposes under the current statutory norms. In Pakistan, rules dictate that private security personnel cannot display weapons outside the guarded premises, which indirectly implies that firearms are permitted,¹⁴⁰ but do not otherwise clarify their regulation. Finally, in Sri Lanka, the carrying of firearms or other weapons seems to be permitted as the Minister has discretionary power to make regulations on, for example, the level of competence in the use of firearms to be required of private security personnel.¹⁴¹

For the remaining countries in South Asia, no specific regulation on the issue of firearms or other weapons has been found. Apart from the above examples, it appears that the matter is widely unregulated. This includes specific regulations detailing under which circumstances firearms or other weapons can be used, how they must be stored and handled, training on their use and handling, or any obligations to report their use to a relevant authority. Lack of regulation on the issue raises concerns on the use of force by PMSCs, the human rights of the public, as well as the workplace safety of PMSC personnel.

Search and seizure powers

The search and seizure powers of private security providers vary from country to country. For instance, in some Western jurisdictions, private security personnel can detain a suspect until local authorities take charge of the situation, while in others they are restricted to acting in

139. FICCI (undated) "Armed Security for Cash Logistics", p. 2, <https://ficci.in/SEDocument/20265/Note-Armed-Security%20.pdf>.

140. Pakistan (undated) "Private Security Companies", Ministry of Interior, Article 9, <https://www.interior.gov.pk/index.php/2023-11-22-05-57-56/policies-moi/private-security-companies-2>.

141. Sri Lanka Regulation of Private Security Agencies Act, note 98 above, Article 18(2)(d).

self-defence or in third-party defence of their clients. In South Asia, the existence and extent of such search and seizure powers in the private security industry are generally unregulated, which raises questions as to the mandate of security guards and the limits on their actions. For instance, if the lack of regulation leads PMSCs to extend their activities to investigation, interrogation, arrest, and other measures which are normally under the exclusive purview of the police, there may be overlap and conflict between public law enforcement agencies and PMSCs.

Two examples of specific regulations on the matter were found in this study. In India, by negative definition, as the relevant laws do not contain any clause empowering private security officers the right to detention, this remains an exclusive power of the state. In other words, private security officers are not empowered with the right to detention or other enforcement activities. While the matter of enforcement powers is generally unregulated in Pakistan, private security providers are explicitly prohibited from “acting as an investigating or interrogating agency”¹⁴² and from exercising powers which by law belong to law enforcement, customs, immigration, prisons, or any other public officers.¹⁴³ What this specifically entails is however not clear and is not further detailed in the relevant legislation.

Overall, the issue of the specific search and seizure powers of PMSCs is therefore substantially unregulated in South Asia. This means that there is little clarity on whether and under what circumstances PMSC personnel may temporarily detain a suspect or person posing a security threat, whether they can seize potentially dangerous items, and how such power may be used legitimately. As a significant number of personnel in the industry are not adequately trained and the matter of training is weakly regulated, it may be imperative to devise a framework with adequate checks and balances prior to empowering private security agencies to perform non-critical duties. Any regulation empowering the use of search and seizure powers that normally belong to the state should be subject to careful review, consultation, and safeguards prior to adoption to ensure that human rights are not negatively affected, and that sufficient checks and balances delimit the powers to what is necessary and proportionate.

5.3 Private maritime security

PMSCs play an increasingly critical role in the maritime domain in South Asia. 90% of South Asian trade depends on the sea, and there are vast untapped maritime resources.¹⁴⁴ At the same time, piracy and armed robbery at sea can pose threats in South Asian waters. For example, in 2018, approximately one-third of all reported maritime incidents in the Indo-Pacific occurred in the Bay of Bengal.¹⁴⁵ To defend against threats of piracy and armed robbery, the shipping industry frequently employs private security on vessels, also called privately contracted armed security.

142. Pakistan Establishment and Functioning of Private Security Companies Policy, Section 12.

143. Pakistan Private Security Companies Ordinance, note 91 above, Article 20.

144. Shariful Islam (2021) “Understanding Maritime Connectivity in South Asia: The Role of Domestic and External Actors”, *Journal of Governance, Security & Development*, Vol. I, No. 2, pp. 45- 57, https://www.researchgate.net/profile/Md-Shariful-Islam-2/publication/351063616_Understanding_Maritime_Connectivity_in_South_Asia_The_Role_of_Domestic_and_External_Actors/links/608246ce907dcf667bb9a582/Understanding-Maritime-Connectivity-in-South-Asia-The-Role-of-Domestic-and-External-Actors.pdf.

145. Jay Benson (2020) “Stable Seas: Bay of Bengal”, *Stable Seas*, 16 March, <http://dx.doi.org/10.18289/OEF.2020.044>.

Particular challenges emerge where PMSCs engage in less typical or emerging fields of security such as private maritime security, where no specific regulation exists and where any existing general regulations may be maladapted for new and potentially more militarized private security activities. If insufficiently regulated, the use of private maritime security can pose challenges to the respect of human rights and rule of law.¹⁴⁶ Scholars contend that despite newly developed national oversight mechanisms, state control of the use of PMSCs on vessels remains limited.¹⁴⁷ Existing governance mechanisms leave gaps in oversight of the sector, accountability of companies, and grievance mechanisms for victims of human rights abuses. Specifically, challenges include vetting of and reporting on private security officers, a lack of investigation into serious incidents in private security, disputes over jurisdiction, illegal use of force, and in general inappropriate enforcement of international and national laws. These difficulties were highlighted in February 2021, when two Indian fishermen were killed by privately contracted Italian marines on a commercial vessel. The subsequent detention of the Italians by Indian authorities caused diplomatic tensions between India and Italy.¹⁴⁸ Similar difficulties were highlighted in a reported murder of at least four unarmed men, committed in 2013 by a PMSC in international waters.¹⁴⁹

The use of PMSCs in the maritime domain is regulated by a mixture of national and international laws, the guidance of the International Maritime Organization, and industry standards. A means to discuss and further develop international guidance on private maritime security companies would be within the framework of the Montreux Document Forum Maritime Working Group. With the publication of the Reference Document: Elements for a Maritime Interpretation of the Montreux Document,¹⁵⁰ the Forum took an important step in guiding states in addressing challenges related to the regulation of the industry. To continue discussions on this important topic and collaborate on the implementation of good practices in regulating private maritime security, states are thus encouraged to support the international initiative.

5.4 Gender and private security

Given the gender sensitivities around religion, customs, and traditions in South Asia, the need for a gender-responsive private security industry in the region cannot be overstated.¹⁵¹ In regulating the private security industry, integrating a gender perspective means analysing the potential and actual impact of PMSC operations on individuals across the gender spectrum. It also means ensuring the experiences and concerns of people of all genders are considered in the design, implementation, monitoring, and evaluation of private security regulation.¹⁵²

146. Alice Priddy and Stuart Casey-Maslen (2012) “Counter-piracy Operations by Private Maritime Security Contractors: Key Legal Issues and Challenges”, *Journal of International Criminal Justice*, Vol. 10, Issue 4, <https://academic.oup.com/jicj/article-abstract/10/4/839/809359->

147. Joakim Berndtsson and Ase Gilje Ostensen (2015) “The Scandinavian Approach to Private Maritime Security – A Regulatory Façade?”, *Ocean Development and International Law*, <https://doi.org/10.1080/00908320.2015.1024067>.

148. Permanent Court of Arbitration (undated) “The ‘Enrica Lexie’ Incident (Italy v. India)”, <https://pca-cpa.org/en/cases/117/>.

149. Focus Taiwan (2020) “Taiwan Detains Suspect in Shocking Case of Murder at Sea”, 23 August, <https://focustaiwan.tw/society/202008230005>.

150. Montreux Document Forum (2021) “Elements for a Maritime Interpretation of the Montreux Document”, https://www.montreuxdocument.org/media/pdf/reference_document.pdf.

151. DCAF South Asia SSG Forum 2021, note 6 above.

152. Anna Marie Burdzy and Lorraine Serrano (2019) “Gender and Private Security Regulation”, DCAF – Geneva Centre for Security Centre Governance, OSCE/ODIHR, and UN Women, p. 3.

It is always true that a security sector inclusive of women, transgender, and non-binary people is one that is more reflective of, and responsive to, the community it serves. However, an increase in gender-based and sexual violence is one of the reasons for growing demand in private security services in South Asia. It is therefore also important that private security providers are equipped with not only a gender-diverse workforce but also training on how to prevent and deal with gender-based and sexual violence, and how to support victims. Strict oversight and accountability are also needed to prevent such violence from being perpetrated by private security guards themselves.

The legal and regulatory frameworks, as reviewed above, do not specifically mention gender aspects of security, prevention of gender-based violence, or inclusion and support of women in the private security industry. Reliable data on women, transgender, and non-binary people's participation in the private security industry is scarce. A proper study is needed to understand if women, transgender, or non-binary people routinely experience discrimination, are overwhelmingly employed in marginal roles, are overlooked, or disregarded in company policies, or have limited access to managerial roles.¹⁵³

There are some positive practices related to the increase of female representation in the private security industry. For instance, in India, with provincial financing CAPSI has provided professional security training and employment opportunities to disenfranchised tribal women in Jharkhand, allowing them to apply for jobs in the private security industry requiring certified private security professionals.¹⁵⁴ The Federation of Indian Chambers of Commerce and Industry (FICCI) has initiated capacity-building programmes and workshops in an attempt to increase awareness about, for instance, the safety of women, transgender, and non-binary people in the workplace.¹⁵⁵ Overall, however, the gender-related impacts, challenges, and opportunities of the private security industry are largely overlooked in South Asia, and the issue requires significant additional research and engagement.

5.5 Recruitment and respect for workers' rights

High standards for the recruitment of private security personnel is vital to the professionalism and moral integrity of the industry. To ensure the efficiency and effectiveness of the private security industry and to avoid corruption, misuse of power, and other problems, it is important to ensure fair working conditions and respect for workers' rights.

Bangladesh. Private security personnel in Bangladesh typically earn low wages – approximately USD 100-150 for 30 days of continuous work – which according to the local industry association does not amount to a fair wage.¹⁵⁶ The wage places them squarely in the lowest-paid quartile of the population, the threshold for which is pay below USD 180 per month.¹⁵⁷

153. Ibid.

154. CRS Journal (2018) "CAPSI Transforming Unemployed Tribal Girls into Trained Security Professionals", Central Association of Private Security Industry, 12 November, <https://theocrjournal.in/capsi-transforming-unemployed-tribal-girls-into-trained-security-professionals/>.

155. Grant Thornton and Federation of Indian Chambers of Commerce & Industry (2015) "Private security services in India" pp. 17, 24, and 52, https://www.grantthornton.in/globalassets/1.-member-firms/india/assets/pdfs/private_security_services_industry_in_india.pdf.

156. DCAF South Asia SSG Forum 2021, note 6 above.

157. Salary Explorer (2023) "Average Salary in Bangladesh 2023", <http://www.salaryexplorer.com/salary-survey.php?loc=18&loctype=1#:~:text=Salaries%20in%20Bangladesh%20range%20from%206%2C580%20BDT%20per,other%20half%20are%20earning%20more%20than%2028%2C100%20BDT.>

Nepal. The minimum wages for PMSC employees are regulated by general labour laws. However, PMSC employees remain severely underpaid. This has led them to increasingly join workers' unions, which are considered strongly politicized in Nepal. The frequent strikes used to demand better workers' rights raise some questions regarding the reliability of the security services provided by PMSCs.¹⁵⁸

Sri Lanka. Licensing for the operation of a PMSC is contingent upon "conditions relating to termination of employment, hours of work and other conditions of employment of personnel employed by a holder of license".¹⁵⁹ In 2020, the Ministry of Defence announced its plans to introduce minimum wages for security guards and require renewal of licenses. Under the new plan, PMSC contributions to the Employees' Provident Fund and the Employees' Trust Fund would be strictly supervised. The Ministry also highlighted the need to issue internationally recognized licenses for PMSC personnel, and requested PMSCs to pay fair wages to their employees and to consider private security not as a commercial venture but as a part of national security.¹⁶⁰



Labour rights and working conditions are not very strongly regulated in South Asia. In some countries, such as in India, PMSC employees are covered by general labour laws which may provide a basis for adequate conditions. However, where a large portion of the industry remains unregulated and unlicensed, labour rights are unlikely to reach employees in the informal sector. Findings in this Thematic Brief indicate that, at least in some of the countries in the region, PMSC employees are underpaid and under-respected. There is a general need for enhanced oversight on the payment of wages and other basic labour standards such as number of working hours, leave entitlement, and safety procedures. Implementing such basic labour standards, particularly where a large portion of the industry is informal, requires long-term measures, but can start with small changes. For instance, seeking to ensure that employees' wages are paid through banks rather than in cash facilitates oversight of wages being paid on time and in accordance with set minimum levels.

158. Aayushma, note 53 above, at p. 234.

159. Sri Lanka Regulation of Private Security Agencies Act, note 98 above, Article 5(2).

160. Daily News, note 100 above.

5.6 Use of force by private security actors

The extent to which private security personnel may use force is generally not subject to specific regulation in the South Asia region. This lack of regulation may result in significant security and human rights risks and creates problems from a human rights and legitimacy perspective. States often regulate the use of force by PMSCs under the paradigm of the rules for public security officials, which can go beyond the right of self-defence. However, the degree of force that a private security provider should be able to use and the limitations applicable to that use are fundamentally different from those applicable to law enforcement for several reasons:

PMSCs' use of force must be guided by the personal right to self-defence or the defence of others, like that of any other citizen.

PMSCs do not have a general mandate to ensure public security beyond the objectives set out in the contract, even when the state is the client contracting for such services.

PMSCs do not enjoy the legitimacy and oversight mechanisms applicable to public security, nor do they enjoy the same level of training and capacity building.

In addition, the lack of specific regulation on the required types of training to be provided to private security personnel raises concerns about the use of force. High quality and continuous training on the limits of the use of force, a graduated approach to the use of force where necessary, de-escalatory methods, use of weapons, non-discrimination, and consideration of gender perspectives are required to prevent abuses and excessive or problematic use of force.¹⁶¹

In the South Asia region, the regulatory landscape governing the use of force by private security services remains largely undefined. Across several states, there is a notable absence of specific regulations dedicated to delineating the parameters within which private security personnel can employ force. Notably, Pakistan stands out with a provision that is applicable to the matter by which PMSCs are expressly prohibited from exercising powers conferred upon public officers, such as police officers, customs officials, immigration officers, and correctional officers.¹⁶² This restriction signifies a recognition of the need to curb potential overreach and aligns with the broader theme of preventing private security entities from assuming roles reserved for public authorities. However, the absence of comprehensive regulations in other South Asian states accentuates the need for the establishment of clear guidelines to govern the use of force by private security personnel, safeguarding against potential abuses.

161. DCAF – Geneva Centre for Security Sector Governance (2020) “Regulating the Use of Force by Private Security Providers: A Guidance Tool for States”, <https://www.dcaf.ch/regulating-use-force-private-security-providers-guidance-tool-states>.

162. Pakistan, The Private Security Companies Ordinance, 2001, Art 20.

5.7 Public-private cooperation

Despite the differences between private security and public law enforcement, their missions are complementary and often closely related. Regular communication between private security and the police can, for instance, play an important role in emergency response, such as coordinating evacuations.¹⁶³ Additionally, private security can support the core functions of the police by helping to maintain public order and dealing with immediate security threats until police can intervene, be present where police cannot, and gather and share intelligence with law enforcement, which may include providing timely and regular reports on suspicious activity and other behaviours that could represent early warning signs for possible emerging threats. Some private security entities have rapidly increased their use of technology and have become extremely specialized in handling complex crime, including cybersecurity.¹⁶⁴ Law enforcement agencies could therefore leverage these resources to better understand the crime that occurs across a variety of settings and to develop effective prevention strategies.

In South Asia, private security providers and public law enforcement agencies do not seem to have established any cooperation mechanisms, despite the high prevalence of private security in some of the countries in the region. One factor hampering cooperation and positive relationships centres around unclear and poorly defined roles and responsibilities, especially for private security providers. Law enforcement agencies are generally unfamiliar with the extensive range of roles covered by the private security industry, or with the expertise and technical requirements necessary to perform these roles. In many instances, law enforcement officers make assumptions about the entire private security industry based on their limited experiences with lower paid and lesser trained security guards. This unfamiliarity and limited appreciation or knowledge of roles contributes to a lack of trust and respect between public and private entities.¹⁶⁵ The absence of clear regulation on the mandates, powers, and activities of PMSCs can pose a challenge to establishing and maintaining positive relationships between PMSCs and police by leading to potential clashes between the mandates, causing a risk for PMSC overreaching their powers and activities, and creating a sense of competition or conflict rather than cooperation between public and private security providers. A first step to enhancing cooperation would therefore be putting in place clear regulations that clarify the role of PMSCs, delimiting the mandates of PMSCs, and putting in place effective oversight and enforcement mechanisms in case of abuse or misuse of powers.

Additional mechanisms for enhancing the cooperation between private security and public law enforcement could be increased communication, information exchange, and a common understanding between the actors. This could include the establishment of a law enforcement-private security partnership consortium to facilitate cooperation, which can play an integral role in emergency management, planning, and response, information and intelligence sharing, and stronger community policing efforts.¹⁶⁶

The issue of the relationship and the potential for cooperation between PMSCs and law enforcement in the region is a matter requiring further independent inquiry and information.

163. Kevin Strom, Marcus Berzofsky, Bonnie Shook-Sa, Kelle Barrick, Crystal Daye, Nicole Horstmann, and Susan Kinsey (2010) "The Private Security Industry: A Review of the Definitions, Available Data Sources, and Paths Moving Forward", Research Triangle Institute.

164. FICCI and BDO in India, note 3 above.

165. Strom et al, note 179 above.

166. U.S. Department of Justice (2009) "Operation Partnership: Trends and Practices in Law Enforcement and Private Security Collaborations", Office of Justice Programs, <https://www.cops.usdoj.gov/files/RIC/Publications/e08094224-OpPartnership.pdf>.



The challenges highlighted in this section are closely linked to the wider weaknesses and gaps in the regulation, oversight, and implementation of standards on the private security sector discussed in Sections 3 and 4. Where regulation is lacking completely or lacks necessary detail in relation to the use of force, weapons, search and seizure, and other aspects of security provision, a variety of issues and problems are likely to result. The lives and health of both PMSC personnel and those they encounter could be endangered, there is increased space for human rights violations, the efficiency and legitimacy of private security services are put at risk, and relations between the private security industry, public law enforcement agencies, and society at large may be compromised. Strengthening governance over the private security industry in line with international standards and norms is therefore of utmost importance to meet the challenges identified. Specific attention should be paid to the highlighted emerging and thematic challenges, especially those which tend to be forgotten or set aside, such as gender considerations, non-discrimination, and human rights.

6. International norms and good practices

Reliance on the private security sector is growing exponentially and, as the security landscape changes, the requirements for effective regulation also need to be adjusted. This regulatory race often results in a lack of adequate legal frameworks to face the growing concerns posed by the sector. In South Asia, this rapid growth and diversity within the private security sector have given rise to a complex regulatory environment. National legislation on the private security industry reflects both the diversity of the sector, as well as that of the region. PMSCs provide a wide range of services depending on the countries in which they operate (Section 2) and national legal frameworks regulating their activity vary accordingly (Section 3). While some countries have enacted detailed regulation governing this sector, these instruments are often procedural and focus on administrative requirements. Others lack comprehensive frameworks, leaving significant governance gaps. This regulatory heterogeneity raises concerns about the ability to efficiently govern the private security industry at the national level, creating multifaceted challenges that can jeopardize the rule of law.

For this reason, there is a growing **need to clarify applicable international standards** in relation to the private security industry to address the different challenges facing South Asian states, as they offer concrete solutions and guidelines for tackling some of the region's most pressing issues. In the absence of binding international treaties regulating the matter to this date, international initiatives have been created to ensure human rights compliance within the industry, namely 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 ('the Montreux Document')¹⁶⁷ and the [International Code of Conduct for Private Security Providers](#) ('the Code').¹⁶⁸ These international initiatives collect legal obligations and propose good practices for states and the private security industry in compliance with international humanitarian law and human rights law. The Montreux Document for instance provides a roadmap that points the way forward for effective regulation and oversight of PMSCs. Despite not being region-specific, the international initiatives of the Montreux Document and the Code provide important roadmaps for the governance of the private security industry. These texts present invaluable tools to address the different challenges facing South Asian states, as they offer concrete solutions and guidelines for tackling some of the region's most pressing issues.

Therefore, drawing on this mapping of international norms and good practices, states will be able to draft more comprehensive legislation at the national level to face the challenges mentioned above. Moreover, these international initiatives promote a multi-stakeholder approach to generate positive synergies at the national level. Considering the nature of the private security sector in the region, it is crucial to provide entry points for different public and private actors for the development of effective and accountable regulation. In this sense, applying such an approach can help strengthen national private security governance.

167. Swiss Federal Department of Foreign Affairs and International Committee of the Red Cross (2008) "Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict", https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/voelkerrecht/20192511-montreux-document_EN.pdf.

168. International Code of Conduct Association (2010) "International Code of Conduct for Private Security Service Providers", <https://icoca.ch/the-code/>.

6.1 The Montreux Document

The Montreux Document “reaffirms the existing obligations of states under international law, in particular international humanitarian law (IHL) and international human rights law (IHRL), relating to the activities of PMSCs.”¹⁶⁹ It also proposes good practices designed to help states improve the governance of the industry at a national level,¹⁷⁰ and allows states to reaffirm their political support for IHL/IHRL.¹⁷¹ The Montreux Document was adopted in 2008 as a joint initiative of the Swiss government and the International Committee of the Red Cross (ICRC). Currently, the Montreux Document is supported by 59 states and 3 international organizations.¹⁷²

It is important to note that the Montreux Document does not take any position on the legitimacy of PSMCs, nor is it a legally binding treaty which creates any legal obligations for states. Nonetheless, it highlights that the existing obligations of governments under IHL, such as those under the Geneva Conventions, and IHRL also apply to the activities of PMSCs.

In summary, the Montreux Document has the following aims:

- To recall the pertinent international legal obligations of states, PMSCs, and their personnel in situations of armed conflict regarding the respect of IHL.
- To contain a compilation of good practices designed to help states take national measures to implement these obligations.
- To highlight the responsibilities of three types of states: Contracting states (countries that hire PMSCs), territorial states (countries on whose territory PMSCs operate) and home states (countries in which PMSCs are based).
- To make it clear that states have a duty to take measures designed to prevent misconduct by PMSCs and ensure accountability for criminal behaviour.
- To recall that misconduct on the part of PMSCs and their personnel can trigger responsibility on two levels: first, the criminal responsibility of the perpetrators and their superiors, and second, the responsibility of the State that gave instructions for, directed, or controlled the misconduct.
- To provide a toolkit for governments to establish effective oversight and control over PMSCs, for example through contracts or licensing/authorization systems.¹⁷³

169. Montreux Document Forum (2023) “The Montreux Document on Private Military and Security Companies: About the Document”, <https://www.montreuxdocument.org/about/montreux-document.html>.

170. Swiss Federal Department of Foreign Affairs (2020) “Supporting the Montreux Document: Why and How?”, https://www.montreuxdocument.org/pdf/2020-02-19_supporting-the-md_how-and-why.pdf?v=2020.

171. DCAF – Geneva Centre for Security Sector Governance (2018) “Private Security Governance Observatory: The role of civil society organizations in promoting good governance of the private security sector”, Section 1, p. 22.

172. Montreux Document Forum (2023) “Participating States and International Organisations”, <https://www.montreuxdocument.org/about/participants.html>

173. Swiss Federal Department of Foreign Affairs and International Committee of the Red Cross (undated) “The Montreux Document in a Nutshell”, p. 2, <https://www.montreuxdocument.org/pdf/The-Montreux-Document-in-a-Nutshell.pdf>.

In 2014, participating states created the Montreux Document Forum (MDF) because there was a need to exchange good practices concerning the regulation of PMSCs and a willingness to implement such good practices, especially at the national level. The MDF provides advisory support for states to strengthen their national regulation on PMSCs based on an extensive mapping of good practices. These advisory services are specific to the national or regional context, tailor-made for national challenges, and in consultation with national actors of each state. It is important to mention that these advisory projects are guided by the principles of impartiality, local ownership, inclusivity, and gender equality. For this purpose, increased membership in several regions and stronger engagement by MDF participants are necessary to promote good governance and accountability of private security.

While the Montreux Document is primarily addressed to states, the good practices that it proposes can help the work of other stakeholders that collaborate with governments in setting up effective monitoring and oversight of PMSCs. The good practices of the Montreux Document deal with concrete issues such as licensing processes, selection criteria, and contractual arrangements. They allow CSOs to suggest to states effective methods for controlling the activities of PMSCs.¹⁷⁴ Finally, the Montreux Document also provides CSOs with a benchmark to identify potential gaps in national PMSC legislation. The Montreux Document can thus serve as a baseline for CSOs to contribute to national policies.¹⁷⁵

In this sense, the good practices put forward in the Montreux Document are highly relevant to address the gaps in the regulatory environment and the oversight mechanisms that allow for systemic challenges of the private security industry at the national level. The Montreux Document's good practices provide a valuable baseline for states lacking legislation like Nepal or looking to establish legislation like Maldives to develop a robust legal framework in line with international obligations.

In other cases where national regulation is outdated or ineffective as it is mainly of an administrative character, the good practices for territorial states included in the Montreux Document can serve as a checklist of minimum operational requirements to fill the regulatory gaps and face specific national challenges. The translation of these practices should be undertaken through a consultative process involving relevant national stakeholders so that it is tailored to the national panorama. However, the highlighted examples of good practices from the Montreux Document could be applicable and useful to the different challenges in regulation mentioned in Section 3 of the Thematic Brief if effectively integrated into the respective national legislative scheme. For instance, India faces governance challenges due to the lack of a coherent national regulatory framework, resulting in weak oversight and inconsistent standards across its states and union territories. The Montreux Document provides guidance on the establishment of a central authority for granting authorizations,¹⁷⁶ ensuring transparency, and assessing PMSCs' capacity to comply with relevant laws. Such authority should have in place appropriate rules on the possession of weapons¹⁷⁷ and permits to ensure compliance with human rights obligations incumbent upon the private security industry. Similarly, in Sri Lanka, where the existing Act lacks strict regulations on the operations of PMSCs, the Montreux Document's recommendations on compulsory licensing, clear operational requirements, and stricter controls align with the country's intentions to enhance regulation, as announced by the Defence Ministry in 2020. Sri Lanka could draw upon the Montreux guidelines to reinforce its regulatory framework and ensure effective governance of the private security industry.

174. Ibid.

175. Ibid.

176. Montreux Document, Good practice 26.

177. Montreux Document, Good practice 44.

As stated in Section 4, the oversight mechanisms for the private security industry in South Asia currently grapple with significant gaps, inefficiencies, and a lack of publicly available information, posing obstacles to transparency and accountability. To address this, the Montreux Document proposes good practices crucial to enhance transparency in the authorization process.¹⁷⁸ This can be achieved through various mechanisms, including the public disclosure of authorization regulations and procedures, providing general information on granted authorizations with redactions to protect national security and privacy, publishing overviews of incident reports and sanctions while respecting confidentiality requirements, instituting oversight by parliamentary bodies through reports or contract notifications, and establishing fair and non-discriminatory fee schedules for authorizations.

With regards to general regional challenges put forward in Section 5, the Montreux Document proposes a minimum training curriculum for PMSCs including both general principles and context-specific considerations to prepare personnel for their roles in specific contracts and environments. This includes instruction on: a) guidelines for the use of force and firearms; b) compliance with IHL/IHRL; c) awareness of religious, gender, and cultural issues, emphasizing respect for the local population; d) effective procedures for handling civilian complaints, including the proper channels for transmitting grievances to the relevant authority; and e) implementation of measures to prevent bribery, corruption, and other criminal activities.¹⁷⁹ The Montreux Document also proposes continuously reassessing the level of training by, for example, requiring regular reporting on the part of PMSCs.¹⁸⁰

Additionally, drawing on IHL/IHRL, the Montreux Document establishes the limits and obligations on the use of force by PMSCs, namely: “a) using force and firearms only when necessary, in self-defence or defence of third persons; b) immediate reporting to and cooperation with competent authorities, including the appropriate contracting official, in the case of use of force and firearms.”¹⁸¹

In terms of labour rights, the Montreux Document emphasizes that states should adopt labour law and the crucial role of contracting states to ensure the working conditions of PMSC personnel. These measures, serving as guidance for clients and oversight bodies, include providing personnel with contracts in a language they understand, ensuring adequate pay and remuneration in line with responsibilities and working conditions, adopting operational safety and health policies, guaranteeing unrestricted access to personnel’s travel documents, and preventing unlawful discrimination in employment.¹⁸² Incorporating these practices into the procurement processes of the clients and oversight bodies for the private security industry in South Asia would not only enhance transparency and accountability but also address the challenges associated with gaps and inefficiencies in the existing oversight mechanisms.



While many South Asian countries already have developed national regulations on PMSCs, international initiatives such as the Montreux Document provide an opportunity helping states to ensure a harmonized regulation and better monitoring of the private security industry at the national and regional levels. Discrepancies in national norms on the operations of PMSCs might lead to different monitoring and accountability of private security personnel for IHL/IHRL violations in the region. Moreover, due to differences in national laws and regulatory policies

178. Montreux Document, Good practice 29.

179. Montreux Document, Good practice 10.

180. Montreux Document, Good practice 35.

181. Montreux Document, Good practice 18.

182. Montreux Document, Good practice 13.

at the regional level, private contractors may strategically relocate to countries with the less stringent regulations, which could cause internal market distortions and prevent the minimum standards for the protection of IHL/IHRL from being met. The freedom of movement of PMSCs and the adherence to the necessary basic protections may suffer because of differences in the level of protection of fundamental rights. Through its advisory services, DCAF, the Secretariat of the Montreux Document Forum, offers to support participating states and national institutions in the integration of international standards in their national regulations and the monitoring of PMSCs. Moreover, the Montreux Document Forum offers a unique platform for South Asian states to exchange information, challenges, and good practices specific to their region and their needs with regards to PMSCs regulations.

6.2 International Code of Conduct for private security service providers

While the Montreux Document addresses the role of states in regulating PMSCs, the Code lays out the requirements for private security service providers themselves. It sets out principles and standards that PMSCs should follow to ensure their conduct respects international norms when providing security services. Both the Montreux Document and the Code emphasize respect for IHL/IHRL. The ICoC signatories commit to the responsible provision of security services to support the rule of law, respect the human rights of all persons, and protect the interests of their clients. The Code provides guidance for responsible business conduct in non-conflict environments, addressing potential challenges beyond armed conflicts.¹⁸³ Its governing body, the International Code of Conduct Association (ICoCA), is a multi-stakeholder initiative consisting of three pillars representing states, CSOs and PMSCs themselves. The three pillars of the ICoCA all have a particular role to play. The ICoCA encourages a collaborative approach between states, CSOs, and private security companies. In situations where there may be challenges in state oversight, this partnership model ensures that both entities work together to address gaps, enhancing overall security governance.

States can serve as regulators, donors, and clients to the private security industry. As regulators, they can demonstrate support for IHL/IHRL, good governance, and responsible private security.¹⁸⁴ Further, states serve as donors, requiring recipients of government funding and contracts to include ICoCA membership requirements in their tenders for security contracts, and ensuring that only PMSCs that respect IHL/IHRL are mandated.¹⁸⁵ Governments can lead by example by contracting only ICoCA members and affiliate companies for their diplomatic and other private security needs.¹⁸⁶

183. The Role of Civil Society Organizations In Promoting Good Governance of the Private Security Sector, note 128 above, p. 24.

184. International Code of Conduct Association (undated) "Governments", <https://icoca.ch/governments/>.

185. Ibid.

186. Ibid.

Meanwhile, CSOs can help to promote and protect human rights and support the rule of law by advocating for the improvement of effective regulation, oversight, and accountability of the private security industry.¹⁸⁷ CSOs have three main avenues of action regarding private security:

- Awareness raising and contribution to national policies;
- Monitoring of PMSCs;
- Complaint management and victim support.¹⁸⁸

PMSCs, on the other hand, have an interest in joining the ICoCA to receive certification with respect to IHL/IHRL. This also helps building trust in the companies and in securing security contracts from governments. PMSCs can thus have a positive impact on the businesses they help protect and the communities in which they operate.¹⁸⁹ Where specific legislative measures may be lacking or insufficient (Section 3), the Code steps in as a guiding compass, providing a robust set of principles that PMSCs can adopt to enhance their operations. Given the imbalance between private security personnel and police forces in several countries across the region, the standards in the Code may play a pivotal role for the private security industry and prove especially beneficial in contexts marked by regulatory gaps at the state level. Furthermore, the private security industry in certain South Asian countries demonstrates a level of organization through industry associations. The presence of such associations can influence the industry's size, development trajectory, and the effectiveness of regulatory and governance frameworks. As key stakeholders, industry associations play a crucial role in shaping the dynamics of the private security industry, warranting a closer examination of their influence on both the industry and broader security governance structures. Hence, the Code is of special relevance for these actors.

The international norms and good practices translated in the Code offer specific and detailed provisions to address key challenges faced by the private security industry and that can offer guidance on how to tackle specific challenges in the South Asia region (Section 5) from an industry perspective. Other examples are to establish rules on the use of force; on preventing sexual exploitation and abuse, gender-based violence, human trafficking; and on the prohibition of slavery and forced labour, ensuring that member companies adopt guidelines consistent with human rights standards. It also addresses issues related to personnel selection and vetting, emphasizing due diligence in hiring, training, and ongoing performance review. In states lacking specific legislation or standardized training requirements, the Code provides a valuable framework for private security companies to develop their training curricula. The Code's emphasis on professional training aligns with the need for standardized and comprehensive training programs for security personnel. This proves useful to face the challenges of ensuring well-qualified and ethically sound personnel, particularly in regions with varying regulatory frameworks and oversight mechanisms.

In essence, the Code provides a robust framework that directly addresses and mitigates the challenges identified in the private security industry. Its principles, covering various aspects from general conduct to incident reporting, offer a roadmap for responsible and ethical behaviour, contributing to the overall improvement of private security governance.



187. International Code of Conduct Association (undated) "Civil Society Organisations", <https://icoca.ch/civil-society-organisations/>.

188. International Code of Conduct Association (undated) "Factsheet: Civil Society Organisations", https://icoca.ch/wp-content/uploads/2020/10/ICoCA-factsheet_civil-society-orgs.pdf.

189. International Code of Conduct Association (undated) "Private Security Companies", <https://icoca.ch/private-security-companies/>.

By encompassing human rights protections and clear guidelines on training and the use of force, the Code not only elevates industry standards but also addresses potential shortcomings in national regulatory frameworks. The flexibility of the standards allows companies to tailor their practices to align with local legal requirements while maintaining a commitment to international best practices. This adaptability proves indispensable in navigating diverse regulatory landscapes, helping the private security industry operate transparently, and in accordance with globally recognized norms, thereby contributing to the overall development of a responsible and accountable industry even in the absence of specific state-level regulations.

7. Recommendations

With a keen awareness of the region-specific challenges, this section transitions to a set of recommendations intended to ignite discussion. These general recommendations serve as a starting point, due to the need for further research and baseline studies at a national level to provide case-specific guidance. Throughout the Thematic Brief, shared trends such as a general lack of ineffective regulation, gaps in oversight mechanisms, and challenges mirrored across states, have been identified. Therefore, these proposed general recommendations are designed to address these issues, tailored for various stakeholders, including governments, regulatory authorities, private security companies, and civil society. Drawn from international norms and good practices (Section 6), the following aspire to bridge identified gaps and align the South Asian private security industry with the robust frameworks set forth by international instruments, fostering transparency, accountability, and a commitment to human rights.

7.1 For governments

States should ensure their national regulations are precise enough to ensure a good regulation of the private security industry. Most of the legislation around private security in the South Asia region needs to be reviewed and analyzed in depth to define the specific gaps and challenges in the text of the legislation. There is a need to put in place sufficient regulation for PMSC activities in general and also in relation to specialized activity areas such as private maritime security and disaster response, to ensure that regulations are suited to and cover all areas of activity.

Discussions during the roundtable on “Enhancing the Regulation, Oversight and Governance of the Private Security Industry in South Asia” highlighted that legislation should provide suitable definitions of all relevant private security actors which are neither too vague nor too strict.¹⁹⁰ It should also include sufficiently detailed regulation of the activities, working models, and mandates of PMSCs, and clearly regulate their activities, including in relation to the use of force and weapons and their obligations in relation to the public and their clients. It should also clearly define the permitted and prohibited activities for PMSCs.¹⁹¹

States in South Asia should endorse the Montreux Document and thereby become participants of the Montreux Document Forum to ensure that their national legislation aligns with international standards. Legislation and regulation of PMSCs should be clearly and explicitly based on the requirement for companies and their personnel to respect IHL/IHRL, which is not currently the case in most of the countries in South Asia.¹⁹²

States should equally study the added value of joining the International Code of Conduct Association.

190. Ibid., p. 12.

191. Ibid., p. 16, 22.

192. DCAF – Geneva Centre for Security Sector Governance (2016) “Legislative Guidance Tool for States to Regulate Private Military and Security Companies”, p. 10, <https://www.dcaf.ch/legislative-guidance-tool-states-regulate-private-military-and-security-companies-0>.

National legislation should integrate mechanisms ensuring effective remedies to victims. In the South Asia region, the regulatory framework should include clear and effective sanctions, including criminal and corporate sanctions for violations of domestic law and of international standards and laws. Effective enforcement mechanisms should be put in place to ensure compliance.

Where foreign private military contractors are present, such as in Afghanistan before the Taliban takeover, the territorial state should ensure that they are covered by sufficient national legislation, regulation, and oversight mechanisms, to avoid legal vacuums and wide differences in protection, which may stem from leaving regulation up to sending countries.

Information on the operations of PMSCs should be up-to-date and continuously monitored. Considering that the private security industry is rapidly changing and growing, governments should support a process of periodic review to look at the industry consistently to provide accurate information into the industry and its evolution. States in South Asia should therefore conduct and support further research on PMSC and their governance. Governments should also improve access to information relating to the private security industry and its regulation in South Asia to enhance transparency and oversight.

Public and private security activities should be differentiated in their operations and through specific signs while following the same international and national standards. Subcontracting of public duties to PMSCs should be regulated to avoid undermining state oversight in the region. Appropriate standards, including IHL/IHRL compliance, and vetting processes should be established for situations where private security services are contracted by public authorities.¹⁹³ In addition, measures can be put in place to clearly distinguish private security personnel from public police such as mandatory uniforms and carrying identification specifying the individual guard, their employer, and other relevant information.

States should ensure that PMSCs adopt internal policies and training in line with human rights and national standards. Discussions during the roundtable on “Enhancing the Regulation, Oversight and Governance of the Private Security Industry in South Asia” highlighted that there is a need to put in place adequate minimum standards for PMSC personnel, including fair wages and limitations on working hours, in line with relevant labour laws in each country. The implementation of labour standards should be efficiently and regularly monitored and enforced by a relevant authority to ensure that minimum international labour standards are met. Moreover, based on the practical experiences shared during the roundtable/South Asia forums and on the current knowledge available, the level of and kind of training required for PMSCs and their personnel needs to be consistent and regulated. Training should include how to prevent and handle gender-based and sexual violence, and how to support victims.

States should adopt clear rules regarding use of force and use of weapons by private actors. There is a need to strictly regulate the use of force by PMSC personnel and ensure that such regulations are clear, publicly accessible, and in line with international obligations, including IHRL and requirements on the provision of remedies for victims of the use of excessive force by PMSCs. It has been further observed that there is a lack of adequate regulation around the carrying and use of weapons by PMSCs and their personnel in the region. Such regulation should include strict rules on the use of weapons, reporting obligations, safe storage and training requirements, and any other regulation necessary to limit the potential harm stemming from the use of weapons by PMSCs.

193. Ibid., pp. 38-42.

7.2 For regulatory authorities

In the region, there is a need to establish systematic, diligent, and institutionalized monitoring mechanisms within regulatory authorities. Each authority should be vested with the necessary mandate, resources, powers, and mechanisms to allow it to carry out its monitoring mandate systematically and effectively.¹⁹⁴

South Asian countries with legislation or guidelines should consider putting in place systems of mandatory licensing or authorization for companies wanting to provide private security services. Licenses should be granted for specific limited and renewable periods and/or for specific services, and there should be a centralized registry of PMSCs, their personnel, and other relevant information.¹⁹⁵

Obtaining a license or authorization should be conditional on PMSCs conforming to set criteria on, for example, past conduct, company management, personnel and property records, mandatory training (including human rights, use of force, and gender training), records of financial and economic reliability, documentation on lawful acquisition and use of equipment including weapons and firearms, and evidence of safe working conditions and provisions for the welfare of personnel.¹⁹⁶

The licensing system should be strong enough to prevent corruption, unreasonable delays in processing, and fraudulent licenses and applications. The relevant legislation in the region should clearly detail conditions and administrative processes for the denial, suspension, or revocation of a license or authorization. There should be a fair and transparent appeals process in case of denial or suspension of a license or authorization.

Cooperation between national regulatory authorities should be strengthened at the regional level. Discussions during the roundtable highlighted that licensing frameworks need to be coherent across countries in the region to ensure transparency and accountability of PMSCs and their personnel, and to facilitate the provision of services through the harmonization of relevant systems at sub-national and national levels.

Based on the practical experiences shared during the roundtable/South Asia forums and on the current knowledge available, regulatory authorities should have the power and capacity to carry out inspections, including accessing PMSCs' premises and inspecting their documents. Furthermore, it is important to ensure that legislation contains an obligation for PMSCs to report regularly to the regulatory authority. The report should include the following information: personnel data (including records of past conduct of personnel and of the company in general), equipment, weapons and firearms (including if weapons were acquired lawfully and information of their storage and transfer), and incident reporting. Serious incidents should be reported to regulatory authorities immediately.¹⁹⁷

Regulatory authorities should oversee the development of a mandatory unified training curriculum for private security providers. The curriculum should stipulate a definite training duration (at least two months) upon which certification should be provided by a recognized training institution. Training should include knowledge about human rights, use of relevant

194. Ibid., pp. 24-27.

195. Ibid., pp. 33-35.

196. Ibid., pp. 30-32.

197. Ibid.

equipment and weapons, use of force, IHL where applicable, and the cultures, values, traditions, and languages of the communities that PMSCs serve.¹⁹⁸

7.3 For private security companies and associations

PMSCs should consider membership to ICoCA. Industry associations from the South Asia region should engage with international private security governance actors and standards, including but not limited to ICoCA. This can provide a valuable mechanism for private security industry associations at the domestic level to strengthen their capacity, networks, legitimacy, and contribution to private security industry governance.

From the South Asia region, private security industry associations should develop industry standards and codes of conduct in line with domestic and international standards to strengthen internal industry governance. Based on the practical experiences shared during the roundtable/South Asia forums and on the current knowledge available, PMSCs in the region should develop and implement internal company policies that specifically reflect their commitment to respecting national laws and standards, labour policies, as well as IHL/IHRLs. They should also ensure that any firearms or other weapons they use are acquired through legal and appropriate channels, that they are stored and handled appropriately, and that the personnel dealing with them are appropriately trained.¹⁹⁹

Companies should further develop internal policies supporting good practices. Internal company policies should reinforce the minimum standards in labour conditions and address the welfare of personnel.²⁰⁰

Contracts should include a clause on compliance with IHL/IHRL, as well as appropriate sanctions in case of non-compliance. A model contract could be proposed by key stakeholders reflecting minimal procurement good practices.

Private security industry stakeholders, in particular private security industry associations, should engage the industry to raise awareness regarding the importance of the SSG principles, and strengthen support and respect for domestic and international standards on private security provision, as well as human rights, gender awareness, and the protection of the human rights of PMSC personnel, particularly among the frontline security personnel. The roundtable, “Enhancing the Regulation, Oversight and Governance of the Private Security Industry in South Asia” highlighted that private security industry associations should be strengthened and empowered to create better working conditions for private security personnel. Better working conditions would also raise the global profile of the sector, improving both its internal and public perception, and its efficiency. PMSCs and industry associations should take measures to strengthen the role of and empower women, transgender, and non-binary people in the private security industry by putting in place standards, guidance, and support mechanisms on ensuring their participation, recruitment, advancement, and leadership within the sector, as well as to prevent and remedy any gender-based discrimination, sexual harassment, or violence.

198. Ibid., pp. 44-47.

199. DCAF, Legislative Guidance Tool, note 183 above, pp. 46-49.

200. Ibid., p. 46-49.

7.4 For civil society organisations

Civil society organisations from the South Asia region should conduct evidence-based research to compile comparative data from other countries or theoretical models to produce reports to influence policymaking and stimulate public discussions on the topic.

Civil society from the region can further engage with academia to ensure monitoring of the private security industry and wider stakeholder engagement in discussions on this. CSOs and academia should seek to collaborate to increase the availability of information and knowledge on private security providers, their regulation and governance in South Asia. Based on the practical experiences shared during the roundtable/South Asia forums, this collaboration between academia and CSOs could also be reinforced through the development of shared investigations/studies on thematic issues linked to the private security industry such as gender. There remains, for instance, a lack of understanding of the industry's impacts on women, transgender, and non-binary people, both as citizens and PMSCs personnel. More information is required on the representation and numbers of such people in the private security sector in South Asia, as well as if they routinely experience discrimination, are employed in marginal roles, are overlooked, or disregarded in company policies, or have limited access to managerial roles in PMSCs.

CSOs should provide valuable support in the monitoring and oversight of the private security industry. Human rights organizations have an essential role to play in terms of monitoring, documenting, and reporting human rights violations perpetrated by security personnel, and taking action to ensure that perpetrators are held accountable to the law.

CSOs working in the security field should lead efforts to enhance public awareness on issues related to good governance of the private security industry. Such efforts can be developed through independent investigations and sensitization campaigns on PMSC operations.

The role of CSOs as key actors contributing to national policy development should be reinforced. Civil society is a unique actor able both to promote the implementation of laws, regulations, and standards while also contributing to national policy development. CSOs can give oral or written evidence to parliamentary hearings or to committees on draft legislation or legislative amendments. They can constructively criticize legislation or legislative amendments and/or draft alternative white papers on private security policies. Moreover, human rights organizations can also bring their findings to the attention to national human rights and ombuds institutions, reinforcing the capacities of PMSC oversight institutions.

8. Conclusion

The private security landscape in South Asia is characterized by a diverse array of services and a notable variance in regulatory frameworks across countries. The overarching observation from the examination of the industry's overview is the significant disparity in size and functions among South Asian countries. Of particular note is the substantial presence of private security personnel, outnumbering traditional law enforcement in some countries.

In South Asia, governments are increasingly acknowledging that the private security industry is potentially significant contributor to public safety and security and are studying working more effectively with private security providers to close legal loopholes and establish tighter regulation of the industry. The regulatory panorama, explored in Section 3, further complicates the landscape, with some nations lacking comprehensive legislation on private security or still in the developmental stages. The absence of robust legal frameworks raises concerns about the efficacy of national-level regulation, contributing to governance challenges and rule of law issues. The provided guidance from international norms and good practices and the recommendations, as detailed in Sections 6 and 7, emerges as a critical resource to address these regulatory gaps and strengthen the legal and regulatory framework.

Oversight mechanisms, as discussed in Section 4, reveal the existence of regulatory authorities in several South Asian countries. However, their effectiveness is compromised by gaps, inefficiencies, and a lack of transparency, allowing portions of the industry to operate outside domestic governance systems. Enhancement of regulatory authorities is crucial to addressing these challenges and ensuring transparent and accountable private security practices. It was also noted that the need for innovative oversight mechanisms for the private security industry, both at national and international levels, has been recognized.

The challenges associated with training, weapons, the use of force, recruitment and working conditions for private security personnel, outlined in Section 5, underscore the need for clear standards and detailed regulations. The absence of comprehensive oversight on labour rights and training poses threats to the professionalism and legitimacy of private security services. Recommendations in Sections 6 and 7 provide a roadmap for policymakers and stakeholders to establish and enforce these standards, ensuring a more credible and responsible private security industry.

Finally, Section 6 emphasizes the importance of aligning South Asian countries with international norms and good practices, such as those outlined in the Montreux Document. Harmonizing regulations at the national and regional level is imperative to prevent market distortions and uphold fundamental principles under IHL/IHRL. The Montreux Document Forum serves as a valuable platform for facilitating cooperation among South Asian states.

In conclusion, the South Asian private security industry faces multifaceted challenges, necessitating a comprehensive and coordinated multi-stakeholder approach. Bridging regulatory gaps, enhancing oversight mechanisms, and aligning with international standards are imperative for ensuring the industry's responsible operations. Security privatization has significant implications for democratic SSG. This Thematic Brief offers a brief overview of the private security industry in South Asia in terms of the regulatory progression, existing oversight mechanisms in the eight countries, and the frameworks of international norms and standards. As part of a holistic approach to SSG, it is recommended that private security governance in South Asia focus on promoting an effective legal and policy framework to regulate PMSCs operating at the international and national levels. At the same time, other dimensions of SSG such as market regulation and oversight by civil society should not be underestimated.

Additional resources on private security governance

Putting Private Security Regulation into Practice: Sharing Good Practices on Procurement and Contracting 2015-2016
Boddi, Emmylou, Anna Marie Burdzy, and Nelleke Van Amstel (2016), Business and Security Series No 2, DCAF – Geneva Centre for Security Sector Governance, [available at www.dcaf.ch](http://www.dcaf.ch)

Progress and Opportunities: Challenges and Recommendations for Montreux Document Participants
Buckland, Benjamin S. and Anna Marie Burdzy (2015), DCAF – Geneva Centre for Security Sector Governance, [available at www.dcaf.ch](http://www.dcaf.ch)

Supporting Enhanced Dialogue on Private Military And Security Companies
Burdzy, Anna Marie (2018), DCAF – Geneva Centre for Security Sector Governance, [available at www.dcaf.ch](http://www.dcaf.ch)

Civil Society: Roles and Responsibilities in Good Security Sector Governance
DCAF – Geneva Centre for Security Sector Governance (2019), SSR Backgrounder Series, [available at www.dcaf.ch](http://www.dcaf.ch)

Legislative Guidance Tool for States to Regulate Private Military and Security Companies
DCAF – Geneva Centre for Security Sector Governance (2016), [available at www.dcaf.ch](http://www.dcaf.ch)

Regulating the Use of Force by Private Security Providers: A Guidance Tool for States
DCAF – Geneva Centre for Security Sector Governance (2021), [available at www.dcaf.ch](http://www.dcaf.ch)

Private Security Governance Observatory: The Role of Civil Society Organizations in Promoting Good Governance of the Private Security Sector
DCAF – Geneva Centre for Security Sector Governance (2018), [available at www.dcaf.ch](http://www.dcaf.ch)

Addressing Security and Human Rights Challenges in Complex Environments
DCAF – Geneva Centre for Security Sector Governance and International Committee of the Red Cross (ICRC) (2016), toolkit, <https://www.securityhumanrightshub.org/toolkit/>

Updated assessment of existing National Action Plans on Business and Human Rights
European Coalition for Corporate Justice (ECCJ) and International Corporate Accountability Roundtable (ICAR) (2015), <https://corporatejustice.org/news/updated-assessment-of-existing-national-action-plans-on-business-and-human-rights/>

Host Country Security Assessment Guide
IPIECA, International Committee of the Red Cross (ICRC), and DCAF – Geneva Centre for Security Sector Governance (2017), [available at www.dcaf.ch](http://www.dcaf.ch)

A Contract Guidance Tool for Private Military and Security Services
Swiss Federal Department of Foreign Affairs (FDFA) and DCAF – Geneva Centre for Security Sector Governance (2017), [available at www.dcaf.ch](http://www.dcaf.ch)

The Montreux Document: A Mapping Study on Outreach and Implementation

Swiss Federal Department of Foreign Affairs (FDFA) and DCAF – Geneva Centre for Security Sector Governance (2017), <https://www.montreuxdocument.org/pdf/mapping-study.pdf>

Guidelines for Private Security Providers on Preventing and Addressing Sexual Exploitation and Abuse

International Code of Conduct Association (ICoCA) (2019), https://icoca.ch/wp-content/uploads/2020/07/ICoCA_PSEA_Guidelines_A4_web_1.pdf

Guidance on Company Grievance Mechanisms

International Code of Conduct Association (ICoCA) (2018), <https://icoca.ch/2018/06/07/guidance-on-company-grievance-mechanisms-now-available/>

Supporting Implementation and Networking among Practitioners: A Montreux Document Forum Regional Meeting

Montreux Document Forum (2018), https://www.montreuxdocument.org/pdf/2018-Concept-Note-Regional-Meeting-Costa-Rica_en.pdf

Annex

The snapshot below provides an overview of the regulation of private security actors and their governance framework. The table illustrates the stark differences in the level of regulation among the countries in the region.

N.B. The regulation of prohibited activities for PMSCs is typically either not exhaustively included or not included at all in the relevant legal frameworks. However, one example of a relevant provision is in India, where PMSCs are specifically prohibited from exercising “any of the powers which by any law are conferred on or exercisable by a police officer or officers of customs, immigration, prisons, or any other public officer”.¹ The access to remedies or complaint mechanisms for victims of abuse committed by private security actors is not specifically regulated.

Country	Afghanistan ²	Bangladesh	Bhutan	India
Definition of private security officer and private investigator	No, but definitions of security company etc. ³ No more PMCs, only Risk Management Companies (RMC) ⁴	Yes, of security guard, security services, and private security service organization. ⁵	Guidelines are still being developed, but not publicly available.	Yes for “private security guard” and “private security agency” ⁶
Establishing Regulatory Authority	Not for private military contractors, RMCs regulated by Mol. ⁷	The “Licensing Authority” is the relevant District Magistrate or Commissioner of Police. ⁸	Unclear	Respective State Government shall appoint a “Controlling Authority”. ⁹

1. Ibid.

2. Note that these procedures were adopted during the administrative regulation phase of PMSCs in Afghanistan and pre-dissolution phase and may therefore no longer be relevant (see below).

3. Afghanistan, Procedure for Regulating Activities of Private Security Companies in Afghanistan, Ministry of the Interior, February 2008, Art 4.

4. DCAF, Private Security Governance Database, Afghanistan.

5. Bangladesh, Private Security Services Act, 2006, Art 2.

6. India, Private Security Agencies (Regulations) Act, Art 2.

7. DCAF, Private Security Governance Database, Afghanistan.

8. Bangladesh, Private Security Services Act, 2006, Art 6.

9. India, Private Security Agencies (Regulations) Act, Art

Mandatory license to operate a private security company	Yes, to operate RMCs. ¹⁰	Yes. ¹¹ Operating a PMSC without a license is criminalized. ¹²	Unclear	Yes ¹³
Permission to carry firearms	Yes, for RMCs not for security provision, only self-defense. ¹⁴	No, PMSCs may not be issued a weapons license. However, in cases of transfer of cash, “the Director General, Ansar and VDP or any officer empowered by him shall be armed”. ¹⁵	Unclear	Not on a company basis, only if the private individual has a permit.
Mandatory display and production of identification	No	Yes, to be worn visibly while on duty. ¹⁶ Home ministry to introduce common uniforms for all PSI. ¹⁷	Unclear	Yes, on demand for inspection by the Controlling Authority. ¹⁸
Mandatory uniforms	No	Yes, “dress prescribed by the government” to be worn while on duty. ¹⁹	Unclear	No uniform, but badges as distinguishing marks. ²⁰
Mandatory training for private security officers	No requirement for APPF. Basic military or security training from a licensed company for RMC. ‘Military bachelor’s degree’ for foreign RMCs. Mandatory training by APPF for mobile security personnel. ²¹	Yes, PMSC obligation to provide “proper and adequate training” and not to appoint guards lacking such training. ²²	Unclear	No specific requirements in the Private Security Agencies (Regulation) Act 2005. ²³ More specific requirements to be prescribed and in Model Rules. ²⁴ E.g. role of PMSCs, law, rules of conduct, PMSC management.
Specific regulation on the use of force by private security	Yes ²⁵	No	Unclear	No

10. DCAF, Private Security Governance Database, Afghanistan.

11. Bangladesh, Private Security Services Act, 2006, Art 5.

12. Bangladesh, Private Security Services Act, 2006, Art 16.

13. India, Private Security Agencies (Regulations) Act, Art 4. Conditions, procedure etc. regulated in Art 5-13. See also, India, Private Security Agencies Central Model Rules, 2020.

14. DCAF, Private Security Governance Database, Afghanistan.

15. Bangladesh, Private Security Services Act, 2006, Art 12.

16. Bangladesh, Private Security Services Act, 2006, Art 11(1)(b)

17. [Common uniform for all private security guards on the cards | theindependentbd.com](http://theindependentbd.com).

18. India, Private Security Agencies (Regulations) Act, Art 17(3).

19. Bangladesh, Private Security Services Act, 2006, Art 11(1)(a).

20. India, Private Security Agencies Central Model Rules, 2020, Art 14.

21. DCAF, Private Security Governance Database, Afghanistan.

22. Bangladesh, Private Security Services Act, 2006, Art 9(3).

23. India, Private Security Agencies (Regulations) Act, Art 9(2), 10(1)(d).

24. India, Private Security Agencies Central Model Rules, 2020, Art 4 and 8.

25. See Afghanistan, Law on Using Force by Private Security Companies in Afghanistan; Afghanistan, Procedure for Regulating Activities of Private Security Companies in Afghanistan, Ministry of the Interior, February 2008, Annex 1. Provides for circumstances in which force may and may not be used, for usage of gradual power, prevention of civilian casualties, and cooperation with national and international security forces.

Country	Maldives	Nepal	Pakistan	Sri Lanka
Definition of private security officer and private investigator	Draft bill exists, unpromulgated	The central act has not been promulgated; sector unregulated.	Yes, definition of “security guard” and “private security company”. ²⁶	No, only of “business of a Private Security Agency”. ²⁷
Establishing Regulatory Authority	Unclear	No	Assigns an existing authority as “Competent Authority”. ²⁸ Varies by province.	Prescribes that a “Competent Authority” shall be appointed but does not specify. ²⁹
Mandatory license to operate a private security company	Unclear	Registration and permission to operate required. ³⁰	Yes, registration and license required. ³¹	Yes ³²
Permission to carry firearms	Unclear	No	Yes, if licensed to carry them. ³³	Unclear, but seemingly yes. ³⁴
Mandatory display and production of identification	Unclear	No	Yes, upon inspection by the Licensing Officer or duly authorized police officer. ³⁵	No
Mandatory uniforms	Unclear	No	Yes, may not resemble public law enforcement uniforms. ³⁶	Maybe prescribed. ³⁷
Mandatory training for private security officers	Unclear	Yes, but not by law and not regulated what kind of training. ³⁸	Yes, the Competent Authority shall make rules on required training. Lack of training may lead to revocation of license. ³⁹	May be prescribed. ⁴⁰
Specific regulation on the use of force by private security	Unclear	No	No, but it is clarified that PMSCs may not exercise “any of the powers which by any law are conferred on or exercisable by a police officer or officers of customs, immigration, prisons, or any other public officer”. ⁴¹	No

26. Pakistan, The Private Security Companies Ordinance, 2001, Art 2(1); Establishment and Functioning of Private Security Companies Policy, 2018, Section 2.

27. Sri Lanka, Regulation of Private Security Agencies Act, 1998, Art 21.

28. Pakistan, The Private Security Companies Ordinance, 2001, Art 2(b).

29. Sri Lanka, Regulation of Private Security Agencies Act, 1998, Art 3.

30. Bishnu Sapkota, The Nepali Security Sector: An Almanac, 2009, p. 227-229, [The Nepali Security Sector \(ethz.ch\)](#).

31. Pakistan, The Private Security Companies Ordinance, 2001, Art 5. Procedure and conditions Art 6-11.

32. Sri Lanka, Regulation of Private Security Agencies Act, 1998, Art 2.

33. Pakistan, The Private Security Companies Ordinance, 2001, Art 13.

34. See Sri Lanka, Regulation of Private Security Agencies Act, 1998, Art 18(2)(d).

35. Pakistan, The Private Security Companies Ordinance, 2001, Art 14.

36. Establishment and Functioning of Private Security Companies Policy, 2018, Section 19.1.

37. Sri Lanka, Regulation of Private Security Agencies Act, 1998, Art 18(2)(c).

38. Bishnu Sapkota, The Nepali Security Sector: An Almanac, 2009, p. 227-229, [The Nepali Security Sector \(ethz.ch\)](#).

39. Pakistan, The Private Security Companies Ordinance, 2001, Art 18(2)(g), 10; Punjab Private Security Companies (Regulation and Control) Ordinance, 2002, Art 14.

40. Sri Lanka, Regulation of Private Security Agencies Act, 1998, Art 18(2)(b).

41. Pakistan, The Private Security Companies Ordinance, 2001, Art 20.

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