

HUMAN RIGHTS TRAINING FOR PRIVATE SECURITY AGENTS IN PERU:

CHARACTERISTICS, AREAS FOR IMPROVEMENT AND
THEIR RELATIONSHIP WITH HUMAN RIGHTS



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Human rights training for private security agents in Peru: characteristics, areas for improvement and their relationship with human rights

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INTRODUCTION

This diagnosis is an exploratory study that aims to collect information on the situation of human rights training of private security personnel in Peru, emphasizing on the evaluation of the proposed study plan certified by the Peruvian State.

Private security activities have a direct impact on effective human rights protection since it implies constant interrelations with third parties; therefore, they must be guided by codes of conduct that are respectful of international standards and that reaffirm the basic contents of the United Nations Guiding Principles on Business and Human Rights and the Voluntary Principles on Security and Human Rights.

Training of private security personnel directly affects the service quality. On the one hand, it contributes to the satisfaction and profitability of users of these services and, furthermore, when properly imparted, it helps agents carry out their work respecting and helping to guarantee human rights and to collaborate with public agents in charge of citizen security. In this way, the tools and training methodologies in this industry must be specific and dynamic, since they must allow private security personnel to have the knowledge to specifically respond to the needs and problems inherent to such users, which can vary over time.¹

According to current regulations, there are three types of training in Peru: basic, improvement and specialization activities. The study plans for the first two are directly established by the National Superintendence of Control of Security Services, Weapons, Ammunition and Explosives for Civil Use (SUCAMEC).² Basic training activities are aimed at people who aspire to become security personnel. They aim at providing them with legal and technical knowledge that contributes to improving private security service quality and to strengthening their role in collaborating with citizen security.³ On the other hand, training activities are aimed at security personnel who are providing this type of service on an ongoing basis. These have the objective of updating and reinforcing knowledge acquired in basic training activities. They are carried out three years after completing basic training and must be updated every two years.⁴ The current regulatory framework for private security does not include a description of specialization activities.

In this regard, this paper seeks to present the findings on training programs and their challenges, as well as the differentiated impact on access, management and development of the policy adopted by SUCAMEC, the competent entity. Likewise, some questions and suggestions are raised in connection to these findings.

1 Statement of reasons for Legislative Decree 1213, sent to the Documentary Processing Office of the Congress of the Republic on December 9, 2016.

2 Article 36 of Legislative Decree 1213. As will be explained later, although this Legislative Decree is not yet fully in force, the aforementioned provision is.

3 Guideline 006-2018-SUCAMEC. Section 6.2.1.

4 Specific provisions 6.2.1. and 6.2.2 of guideline 006-2018-SUCAMEC.

This diagnosis addresses training in human rights. Stemming from a brief description of private security in the country, it delves into the recognized training public policy and performs an impact analysis regarding human rights courses, in permanent dialogue with the Voluntary Principles and from a human rights protection approach.

1. METHODOLOGY

Due to the fact that it is an exploratory study, since it is a novel subject and there are not enough documents produced on this subject, the methodology used was qualitative. The stated objectives were to analyze current regulations, describe the phenomenon, identify intersectional dynamics of addressed issues, define the causal factors and get to know the generated consequences, especially in connection to the rights of workers and people they interact with in the exercise of their functions.

Three data production methods were used as research techniques. First, a documentary bibliographic review on private security was carried out. Second, legislation and regulations ruling the training recognized by the State and the SUCAMEC website were analyzed, with emphasis on policies and practices. Third, a small-scale voluntary virtual survey and in-depth semi-structured interviews were conducted. Besides, 18 interviews conducted in 2019 were added to the analysis, as part of the research that led to the private security gaps document of the National Action Plan on Business and Humans Rights (PNA).

Therefore, based on the phenomenon main characteristics and dimensions, these techniques allowed prioritizing the categories to be addressed, as well as designing the most relevant typologies for the structure of this study.

As for the **bibliographic review**, the work consisted of a compilation of the literature and reports on a set of topics necessary for the development of the diagnosis. First, readings related to the three main areas of the conceptual framework -private security, human rights, and staff training- were selected. Thus, a first finding was the lack of literature on the subject, which is why university theses and doctoral research were examined. In addition, comparatively, other countries in the region curricula and national training management were reviewed. Also, because there is little official material on the matter, the web pages and Facebook and Twitter accounts of SUCAMEC, the main private security companies, the industry's worker unions and the NGOs that work on the subject were reviewed. This has allowed the study to be updated according to the latest emergency measures issued for the industry, which have been constantly renewed according to regulations and measures to face the COVID-19 emergency.

Regarding the **legislative analysis**, all those norms, regulations and updates that constitute the regulatory framework for training private security personnel were compiled. They were all ordered and analyzed according to a time perspective. Additionally, they were contrasted with interviews to different actors to evaluate their scope, impacts and limitations as part of a public policy.

As pertains to the **field work**, the information was collected through surveys and interviews carried out between November 23, 2020 and February 17, 2021. Due to the COVID-19 pandemic, both were virtual. To do so, tools such as Google forms, telephone calls and the Zoom platform were used. At consultant request, the study was not limited only to interviews with private security personnel and instructors, but the spectrum of actors was broadened in order to understand the impact of training in its full complexity. For this reason, a roster was created with informants (men and women) proposed by the consultant and by IDEHPUCP contacts.

Given these profiles, it was decided to design a survey and interview tool that could be used with all informants (men and women). Applied interviews were semi-structured, according to the classification proposed by Manheim and Rich (1988). In addition to inquiry questions, interviewees were asked to mention solutions that were being implemented or to propose recommendations for handling the problem.

Thus, conducted in-depth interviews were seventeen (17) and interviewees were chosen according to their positions, knowledge, experience and willingness to collaborate. Of the informants interviewed, two (2) work as agents and three (3), as instructors. Likewise, two (2) private security companies, two (2) mining companies, three (3) NGOs, two (2) unions and two (2) international institutions were interviewed. SUCAMEC officials were also interviewed and, to have a time perspective, we also interviewed a former SUCAMEC official who continues to work in the sector. The group included both men (18) and women (10). It was difficult to accessing the latter due to the high masculinization in the sector. We also planned to have international and national representatives, both from Lima and the regions. It should be noted that an influencing factor is that we have mainly interviewed members of the Working Group on Business and Human Rights-Voluntary Principles and Guiding Principles (GTEDH), who represent a minority in the country, aware of human rights protection and respect.

On the other hand, we decided to follow the advice of a private security agent who proposed conducting a virtual survey of a small group of private security workers, in order to have more information from their perspective and avoid connectivity difficulties that could occur during video call interviews. As a result, four (4) people from different regions of Peru answered the survey, all men.

Informed consent was used in the survey and in interviews, through which interviewees were made aware of the scope of the investigation and the purposes of the information provided; Authorization was also requested for citing their information and each of the informants voluntarily agreed to be part of the study. In addition, we decided to keep the names of those who participated in it confidential in order to present a uniform document.

In order to include a time perspective and assess information from different regions of Peru, we decided to include eighteen (18) interviews in the study and report on Private security and human rights: analysis of regulations, policies and practices. These interviews were face-to-face and were carried out between October 1, 2019 and February 21, 2020, both with government actors,⁵ and with private companies in the security industry and civil society organizations, thanks to funding from the British Embassy in Peru.

Then, the answers of both groups of interviews were analyzed according to categories proposed for structuring the final diagnosis. It should be noted that the majority of cases of human rights violations and risks collected in the investigation have not been taken to court and very rarely have they been reported to private actors and, even less so, to competent state authorities. However, we have considered important to collect them since they allow to have a general problem overview.

Finally, the proposed methodology has enabled delving into the subject from an interdisciplinary perspective. In addition, it has made it possible to contrast legal analysis with social science instruments, so that the analysis can show the gaps and challenges of the national policy for training private security personnel, as well as its effects on people's lives and on workers and society as a whole. Likewise, it welcomes and integrates different points of view on the subject matter that account for its complexity.

5 Check Barnaby, 2021 on contents and systematization of these interviews.

2. RESEARCH APPROACHES

This research is framed in two key instruments for the protection of human rights in the context of business activities: the Guiding Principles on Business and Human Rights (Guiding Principles) and the Voluntary Principles on Security and Human Rights (Voluntary Principles)⁶.

The Guiding Principles were developed by the United Nations and accepted by its Human Rights Council in 2011 (UN, July 6, 2011). They are divided into three pillars: a) the duty of the State to protect people under its jurisdiction from human rights violations committed by companies, b) the obligation of companies to respect human rights and iii) the need to have effective ways to remedy the negative impacts caused by companies.

Meanwhile, the Voluntary Principles were adopted in 2000 by the UK and US governments, together with a group of extractive companies and various human rights and corporate responsibility NGOs. They aim to guide extractive companies in maintaining the security of their operations within a framework that respects human rights, for which they are divided into three categories: a) risk assessment, b) relationship with public security and c) relation to private security.

On the other hand, the analysis carried out in this research is based on a human rights approach, understood as the

conceptual framework for the process of human development that, from the normative point of view, is based on international human rights standards and, from the operational point of view, is directed to the promotion and protection of human rights. Its purpose is to analyze inequalities at the heart of development problems and correct discriminatory practices and unfair distribution of power that hinder progress in development (OHCHR, 2006, p. 15).

In other words, the human rights approach requires States to have the principles and regulations that recognize human rights (IACHR, September 15, 2018, para. 42) as a reference framework for action. Likewise, it is governed by a series of principles, among which social participation, production and access to information as a guarantee of transparency and accountability, and incorporation of the gender and diversity perspective. The first of these supposes incorporation into public policy of experiences and points of view pertaining to individuals and groups that own the rights to be safeguarded. The existence of consultation and deliberation mechanisms is not enough for the principle of social participation, but there must be an effective incorporation of their contributions in the process of preparing public policy (September 15, 2018, paras. 58 and 60). In turn, the second principle requires the State to produce and disseminate information and to facilitate access to it as key elements to guarantee transparency and accountability (para. 75).

6 Available at: <http://www.voluntaryprinciples.org/wp-content/uploads/2019/12/TheVoluntaryPrinciplesSpanish.pdf>

Finally, the principle of incorporating gender and diversity perspectives supposes, on the one hand, considering the historical discrimination and stereotypes that affect girls, adolescents and women, and on the other, contemplating specific situations and risks faced by people with diverse or non-normative sexual orientations, and gender identities and expressions. Specifically, in the case of the gender perspective, if the measure to be adopted has differentiated impacts according to the person's gender, it should take into account the person's opinions, experiences and concerns; and what benefits the measure has in reducing the gender inequality gap (IACHR, September 15, 2018, paras. 89, 90 and 95). This does not exclude that differentiated measures be taken considering the intersection of factors that stress the person's vulnerability situation (intersectional approach) or racism, structural discrimination, risks and differences in care based on race and ethnicity (intercultural approach) (September 15, 2018, para. 91).

Additionally, this research also took into account the criteria of effectiveness and efficiency in to evaluating public policies and social programs. According to the former, a public policy is effective when it produces the achievements it sought. According to the latter, a policy is efficient when it meets these objectives at the lowest possible cost (Mokate, 2001, pp. 2-4). The Guiding Principles were developed by the United Nations and adopted by its Human Rights Council in 2011 (UN, July 6, 2011). They are divided into three pillars: a) the duty of the State to protect people under its jurisdiction from human rights violations committed by companies, b) the obligation of companies to respect human rights and iii) the need to have effective ways to remedy the negative impacts caused by companies.

3. GENERAL ASPECTS OF PRIVATE SECURITY IN PERU

In recent years, the private security industry has experienced great growth in Peru. According to SUCAMEC, the state entity that regulates this activity in Peru, this is due to different factors: increase in crime levels, structural problems with security forces, urbanization of more spaces within the cities or expansion of extractive industry operations (SUCAMEC and UNLIREC, 2016).

In 2011, SUCAMEC had a record of 540 security providers throughout the country; half of them were concentrated in Lima, the capital. In 2015 this figure rose to 780, which shows an increase of more than 40% in four years; by 2021 there were 1,246 companies and 1,304 authorized branches in the country, which represents an increase of almost 60% in six years and more than doubled in ten years.⁷

Expansion is evidenced in different economic activities and in different geographical contexts of the country. In this way, it has managed to adapt to the needs of sectors such as mining, oil and gas, construction, commerce, banking, health, education, among others.

As mentioned above, the entity in charge of building and supervising public policy on training in private security is SUCAMEC, an agency attached to the Ministry of the Interior that, among other functions, is responsible for authorizing, managing and supervising activities in the field of private security services.

SUCAMEC was created in 2012 and assumed the functions of the former Directorate for the Control of Security Services, Control of Arms, Ammunition and Explosives for Civil Use (DICSAMEC), which fulfilled similar functions, but had less independence vis-a-vis authorities in the sector and greater difficulty in mainstreaming its powers. SUCAMEC has five departments: policy; private security services; weapons, ammunition and related items; explosives and pyrotechnic products for civil use; and control and supervision. The maximum authority assigned to this instance is the superintendent; however, it reports to the Minister of the Interior, since it is a trusted position within the Executive Branch, so it is influenced by what happens at State level. Due to this, the superintendent has been changing in the last five years due to the country's political instability.

Meanwhile, private security services are organized in seven modalities according to current regulations and SUCAMEC is in charge of keeping a record of agents authorized to exercise them. Until 2021, this entity had the following registry: private surveillance: 115,456 agents; personal protection: 2,990 agents; money and valuables transport services: 2,078 agents; security technology services: 115 agents; own account protection service: 750 agents; individual personal security services: 4,099 agents; and individual property security services: 58 agents.⁸

On the other hand, an important characteristic of the sector is that, as in other countries, it keeps a close link with the Peruvian Armed and Police Forces, since as from its inception it has been made up

7 Report 0094-2022-SUCAMEC-GSSP prepared by the Private Security Service Division of SUCAMEC in response to an information request as part of this research in March 2022.

8 Report 0094-2022-SUCAMEC-GSSP prepared by the Private Security Service Division of SUCAMEC in response to an information request as part of this research in March 2022.

of people who have served or are still active in these institutions. This presence directly influences the industry's development and the training of its personnel. Training and teaching knowledge and methodology in the field of private security are linked to instruction given in military and police institutions. Currently, according to information from the interviews, the outlook has changed and the presence of ex-military or police officers is no longer so predominant. However, this change is more evident in private security operative personnel—which is now made up, for the most part, of civil society people—than in the positions of instructors, authorities or representatives (of SUCAMEC or private security companies) In that sense, it can be suggested that the initial legacy is still present in the sector.

On the other hand, several of the people interviewed mentioned that one of the sectors with which private security companies work most is the extractive industries, specifically those dedicated to mining and oil & gas. At the same time, Peru has had high social conflict figures for many years, with a predominance of socio-environmental conflicts. At times of greater confrontation between local communities and representatives of extractive companies, there have been reports that private security personnel had harmed local population, such as verbal and physical attacks, intimidation, among others. An emblematic case that falls within this context is that of Máxima Acuña.

Due to these precedents, and in order to reduce the level of conflict in the country, civil society, private sector and State work together to build proposals and agreements that establish parameters and minimum standards for the use of force by public and private security. One of the results has been that a specific diagnosis on the private security sector has been included in the National Action Plan on Business and Human Rights (PNA) was devised at the Ministry of Justice, which has led to including activity 28, referred to preparing an analysis on the application of use of force standards when providing extraordinary police services, which are extended to companies that provide and hire private security. The level of implementation of the Guiding Principles in Peru's private security was analyzed as part of this process.

Another important aspect of the private security industry in the country is informality. This is present in many economic activities in Peru. Taking into account pandemic limitations, the scope of this research does not include a deep and detailed analysis of the informal private security sector dynamics, which is why it remains a pending issue that needs to be investigated.

Even so, thanks to the information obtained from the interviews with different people, it can be suggested that there is a considerable informality percentage in the industry in general and that it can even equal or exceed the formal sector. One of the reasons for its prevalence is that it is deeply rooted in economic factors, since informal companies face less costs than formal ones—for example, the mandatory training requested by SUCAMEC for operational personnel—.

From the point of view of informal private security workers, one of the advantages of remaining in the informal sector may be access or economic income in the short term; however, it also involves various difficulties. The main problems are linked to labor instability in informality, since several of their rights as workers may not be recognized by the employer (vacation, health insurance, minimum adequate working conditions, among others).

Currently, SUCAMEC has logistical limitations to be able to massively control and sanction security companies that act irregularly, which generates a feeling of discomfort among formal companies, since they consider that they are subject to more controls, that they are “persecuted” or that the efforts of the regulatory entity are not efficiently directed.



4. PUBLIC POLICY REGARDING PRIVATE SECURITY PERSONNEL TRAINING

4.1. REGULATORY FRAMEWORK IN PERU

Private security services, understood as those activities or preventive measures that seek to protect the life and integrity of people, as well as the assets of natural and legal persons,⁹ have been ruled by specific regulation in Peru since 2006, when the Private Security Act was published (Act 28879).¹⁰ It establishes, among others, the modalities for supplying this type of service, the obligations and prohibitions of companies specializing in private security, the requirements operative personnel must meet and the way in which they must receive training. This Act was regulated in 2011 by Supreme Decree 003-2011-IN,¹¹ which develops issues such as the formalities that must be met in different private security supply modalities.

The regulatory framework was amended in 2015, taking into account changes experienced by the private security market and the technological advances that had occurred (SUCAMEC and UNLIREC, 2016, p. 14).¹² A new decree on the matter was approved –Legislative Decree 1213- which regulates private security services.¹³ Additionally, it refers to obligations, prohibitions and requirements that specialized companies and security personnel must comply with, as well as the training they must receive. Additionally, it includes novel aspects such as the establishment of guiding principles for private security.

However, Legislative Decree 1213 is not yet in force in its entirety. Indeed, as established in its second final complementary provision, this will only happen the day after the publication of its regulations, at which time Act 28879 and its regulations will be repealed.¹⁴ Until then, only some of its provisions will be in effect, such as the objective of the law or the guiding principles for private security.¹⁵ Although efforts have been made to have this regulation approved,¹⁶ this not happened yet at close of this investigation.¹⁷ Approval of this regulation and consequent entry into force of Legislative Decree 1213 are extremely important, since the guidelines and other infralegal regulations that govern specific issues such as the training of security personnel depend on it.

9 Definition from art. 4 in Act 28879 and art. 7 in legislative decree 1213.

10 Published on August 18 2006.

11 Published on March 31, 2011. This supreme decree has been subject to several amendments. The most recent was made by Supreme Decree 001-2020-IN, published on February 20, 2020. All amendments have been considered for this research.

12 See also the statement of reasons in Legislative Decree 1213, sent to the Documentary Processing Office in the Congress of the Republic on December 9, 2016.

13 Published on September 24 2015.

14 Single complementary provision that repeals legislative decree 1213.

15 Pursuant to the second final complementary provision of this regulation, articles 1, 2, 3, 23, 36 and 39 of Legislative Decree 1213 are in force since September 25, 2015.

16 In 2016, ministerial resolution 0445-2016-IN mandated the publication of the draft regulation of legislative decree 1213 on the Ministry of the Interior website, with the aim of receiving suggestions and modifications from stakeholders.

17 SUCAMEC staff pointed out in an interview that they expected to get the regulation as soon as possible.

In addition to the provisions of Act 28879 and its regulations, there are currently three infralegal regulations that govern the training of security personnel. On the one hand, guideline 006-2018-SUCAMEC¹⁸ regulates basic training and improvement activities and establishes the study plan to be followed.¹⁹ On the other hand, guideline 008-2016-SUCAMEC provides for instructor selection and accreditation process. Finally, the resolution of the Superintendence. 171-SUCAMEC approves temporary guidelines to regulate basic training and improvement activities in virtual mode due to the COVID-19 health emergency.²⁰ The following sections describe in detail the provisions of all these regulations on training matters.

4.2. HUMAN RIGHTS TRAINING IN PERU

As previously mentioned, one of the main limitations found in relation to teaching and training is heterogeneity of content and methodology, applied according instructors' criteria. For the time being, this reduces the possibility of establishing a minimum standard of knowledge that applicants or operational security personnel should acquire.

On the other hand, considering possible gaps in course teaching, this research also collected perceptions of different actors about contents and skills provided by training. There were diverse positions, especially regarding the presence of human rights issues in the courses and how they are applied in the daily work of private security personnel.

Based on the provisions of guideline 006-2018-SUCAMEC,²¹ private security agents and applicants are required to complete all the modules, courses and subjects included in the Basic Training and Improvement Study Plan, as well as the total number of corresponding hours. Currently, the teaching process is in charge of the private security companies themselves and these are the ones that establish schedules, costs and openings, in accordance with the regulations. These courses are registered through the SUCAMEC online platform (SEL).

The human rights content in the training process of security agents is specifically taught within the Constitution and Human Rights course, provided for in the legal module of the Basic Training Study Plan. It aims to provide knowledge about the role of private security in the preservation of internal order and respect for the fundamental rights of the person, as well as human rights and the Political Constitution.

The course lasts six hours and is made up of eight subjects: The Peruvian Constitution and organiza-

18 This curriculum replaces the 2015 one, established by Superintendence Resolution 074-2015-SUCAMEC-SN, which approved guideline 001-2015, published on March 20, 2015.

19 On December 10, 2021, Superintendence Resolution 1145-2021-SUCAMEC was published. It approved guideline PM02.04/GSSP/DIR/47.01 and replaced the curriculum provided for in guideline 006-2018-SUCAMEC. However, at the close of this investigation, in March 2022, the new guideline had not yet entered into force.

20 Published on July 21 2020.

21 Specific provision in 6.3 of guideline 006-2018-SUCAMEC.

tion of the State; international conventions on human rights; crimes against humanity; security personnel use of force in exercising security functions or in social conflicts; fundamental rights and duties; constitutional processes; right of access to justice; and public powers and human rights.

Likewise, human rights issues are addressed in the Legislation and Private Security section of the Improvement Study Plan. It lasts five hours and aims to analyze constitutional regulations on human rights and understand current regulations in the field of private security and criminal offenses.

This course consists of nine subjects: the concept of Rule of Law and the Political Constitution; analysis of the fundamental rights to life, integrity and personal liberty; definition and description of crime constituent factors; crimes against life, body and health, property and socioeconomic order; arrest and complaint; detainee rights; private security scope of action; and Private Security Law.

4.3. COMPARISON WITH OTHER COUNTRIES IN THE REGION

This section briefly describes other experiences in the region linked to the training of private security agents, in order to learn about differences and contrasts as compared to public policy in Peru.

In the case of Argentina, where there is no actual rule that establishes basic and unifying principles at the national level (Securitas, 2015, p. 39), Act 5688 of the Autonomous City of Buenos Aires establishes that those in charge of training, updating and regular mandatory training of private security personnel are public security higher institutes or public and private training establishments that have received authorization.²² According to the second annex in decree 446/2006, they can provide two types of training that have similar purposes to the basic training and improvement activities in Peru: the Basic Initial Training Course to perform private security services—70 hours—and the Update and Training Course to fulfill surveillance services—35 hours—.²³

The first of these courses comprises six general subjects (security and surveillance, human rights, legal notions, first aid, firefighting, and weapons: knowledge and manipulation), which have similarities with the courses of the Basic Training Curriculum in Peru. However, one peculiarity is that this regulation provides for certain matters according to the private security specialization to be provided. For example, for agents who seek to specialize in the use of weapons, the subjects of notions of non-lethal weapons, theory and practice of shooting and the regulations related to weapons are covered. Meanwhile, in the case of banking security specialization, the subjects of basic rules of attention to the public, notions of the use of technology in contingencies and crime prevention are included.

22 Art. 408 in Act 5688, published on November 17 2016. <http://www2.cedom.gob.ar/es/legislacion/normas/leyes/ley5688.html>.

23 Currently, decree 446/06 is still in force despite the fact that Act 1913, which is a regulation, was abrogated by article 522 in Act 5688. See decree 446/06. Regulation of Law 1913, published on June 4, 2006. <https://boletinoficialpdf.buenosaires.gob.ar/util/imagen.php?idn=85572&idf=31>.

In turn, the second course is made up of three basic subjects (security and surveillance, first aid, and legal notions: human rights). Unlike the Improvement Study Plan, this subject must be taken just one year after having passed the first course. Additionally, the specialization subjects chosen by security personnel should not be the same as the specialty they have already completed.

Meanwhile, in Chile, the Operational Manual on Private Security Matters,²⁴ which systematizes the current regulations in this regard, indicates that companies must guarantee constant training of their personnel and establishes that there are three levels of training: a basic training or course, aimed at those who start their private security activities; a refresher course, offered with the purpose of updating knowledge; and a specialization course, aimed at people seeking to increase their knowledge, skills and professional skills. According to this document, the programs for the first two courses must always be provided in person and, for most private security positions, are valid for three years.

In turn, the Training Manual for the Private Security System available on the Private Security Department (OS10) website of Carabineros de Chile -the governing body on the matter- indicates that the training course for private security guards and bodyguards must last 100 hours; while the refresher course for these two positions should last 40 hours. Likewise, it structures the study plans of both courses into four thematic areas (legal, technical, support and motor), although it provides that the training course will be made up of 12 subjects, which may be taught in a minimum daily workload of 4 chronological hours and a maximum of 8 chronological hours; and the improvement course, for 10 subjects, which may be taught with a maximum load of 8 hours per day. As can be seen, both the structure and the types of training have similarities with the Peruvian scheme (Carabineros de Chile, no date, pp. 127-133). Finally, it highlights that this document also establishes the study programs for each subject, which include information on its objectives, thematic units, means and resources, and evaluation.

As in Peru, a rule had to be issued to temporarily allow virtual training due to the pandemic. In fact, the exemption, resolution 132, authorized training and improvement courses to be taught entirely on digital platforms, with the exception of the first aid, self-defense, and weapon and shooting modules, which, by their nature, require practice. Therefore, in order for them to be taught, the training companies must comply with the sanitary measures recommended by the Chilean Government.²⁵

On the other hand, personnel qualification and training in Colombia is under the responsibility of the surveillance and private security services, which may carry out these activities within their companies. This implies creating a training department or requiring its staff to take courses in training and coaching schools.²⁶ Until Act 1920 was enacted in 2018,²⁷ Resolution 2852 exclusively regulated the training

24 Exempted Decree 261, published on July 31 2020.

25 Exempted Resolution 132, published on August 17 2020.

26 Art. 64 in decree 356 dated February 11 1994.

27 Article 11 of Act 1920 assigns the National Learning Service (SENA) the responsibility of implementing an “academic curriculum with cycles on job skills, for security technicians and security technologists aimed at security guards, supervisors, bodyguards, technological experts and canine handlers as appropriate. No information was found on this «academic curriculum». However, an investigation confirmed that this rule would entail changes in the training system for private security personnel. See Sánchez-Diez, 2020.

and coaching cycles.²⁸ Then, it was amended by Resolution 4973.²⁹ The latter provided that training and education cycles should be made up of four courses (foundation, retraining, specializations and deepening), which vary according to the type of private security services provided by the agent (guard, escort, supervisor, operator of technological means and canine handler) and must be developed independently and impartially.³⁰

According to the resolution, the foundation course, required to perform functions in any of the aforementioned modalities, must last at least 100 academic hours (50 minutes), with the exception of the course aimed at the canine handler modality, whose minimum duration must be 200 academic hours.³¹ The Colombian Superintendence of Surveillance and Private Security is in charge of establishing the academic program for the training course, which contains seven thematic areas in the foundation course, with certain variations in each modality, these are: socio-humanistic education; legal aspects; private security procedures; technical area; emergency management and first aid; self-defense and physical conditioning; and weapons and shooting.³² As can be seen, there are also similarities with the courses and modules included in the Basic Training Curriculum in Peru. However, unlike it, the number of training hours is greater and varies according to the type of private security service to be provided.

Regarding the retraining, specialization and deepening courses, the regulation establishes that these must have a minimum duration of 30, 60 and 30 academic hours, respectively³³. In addition, it establishes that the academic programs of the last two courses must be determined by the Institutional Educational Plans in Private Security (PEIS) that each school or training department develops and, in addition, must be oriented to the task that the person who will receive the training will develop.³⁴ Meanwhile, besides the foundation courses, the Superintendence of Surveillance and Private Security established in the resolution the retraining academic program for each modality, which were also made up of seven thematic areas.³⁵

In the same way as in Peru, in Colombia, the pandemic meant virtualizing the training process for operational personnel in this sector. To do so, the Superintendence of Surveillance and Private Security issued an external circular authorizing training and training schools to teach courses virtually “guaranteeing academic quality and hourly intensity through the necessary and relevant computer infrastructure for this purpose, assuming the commitment to carry out practices, in conditions that guarantee all of the participants’ health. [...]».³⁶To do so, this body must be informed of the activities and theoretical classes to be taught so that they can be validated. This measure has been successively extended and has been in force until June 1, 2021.³⁷

28 Published on August 8 2006.

29 Published on July 27 2011.

30 Art. 38 of resolution 2852.

31 Arts 39 and 41 of resolution 2852.

32 Art. 3 of resolution 4973.

33 Art. 39 of resolution 2852.

34 Art. 43 of resolution 2852.

35 Art. 4 of resolution 4973.

36 External circular letter 20201000000085, published on March 19 2020.

37 (Internal or external) circular letter 20211300000035, published on February 26 2021.

Finally, in Guatemala, decree 52-2010, which regulates private security services, establishes that providers of this type of service must guarantee and verify the education, training and updating of their personnel. To this end, this rule provides that training may be carried out in training centers or institutions authorized by the General Directorate of Private Security Services (DIGESSP), including private security providers that have training departments. These must work following the “curriculum of studies” approved by the DIGESSP.³⁸ As provided by the regulations of this law, the “study curriculum” projects must at least contain the development of a humanistic area, knowledge of national and international legislation on security, knowledge of human rights, practical and operational knowledge on private security, and the development of specializations in accordance with the classification established by the regulations.³⁹

In order for the training centers to carry out this task more easily, the DIGESSP has prepared and made available to the general public the “curriculum of studies” and manuals that develop their contents according to each type of private security agent (vigilantes, guards, private escorts or private investigators). As indicated on its website, these documents are intended to support private security personnel who wish to obtain their accreditation and, in addition, establish a minimum that can be expanded and improved by authorized training centers⁴⁰. No document has been found that generally establishes the number of hours that the training should last, as in Peru. Likewise, from the above it can be deduced that, unlike in our country, each type of private security service provided has a particular training.

In this line, it can be pointed out that, with particularities of each modality, the “curriculum of studies” for the training of escorts, guards and security guards is structured in three areas: humanistic, legal and operational. Although certain contents of the legal and operational areas are similar to the legal and technical modules of the Peruvian basic training plan, the contents and emphases of the humanistic area (which includes human relations) constitute a difference. In turn, the “study curriculum” for private investigators is the only one that establishes training duration (6 weeks). Unlike the other cases, the three areas in which it is structured are: general provisions for private investigators, legal area and humanistic area.

However, as in the case of Peru and Colombia, DIGESSP has taken measures to continue training private security personnel during the pandemic. In this sense, it published the *Methodological Plan for Authorizing Training, Evaluations and Accreditation of Applicants for Private Security Agents, within the Framework of the COVID-19 Pandemic* (DIGESSP, 2021). Unlike the other countries, this document provides that the training can be carried out either exclusively virtual or in a hybrid way, depending on the alert level of the place where it is to be carried out. From this document it can be inferred that the training must have a duration of 80 hours and must be provided in a period of not less than ten days nor more than thirty; In addition, they must fully develop the “curriculum of studies” authorized by the DIGESSP, the body in charge of carrying out the evaluations for the applicants and prioritizing that these be virtual.⁴¹

38 Articles 51 and 52 of decree 52-2010. Article 7.h) of this regulation assigns -as one of the functions of this body- the definition and authorization of contents of training programs for agents, administrative and operational personnel of security service providers.

39 Article 35 of government agreement 417-2013, regulation of the Law that Regulates Private Security Services, published on October 17, 2013.

40 See: <https://digessp.gob.gt/manuales-y-su-respectivo-pensum/>

41 On approval of this document, see: DIGESSP, June 11 2020.

5. CRITICAL ANALYSIS OF PERU'S PUBLIC POLICY

5.1. ACCESS OF DIFFERENT ACTORS TO TRAINING

It is convenient to analyze the regulatory and practical barriers that private security personnel face when accessing training in order to know its impact on performing their function. Understanding the extent of these obstacles is critical to understanding training mechanisms and thus determining what human rights content should be applied.

Act 28879 and its regulations establish that education and training activities of security personnel will be in charge of the Training and Education Centers Specialized in Private Security (CEFOCSP), which are created by initiative of natural or legal persons and can be implemented by the Welfare Office of the National Police of Peru (PNP), private security companies or other legal entities. In order to operate, they must have authorization from the General Directorate of Higher and Technical Education at the Ministry of Education (MINEDU) and a license from SUCAMEC at the Ministry of the Interior, for which they need to meet various requirements set forth in the regulation of Act 28879.⁴² Both SUCAMEC and the regional education directorates of jurisdictions where the CEFOCSPs operate, need to have records on these centers.⁴³

However, the provision that provides for all this is not yet in force; another provision of this regulation regarding training is currently in force, though. This is article 36, which mentions, on the one hand, the types of training activities (basic, advanced and specialized), and on the other, establishes that SUCAMEC is in charge of establishing the curriculum for basic training or improvement activities through its guidelines.

So, according to current regulations, training is under the responsibility of CEFOCSPs. However, as confirmed by SUCAMEC, these centers have not been implemented since no actions were coordinated with the MINEDU.⁴⁴ This is why the first final complementary provision of Act 28879 has had to be applied. It establishes that until these centers are implemented, SUCAMEC will be in charge of training security personnel and certifying instructors. In its guideline 006-2018-SUCAMEC, this instance has interpreted this provision and has inferred that private security companies are enabled to carry out basic training or improvement activities until CEFOCSPs are implemented.⁴⁵

Along these lines, the aforementioned guideline establishes that private security companies duly authorized by SUCAMEC must carry out basic training and improvement activities in accordance with

42 Art. 39 in Act 28879 and art. 77 of its regulation.

43 Artículo 39 in Act 28879 and art. 81 of its regulation.

44 Art. A) SUCAMEC staff.

45 General provision 5.2 of guideline 006-2018-SUCAMEC.

the study plan also established by this body. To do so, they must hire instructors who have current SUCAMEC accreditation. These will be in charge of teaching the modules, courses and subjects in the study plan, as well as of controlling attendance, taking evaluations and recording grades.⁴⁶

Although this model is followed in other countries (Chile, Colombia, Guatemala, Paraguay, Spain, among others), as referred in the explanatory statement of Legislative Decree 1213, it is important that training is also available by other means.⁴⁷ In this way, in response to high demand in this industry, people interested in providing private security services will have more options to choose where to train.⁴⁸

In addition, it should be noted that the fact that private security companies are exclusively responsible for training can have certain disadvantages and generate little transparency. For example, being responsible for paying the instructors, there could be cases in which this supposes an influence on the way they teach.

Likewise, since many resources are required to supervise a large number of companies, this modality can pose inspection and in teaching standardization challenges. Similarly, according to the representative of a private security company in Cusco, in regions like this, where there are few instructors, this can raise costs too much compared to regions like Lima.⁴⁹

Next, we will analyze the requirements that private security companies, private security personnel or their applicants, and instructors must meet to provide or access training, as well as the regulatory and practical difficulties they face in that context.

5.1.1. Access requirements for private security companies

As explained above, in order for a company to carry out training activities, it must be authorized by SUCAMEC. The regulation of Act 28879 establishes the requirements that companies must meet to get authorization for operation, expansion or renewal by SUCAMEC, depending on the type of private security services they wish to provide.

In all cases, they are required to submit an application together with the payment of a certain amount established by SUCAMEC. It is eventually necessary to attach a copy of the municipal license for operation in the main premises; a sworn statement certifying that shareholders, partners or legal representatives of the company do not have criminal and judicial records; and a letter of guarantee for a value of four tax units. The number of requirements that private security companies are required to start operating can be an obstacle to their formalization, as SUCAMEC itself acknowledges. In this sense, one of the main innovations in the new regulatory framework to promote formalization of these entities is reducing formal requirements that are unnecessary for them to operate (SUCAMEC and UNLIREC, 2016, p. 16).

46 Specific provisions 6.1 and 6.5 of guideline 006-2018-SUCAMEC.

47 It refers to the fact that training is not only provided by companies, but also by training centers or universities and institutes, as provided for in Legislative Decree 1213.

48 Statement of reasons for legislative decree 1213, sent to the Documentary Processing Office in the Congress of the Republic on December 9, 2016.

49 Interview to a private security company representative.

On the other hand, in accordance with guideline 006-2018.SUCAMEC, companies dedicated to training activities must have, as a general rule, a working room at the main headquarters or extension, a space that must have a minimum capacity of one square meter per person. Exceptionally, they may provide training in a different space, but it must have an educational purpose, be located in the same district as the headquarters or extension and, if it is an auditorium, it must have one seat per person.⁵⁰ Although these are necessary requirements so that participants in the training activities have an appropriate environment for their training, they can also be barriers for small companies to enter these activities, as they may not have such spaces and hence have to rent the right place, which comes as an additional cost to them. Along these lines, the representative of a private security company in Cusco maintained that the requested infrastructure made it difficult and made the training process longer to complete.⁵¹

In addition, to begin the training, companies must make a starting communication or transmission through the SUCAMEC online platform (SEL),⁵² four working days in advance in Lima and 8 working days in advance in the provinces.⁵³ Through this platform, they will record information on the training course, which must include data on the premises where the subjects will be taught, instructors' names, course scheduling per module and list of male and female students. (SUCAMEC, June 18, 2018).

This guideline establishes the terms in which some of these data can be modified and provides that training activities must necessarily be carried out from Monday to Saturday (excluding holidays) from 7 a.m. to 8 p.m., for a period not exceeding ten academic hours, with at least one hour for breaks, which can be distributed proportionally. This could make it difficult to train some applicants or security personnel who work or have to perform other tasks that can only be done during business hours. Finally, companies will have thirty calendar days to complete the modules provided for in the study plan.⁵⁴

However, due to the health emergency caused by COVID-19 and the measures taken to deal with it, both the training process and the demands placed on companies have had to be adapted to this situation. In fact, the aforementioned temporary guidelines provide that, in this particular context, companies may exceptionally develop basic training or improvement activities in virtual mode.⁵⁵ To do so, they must adapt evaluations and train participants to use the virtual educational platform in which the training is carried out.⁵⁶ This must meet certain requirements, such as having a virtual whiteboard that makes it possible to load different educational resources; allow students to participate in a fluid way (audio, video and online chat), take assessments and record classes; and be validated by SUCAMEC.⁵⁷

Additionally, the temporary guidelines require companies to meet other technical requirements. For example, they provide that, in order to guarantee good service to participants, they must have a telecommunications network with a bandwidth of at least full duplex 10 Mbps.⁵⁸ They also establish that

50 Specific provision 6.2.3 of guideline 006-2018-SUCAMEC.

51 Interview to a private security company representative.

52 See: <https://www.sucamec.gob.pe/sel/>

53 Specific provision 6.4.1 of guideline 006-2018-SUCAMEC.

54 Specific provision 6.4.2 of guideline. 006-2018-SUCAMEC.

55 General provision 5.3.1. on temporary guidelines.

56 General provision 5.4. on temporary guidelines.

57 General provision 5.5.1 on temporary guidelines.

58 General provision 5.5.4 on temporary guidelines.

companies must ensure that participants have a computer or tablet, wired or wireless broadband internet (4G/LTE), microphone, headphones and an adequate webcam.⁵⁹ The latter can be a challenge if the digital gaps in Peru are taken into account, even more so when there is a generational factor involved.

Other aspects of this rule that should be highlighted are that the call for participants must be made through an announcement on the company's website and that the scheduling of virtual courses can only be done by the private security company headquarters. Similarly, inclusion of new data is required in the initial communication or transmission to the SEL, which in this case must be done four days in advance, either in Lima or in the province. Finally, the guideline highlights how many academic hours can be reduced per day (five academic hours) and the maximum classroom occupation that companies must respect in training (30 participants).⁶⁰

From the normative explanation related to accreditation for private security companies, it can be verified that there are requirements for having the company acknowledged by SUCAMEC and that these are even specified according to the type of security service that is provided. (Martins, 2016). However, these provisions are insufficient when addressing a very important problem in the sector: the lack of supervision of companies that operate without the authorization of the supervisory entity. In other words, although the requirements to grant authorization are established, there are no control mechanisms aimed at reducing the informal sector or, on a more positive note, no incentives that encourage formalization.

Neglect of such problem shows an unfavorable panorama in several aspects. On the one hand, several actors that belong to the formal sector describe a scenario of disadvantage for them, since, being incorporated as large companies with a track record in the security field, they state that they are always subject to constant supervision by SUCAMEC, which implies that informal companies that compete with them do not have to pay these. Likewise, the lack of control over companies that operate irregularly perpetuates prevalence of informal private security. The interviews showed that the public sector hires private security companies that, although they are regularly registered with SUCAMEC, present irregularities in their services, which highlights poor coordination or crossing of information between what SUCAMEC establishes and contracting processes followed by other state entities.

Thus, according to collected sources and compared cases —such as that of Guatemala—, measures aimed at reinforcing supervision and sanction mechanisms for public and private entities that contract with companies should be considered in this industry, with emphasis on security service contracting processes within the State, in order to promote industry formalization. Likewise, regulatory or other incentives should be proposed that favor already established companies, with operating security personnel, and that do not yet have a registration process with SUCAMEC, considering that some of them still have little experience when dealing with State bureaucracy.

59 General provisions 5.5.5 and 6.4.3 on temporary guidelines.

60 General provisions 6.1, 6.2.1 and 6.4.1 on temporary guidelines.

5.1.2. Access requirements for private security personnel and candidates

Until 2021, 125 546 active registered agents were se estimated to exist in the country.⁶¹ Indeed, to date, the real size of the market is unknown, as well as the number and profile of security agents involved in informal activity. The people targeted by the training activities are the security personnel or those aspiring to so become and work on a regular basis.

According to Act 28879, natural persons must meet various requirements to be authorized as security personnel, such as not having a criminal, police or judicial record; not having been discharged from the Armed Forces or the National Police due to disciplinary action; and have excellent accredited physical and psychological capacity.⁶²

The regulations of this law also require that they have completed high school, with a current basic training or advanced course approved and registered by SUCAMEC, with a certificate of physical and mental health issued by an institution providing health services (EPS) and that SUCAMEC certifies that they no longer work for the legal entity they used to work for.⁶³

The latter regulation also recognizes that people with disabilities can provide private security services, for which they must be provided with the necessary adjustments and take into account the characteristics of the service modality and adequate provision. Currently there is no information regarding the number of persons with disabilities who have requested and effectively accessed training activities for applicants to private security personnel. There is also no information to indicate whether measures have been adopted to carry out courses that respond to the needs of people with disabilities and allow their accessibility to them without discrimination.

On the other hand, one of the few requirements established by guideline 006-2018-SUCAMEC for access of security personnel or applicants to training is that, during the training activity, they carry their national identity document if they are Peruvian or their immigration card if they are foreigners.⁶⁴ This is also a requirement in the temporary guidelines,⁶⁵ in addition to technological resources they need to access virtual training, as mentioned.

On this basis, it is possible to affirm that there is a continuous attempt to guarantee basic criteria for selecting and supervising private security operational personnel. In this sense, formal private security companies play a very important role by respecting SUCAMEC requirements when they make job calls for private security agents. In fact, some of them add requirements, such as requesting minimum work experience of six months up to two years or availability to work in rotating shifts.

However, despite the regulations and basic standards that the State has established for private security operating personnel, a large group works in informal conditions and the lack of training is one of their

61 Report 0094-2022-SUCAMEC-GSSP prepared by the SUCAMEC Private Security Services Division in response to a request for information made as part of this research in March 2022

62 Art. 26 in Act 28879, published on August 18 2006.

63 Article 64 of the regulations of Act 28879. The amendments introduced by Supreme Decree 001-2020-IN are included.

64 Specific provision 6.5.3 of guideline 006-2018-SUCAMEC.

65 General provisions 6.4.2 on temporary guidelines.

main characteristics. In addition to the complex issue of informality in the country, SUCAMEC has, in turn, logistical limitations and lacks personnel to be able to detect and supervise private security companies throughout the country that do not adequately train their workers. In this sense, since they are not registered as supplying companies before the regulatory entity, they are not obliged to invest in training and accreditation of their workers to continue operating in the field. Likewise, although one of the limitations of this research is lack of data on the informal sector, our interviews suggest that the group of informal workers is equal to or even greater than that of the formal sector.

On the other hand, the personnel who access training face a fairly heterogeneous scenario of requirements and training to be able to be accredited before SUCAMEC. On the part of the regulatory entity, in addition to being trained in courses established by regulations, accreditation of physical and psychological capacity is requested. On the part of the formal private security companies, in addition to such profile, flexibility and time availability are required, since shifts are usually twelve hours in a row.

Even so, the idea that it is a job that does not require such complicated requirements stands out among the main motivations and reasons why a person decides to become a private security agent, as indicated in the interviews conducted for this research. Other motivations are the salary, which is higher than the minimum wage, for an eight-hour schedule, and the possibility of accessing the benefits of entering the company's payroll.

In the field of extractive activities —such as mining or oil & gas—, in some cases residents of adjacent towns are hired through prior agreements between the company and the community authorities. However, the activities planned for these people have more to do with logistics than with the private security service itself. Some of the interviewees indicated that this can be explained by the difficulty of training these people due to the distance between the communities and the closest training centers. Likewise, taking into account recent changes in migratory dynamics, the presence of foreigners in this sector, specifically of Venezuelan nationality, has been confirmed; however, we still need to go deeper into the regulations and the current context that may hinder or favor people's access to this field.

Regarding the participation of women, although there is some feminization of the sector, change is still marginal. According to SUCAMEC data, women continue to be a minority in the field and interviews (there are no official data) show that they are strongly discriminated against when hired and at work. This means that there is not a large percentage of registrations for the training course. Some company representative from this industry have mentioned that there is progress in terms of the insertion of women in the industry and in the recognition of their rights and employment opportunities, although these cases are rare. On this last point, clients can act both for and against, since in some cases they request gender equity, while in others they complain when female personnel are sent to their companies or establishments.

Although various contexts were mentioned that describe the situation of private security in the country, the accreditation system through courses established by the regulatory entity is only one and, in addition, involves several cumbersome processes.

As of the pandemic, the accreditation process and training were suspended for several months, due to the time SUCAMEC required to adapt regulations and procedures to a virtual modality. Currently, security personnel accreditation is carried out virtually, which implies changes in the teaching scheme and

in previously used methodology. At the same time, the accreditation expiration dates for instructors were also postponed.

5.1.3. Accreditation requirements for instructors

Instructors are in charge of teaching the modules and subjects of the Basic Training and Improvement Study Plan, as well as of controlling attendance, taking evaluations and recording grades. They must be accredited by SUCAMEC. To do so they must participate in a screening and accreditation process. In accordance with guideline 008-2016-SUCAMEC, those who may participate are people who are of legal age, professionals with a university or technical degree, retired members of the PNP or the Armed Forces, and those who do not have any type of administrative disqualification or judicial, criminal or police record. Public officials who belong to SUCAMEC, the Ministry of the Interior (MININTER) or agencies attached to this sector or who are part of the National Penitentiary Institute (INPE) may not apply.⁶⁶

In interviews with instructors, some of them pointed out that academic requirements limit the entry of people from civil society who have extensive experience in the field and who have managed to accumulate knowledge, have specialized through courses and have developed skills related to the sector, for which they could perform quite optimally in this position. Another relevant aspect is that instructors' previous experience will allow them to identify and recognize specific needs of private security workers, which could facilitate adaptation of contents to the reality of those who are going to be trained. Likewise, having a greater presence of instructors who do not come from the Armed Forces or the Police would help strengthen change from a reactive approach to a situation to one more directed to prevention.

Regarding the instructor screening process, the guideline establishes that it consists of two stages: CV evaluation and knowledge exam. In the first phase, aspiring instructors submit a number of personal and professional documents, which include, for example, the list of courses for which they request accreditation, the respective course syllabi and their documented resumes.⁶⁷ They are also expected to have taken a course or specialization related to the subject in which they wish to be accredited, during their undergraduate or graduate studies.

If they pass this stage, applicants will go on to take the knowledge exam, which is scheduled for the second and last week of each month on the SUCAMEC website. This evaluation consists of a total of ten questions for each of the courses in the Basic Training and Improvement Study Plan. Applicants must get a minimum score of 14 in the course in which they seek accreditation.⁶⁸ To do so, they have a set of questions in the SUCAMEC website,⁶⁹ out of which the test questions will be chosen.

66 In the case of INPE officials, it should be noted that, in accordance with the guideline, although they cannot generally be accredited as instructors, there is an exception (the course on weapons: knowledge and handling, prior request from INPE and with compliance with a series of requirements). If any of these lack, as verified during the screening and accreditation process, the applicant is disqualified, and if verification is done later, the instructor loses such condition and may be subject to administrative and criminal actions. See specific provisions 6.6.1.2, 6.6.1.3 and 6.7 of guideline 008-2016-SUCAMEC.

67 Specific provision. 6.6.1. of Superintendence Resolution 909-2016-SUCAMEC.

68 Specific provisions 6.6.3.3 and 6.6.3.4 in guideline 008-2016-SUCAMEC.

69 See https://www.sucamec.gob.pe/web/wp-content/uploads/2019/08/BANCO_DE_PREGUNTAS_FINAL_GSSP.pdf

The CV evaluation carried out by SUCAMEC seeks to verify that applicants have the knowledge required for a specific subject; however, the skills and abilities related to pedagogy and soft skills are not included, aspects that can be decisive in the quality of the instructor's teaching. Likewise, there should also be evaluations that consider the application of this knowledge in private security activities in the country. Without a doubt, empirical knowledge management could be more useful for security workers -or those aspiring to be so- who receive these trainings.

In this line, the knowledge test has limitations similar to those of the curricular evaluation stage. The document that contains the questions for all the accreditation evaluations is on the SUCAMEC website. This document shows that the content to be evaluated is simple and quite generic. Answering is also simple, since most of these exams consist of placing true or false, marking the correct answer or relating and ordering premises and concepts. In the case of the Constitution and Human Rights course, questions focus on basic knowledge of the Constitution, State agencies, and questions related to the historical development of the Constitution and human rights. Only one among the thirty questions in this section was found that links security and personal freedoms issues.

If they pass this second stage, applicants obtain the instructor accreditation card, which is valid for two years.⁷⁰ For its renewal, instructors must again submit to SUCAMEC a number of documents that include a simple copy of the certificates, records, diplomas, graduate courses or courses that accredit the knowledge necessary to teach the course or courses; no documentation must be older than five years.⁷¹ They must then retake a knowledge exam using the same format and passing requirements as in the accreditation process. If they pass the evaluation, instructors will get a renewal card with a validity of another two years counted from its issuance.⁷²

Finally, it is necessary to explain how the screening and accreditation processes are being carried out in the context of the health emergency. As revealed in an interview with SUCAMEC, this process was initially suspended. However, SUCAMEC may currently have safety protocols that allow it to organize the knowledge evaluation in person. To do so, it may reduce the capacity in its regional administrations and zonal offices. Thus, for example, only six applicants may take the evaluation in the Lima headquarters, while the sitting capacity would be two people in the provinces, depending on the infrastructure of each location. In addition, it may adopt other measures to safeguard the applicants' health, such as requiring them to attend the evaluation with a face shield, mask and their own pen, respecting social distancing and using disinfectant gel. In this regard, it is interesting to point out that, according to the SUCAMEC staff interviewed, the update of its guideline on this subject would contemplate the possibility that this examination be carried out both in person and virtually, in which case the necessary controls would be applied.

In contrast to the information provided by SUCAMEC, the Peruvian Government website indicates that Applicants who had not been subject to observations would get the instructor card between ten and eighteen days after having sent the documents to request accreditation as an instructor by email to the SUCAMEC Panel. These indications contrast with what is indicated by SUCAMEC since knowl-

70 Specific provision 6.3.2 in guideline 008-2016-SUCAMEC.

71 Specific provision 6.8.1 in guideline 008-2016-SUCAMEC.

72 Specific provisions 6.8.2, 6.8.3, 6.8.4 and 6.8.5 in guideline 008-2016-SUCAMEC.

edge evaluation is not mentioned.⁷³ Regarding the renewal process, one of the instructors commented that his accreditation card had been postponed by the supervising entity due to the health emergency.⁷⁴ There is no information on the permanence of this measure at present.

The previous description evidences that the accreditation process involves too many procedures that take more time than necessary, which makes them cumbersome and discourages applicants. In addition, interviews point out that the absence of professionals specialized in private security issues initially led to the establishment of broad requirements for people interested in training as instructors. Currently, the context is different, since there is consensus on quality improvement in and a greater presence of instructors and people dedicated to the subject is constant. Therefore, new requirements are proposed for this work.

In this line, before carrying out the suggested updating process, it would be necessary to implement feedback phases designed and standardized by SUCAMEC to allow students to evaluate class content and teaching quality offered in the training. Likewise, systematization of the random monitoring that SUCAMEC already carries out of instructors would also have an important role in this process, since recurrent difficulties that must be addressed for an eventual update could be identified.

73 See <https://www.gob.pe/12842-solicitar-la-acreditacion-de-instructor-de-seguridad-privada-a-sucamec>

74 Interview to a private security instructor.

6. TRAINING CONTENT

6.1. STUDY PLAN

As explained above, SUCAMEC establishes the Basic Training and Improvement Study Plan through its guidelines. Guideline 006-2018-SUCAMEC is responsible for this. This rule establishes in its annex that the Basic Training Study Plan is made up of eleven courses distributed in three modules, with a total length of 60 academic hours. Meanwhile, the Improvement Study Plan includes three modules, but only with seven courses and a length of 35 academic hours. In both cases, each academic hour is equivalent to 45 minutes.

Meanwhile, the temporary guidelines expressly indicate that virtualization of the basic training and improvement activities that they regulate does not imply a change in the structure of the study plan provided for by guideline 006-2018-SUCAMEC. However, in the case of the practical hours foreseen by the study plan, companies must establish tools that allow them to supply their teaching, which must be informed to SUCAMEC in the communication at the beginning of the course.⁷⁵ The following table shows the courses included in each module and their length.

MODULE	BASIC TRAINING		IMPROVEMENT	
	COURSE	LENGTH	COURSE	LENGTH
LEGAL	Constitution and Human Rights	6 hours	Legislation and Private Security	5 hours
	Legislation and Private Security	6 hours		
	Ethics in Private Security	4 hours		
TECHNICAL	Security Regulations and Procedures	6 hours	Emergency Control and Facility Security	6 hours
	Emergency Control and Facility Security	6 hours		
	User Care and Person Identification	5 hours	User Care and Person Identification	6 hours
	Weapons: Knowledge and Handling	6 hours (4 theoretical and 2 practical)	Weapons: Knowledge and Handling	5 hours (3 theoretical and 2 practical)
	Document Drafting	5 hours (4 theoretical and 1 practical)		
	First Aid	6 hours (4 theoretical and 2 practical)	First Aid	4 hours (2 theoretical and 2 practical)
	Knowledge on Alarm and Communication Systems	6 hours	Knowledge on Alarm and Communication Systems	5 hours
SELF-DEFENSE	Self-defense	4 hours (1 theoretical and 3 practical)	Self-defense	4 hours (1 theoretical and 3 practical)

⁷⁵ General provision 5.3.2 on temporary guidelines.

In relation to the design and preparation stage of the course, each instructor has to propose their own content syllabus according to the list of contents for each subject defined by SUCAMEC, which will be subsequently evaluated by this entity's officials. There is no additional document prepared by this regulatory entity that establishes guidelines or orientation to standardize teaching—ideally, this would be one of the objectives of CEFOCSPs—and, at the same time, to speed up the evaluation processes that, for the time being, are individually applied to each teacher or instructor. The opposite occurs in other countries, where States produce educational materials for teaching of compulsory courses, which are useful guiding tools for instructors and guarantee minimum content standardization levels.

The absence of the Peruvian State in establishing teaching methodologies and pedagogical tools has meant that these tasks are assumed by instructors or contracting companies that supply training services. In the case of companies—especially foreign ones—, good practices were identified in relation to this point, since they devote a lot of attention to this issue and, as a result, some have implemented their own constant monitoring of courses. For example, in the face-to-face training they participated in the classrooms and in the virtual dynamics they offer technical support to participants and instructors; Likewise, they monitor correct compliance with training. They are also aware that the methodologies used are suitable for an adult audience, which is why they try to ensure that they are participatory; In addition, role playing, videos, among other resources, are used that take experiences into account. A private security company reported that the most efficient methodology for them is the one that involves re-creation of activities and the case approach and, from there, they build concepts and contents, which link with security personnel's realities and experiences. In this sense, the interviews highlighted the need to adapt content and methodology according to the public and their work and cultural needs. Some instructors pointed out, for example, that they use didactic videos from other countries—such as Spain—for their training, since this type of material is not yet produced in Peru.

Therefore, we suggest that the State produce educational materials—such as guides, manuals or videos, with a human rights approach—, which, in addition to establishing guidelines on subject contents, have clear protocols and procedures for making decisions in certain contexts. The importance of protocols was a recurring theme in several interviews. Thus, some private security company representatives indicated that the existence and application of these documents—which came up as their initiative—facilitates management and can be decisive in critical situations, since workers then know in advance how to act according to the rules and regulations set forth by SUCAMEC and the companies. This also reduces the possibility of future problems or arbitrary dismissals due to lack of knowledge or training in the procedures. Also, once the course is over, these documents could also be used as regular reference material for workers in the sector.

Regarding the teaching of classes, a difficulty pointed out by interviewed instructors is that they do not have enough time to adequately develop course contents. They also pointed out that the private security field is constantly updated, so it is necessary for classes to address changes in the sector, such as the use of technological tools and ethical implications according to advances in the field. Another aspect pointed out is related to course breadth and the discretion they have to select contents and methodology, for which specific needs can be omitted in certain contexts, which factors such as the region influence— instructors recognize cultural differences between regions— company type, agent's role, among others.

Likewise, as a negative point, it is mentioned that the improvement courses are repetitive, for this reason it is proposed that they be diversified and differentiated according to the years of career of the

security personnel and the position they cover. There is no consensus regarding the efficiency of the courses. Several Private Security companies report that the results generated by the mandatory courses of SUCAMEC in the worker and in their work do not compensate for the logistics and organization that they imply. On the other hand, some security workers who participated in this investigation indicated that they are satisfied with the training they received.

Both security agents and instructors have stated in the interviews that, although in the Basic and Advanced Training Curriculum there are subjects that address issues related to human rights —such as the standards of the use of force during operations—this is exceptional. They also indicated that teaching should be longer⁷⁶ and that it is necessary to reinforce the content linked to international human rights treaties and the ethical obligations that each security agent must comply with (IDEHPUCP, 2020).

Similarly, emphasis is placed on recognizing the differentiated effects on the human rights of vulnerable groups with whom private security agents have communication: women, children and adolescents, the LGBTIQ community, the elderly, immigrants or peasant indigenous communities, and Afro-descendants. It would be highly beneficial for aspiring instructors to have experience or knowledge on working with communities or conflict management and resolution.

On the other hand, interviewed personnel criticize the great omission in both training plans on a subject related to labor rights and that they should know about that as part of their work as security agents.⁷⁷ This means that they do not know what is the process they must follow in the event of any affectation to their rights as workers and to which instances to go. The lack of teaching of subjects related to economic, social, cultural and environmental rights has also been mentioned.

Some of the interviewed agents have stated that they do not recall receiving training on human rights, but they do remember training on the Constitution. However, all interviewed agents and union staff mentioned that human rights issues are addressed in an abstract way, without any connection to their work reality, which does not allow them to have adequate knowledge on how to correctly operate. Another suggestion in the testimonies is that deepening on rights should be adjusted to the labor context, so that they can count on suitable knowledge and tools.

Finally, aiming at achieving a better learning process for each agent, it has been suggested that MINE-DU and SUCAMEC prepare a pedagogical manual for each course, containing methodology and teaching approaches.⁷⁸ This is complemented with proposals that allow for appropriate content transmission in human rights courses, such as educational guides.⁷⁹

The training plan and interviews evidence that training focuses mainly on theoretical or technical skills, but does not focus on the development of essential skills and competencies for the performance of the profession.

76 Interview to a female private security instructor.

77 Interview to a representative of a private security company union.

78 Interview to a private security instructor.

79 Interview to a female representative of a private security company

Humane treatment and how to relate to users are only taught in the course on User Care and Identification of Persons, which allows them to acquire soft skills. However, this is limited to the first moment of interaction and not to managing more complex situations.

The need to implement soft skills, emotional management (emotional intelligence, empathy, etc.), interpersonal relationship management (communication skills), sociocultural knowledge of communities, conflict prevention and management, among others, has been highlighted in interviews with all actors. In this regard, an interviewed instructor explicitly suggests that security agents' attitude and behavior should be changed from the behavioral approach, so that they can do a better job and develop security and prevention awareness.

In turn, according to data from the National Statistics Institute (INEI), citizen perception of insecurity has remained above 80% since the last decade in a context such as the Peruvian one, in which people perceive security agents' role more linked to defense than to prevention

(INEI, 2020).⁸⁰ In such context, training should strengthen knowledge about the delimitation of security agents' functions, with emphasis on the relationship with the people in charge of enforcing the law.⁸¹ In critical situations that endanger the integrity of civilians and agents, knowing in advance what can be done—and what cannot—regarding the use of force and the use of weapons can determine correct handling of the situation and ensure bystander protection. With all this, it is possible to prevent the rights of any individual from being affected, including those of the security worker.

On the evaluation stage, each instructor designs the final exam of his course. Since training was virtualized, online tests are written and most of the time they are closed questions (to mark true or false), which does not ensure a real learning of the topics. At the same time, it is difficult to evaluate participation in this context, since the situation of each student is different and, in some cases, the use of technological tools or the factors that condition their access to them (internet, adequate space, electricity, among others) can limit their interaction in class.

6.2. BRIEF BALANCE ON COURSE VIRTUALIZATION

Due to the COVID-19 pandemic, the year 2020 was a challenge for education in general, since very few people were used to receiving classes through virtual platforms before that; the private security training sector was no stranger to this situation.

80 See also Technical-statistical reports on citizen security corresponding to the January-June 2020 and July-December 2020 semesters. <https://www.inei.gob.pe/biblioteca-virtual/boletines/estadisticas-de-seguridad-ciudadana/1/>

81 Along these lines, it should be remembered that the force that a Private Security agent can use is not governed by the same parameters as law enforcement officials—the police, for example—. In this regard, see DCAF, 2019.

Virtualization of training courses due to the pandemic implied, in turn, new ways of learning for private security candidates and operational workers. In particular, this entailed a greater degree of difficulty for the vast majority of the adult population, since they had little (or no) experience with technological tools for synchronous classes. On the other hand, virtualization also implies applying new forms of teaching by instructors, especially for practical courses. Although physical distancing hindered teacher-student interaction, some alternatives were proposed; for example, participation of students' relatives in proposed exercises.

However, even before the pandemic, this industry already had access and information dissemination limitations. In this sense, one of the main drawbacks identified with the development of courses certified by SUCAMEC is the public database that this State entity has in relation to accredited instructors (and also with those who no longer have accreditation).

The portal organization does not promote a quick and efficient search for authorized instructors, since it only has two types of filters: the instructor's identity (names, surnames or identity document number) and the different courses in which he or she is authorized to participate. dictate. Thus, there are no filters that organize the information according to the instructor's current accreditation or location in different regions of the country. This could suggest that the portal's objective is reduced to verifying the person as an instructor accredited by the entity, but it is not a tool that helps private security companies find instructors that can provide them with training services.

The pandemic brought the possibility of addressing the training established by SUCAMEC through virtual means. In this regard, positive and negative aspects have been identified during the first year of virtual training of courses given by this entity. As for positive aspects, the greater territorial scope of participants stands out. This highlights a constant problem in the country: centralization. The vast majority of instructors and the headquarters of the largest private security companies are located in Lima, the country's capital. Formerly, in accordance with SUCAMEC requirements and considering the territorial difficulties a person who lives outside of Lima undergoes to access training, it was necessary to carry out procedures well in advance and organize logistics, which includes lodging for the instructor, space for the delivery of training, among others. In this sense, some security companies in other regions of the country indicated, before the pandemic, that it was difficult for them to find an accredited instructor in their same region.

As for negative aspects, the first drawback is inequality among workers concerning access to virtual platforms. Taking into account the socioeconomic profile of the people who carry out this work, some have more difficulties in getting a device that will allow them to follow their training online and get an internet signal. Likewise, considering the age group, the vast majority did not master virtual communication platforms either. Some of the instructors also indicated having the same difficulty, at the beginning, in adapting to the digital version of courses and using virtual tools for their classes. Similarly, as was the case in face-to-face training activities, instructors are responsible for verifying and recording real-time attendance of course participants they are in charge of.⁸²

In turn, private security companies report that training length has doubled, which makes it difficult for them to balance work hours with this activity. In addition, the virtual dynamic itself limits inter-

82 Specific provision 6.2.2 In Superintendence Resolution 171-2020-SUCAMEC.

action between instructor and students. For example, previously, in the face-to-face version, role plays and simulations could be used and, in addition, a more participatory dynamic could be applied so that they could assimilate contents in a more didactic way. Now, with the virtual version, videos are usually broadcast to delve into the content. Thus, another negative aspect would be that students find it difficult to get used to this type of methodology; that is, changing from a face-to-face and participatory dynamic to another that is limited to interaction through a screen could make it difficult for workers or applicants to learn.

As for supervising training activities, guideline 006-2018-SUCAMEC establishes that the Control and Supervision Management (GCF) and decentralized bodies (regional administrations and zonal headquarters) of the supervisory entity supervise companies, unexpectedly and as many times as necessary, to verify that training is being provided in accordance with provisions in Act 28879 and its regulations. To do so, they may make specific requirements to the PNP and must get support and facilitation, from companies, instructors and participants.⁸³

In the virtual modality of training activities, the GCF and SUCAMEC's decentralized bodies of also have this power and must take into account time guidelines as part of the control regulatory parameter. To this end, this rule provides that companies that carry out training activities are required to create a username and password for inspection staff on the virtual platform they use.⁸⁴ Besides, it establishes that if the regulation is breached or if there are irregularities in the teaching process, SUCAMEC may decide to suspend training.⁸⁵ Additionally, it requires students and instructors to turn on their cameras and microphones during supervision so as to prevent fraud or impersonation.⁸⁶

During course development, SUCAMEC may make unannounced visits to classes as part of its supervisory work. When courses were face-to-face, classrooms were inspected; In the context of virtuality, as previously mentioned, inspectors enter the virtual sessions through the previously requested link. Because of this, it is not possible to speak of an unexpected control.

Entity officials pointed out that some problems related to control are that people who are being trained are detected as already working as security personnel and so courses are not carried out properly. Also, there have even been cases of instructor impersonation of in some country regions. However, it should be emphasized that the supervision is limited to formal and technical aspects of the course, such as checking attendance or turning on cameras. Currently, course content and quality are not subject to evaluation, since not all evaluators have training in the subjects taught. Therefore, the best indicator of the quality and usefulness of teaching is feedback, which should ideally be done towards the end of the course.

The territorial factor also represents an inconvenience for inspection and control tasks under SUCAMEC's charge, since this entity does not have offices in all the regions of the country and its decentralized offices also have difficulties in reaching remote areas, where extractive activities are usually carried out to verify that provisions established by course regulations are being complied with. Course virtualization allows to solve this problem.

83 Specific provision 6.6 in guideline 006-2018-SUCAMEC.

84 General provision 6.4.1 on temporary guidelines.

85 General provision 6.6.4 on temporary guidelines.

86 General provision 6.6.5 on temporary guidelines.

6.3. ADDITIONAL TRAINING IN PERU

In addition to basic training and improvement activities regulated by SUCAMEC, other training and courses have been identified so that private security personnel achieve greater professional growth and specialized development in different areas, among which human rights.

It is possible to verify that some private security companies also autonomously organize additional training for their own operators.⁸⁷ The courses they teach consist, for example, of specializations in security risk assessment and analysis; retraining of guards; managing emotions; conflict management; human rights; training of supervisors, instructors and control center operators; Voluntary Principles, among others.⁸⁸

On certain occasions, these trainings are provided because contracting companies may so require for the protection of specific activities. Private security personnel then have certain additional training to that required by SUCAMEC. This occurs in companies that work in spaces with vulnerable public or in mining activities, since greater specialized knowledge is required in the use of force and communication and information management by security personnel around peasant communities.⁸⁹ Similarly, a good practice adopted by some mining companies is short training, as a reminder, when there are possible conflict situations. For example, in cases of possessory defense, briefings are carried out on human rights issues, in person and virtually or in the morning. These brief inductions seek to avoid cases of violence between private security and civilians.

On the other hand, some private security agents claimed to have been instructed on the Voluntary Principles in a specialized 12-hour course. According to the information received, in this course they deepened their knowledge on how to carry out activities that involve the use of force and other coercive measures, in accordance with the standards of human rights and ethics.⁹⁰ Other similar inductions regarding the Voluntary Principles, the Guiding Principles and human rights were given through virtual training, with educational material that was adapted to the needs and context of security personnel. Likewise, interviewed staff indicated that they had received training in ISO standards, without specifying which of them.⁹¹ We must emphasize that receiving training specifically in the ISO 18788 standard is relevant in the field of private security, since its purpose is to provide adequate guidance so that private security organizations and companies can establish, maintain and improve their Security Management System.

87 In the last two years, private security companies operating in Peru, such as G4S and Seguroc, which are part of the International Code of Conduct Association for Private Security Providers (IcoCa), have carried out specific training. Interview with José Abad, November 23, 2020.

88 Securitas Peru carries out professional growth programs such as e-learning training at four different levels, retraining and training courses for supervisors, guards and instructors. See <https://www.securitasperu.com/recursos-humanos/instituto-securitas/>. Likewise, the National School of Education, Training, and Specialization in Private Security, Citizenship, and Occupational Security (ENFORSA) conducts training for security agents in four areas: private security, citizen security, occupational health and safety, and sport hunting. See <http://www.enforসা.com.pe/privada.html>. Viewed on: April 15 2020.

89 Interview to a former SUCAMEC official.

90 Interview to a company female representative.

91 Interview to a representative of a private security company union

Among these private sector initiatives, some good practices described during the interviews stand out. In the first place, it was shown that companies were already using technological tools and virtual platforms with pedagogical methodology before the start of the pandemic, aimed at implementing e-learning courses. These are different subjects with different contents related to security and technology, which have become more relevant, according to the agents themselves, such as the use of weapons, electronic security, alarms, devices, among others.⁹² Once agents complete the courses, they access to certification, which also strengthens the importance of security agents and improves their competitiveness in the market.

Additionally, some private security companies also train staff on other issues of a social nature or public interest, in a simple and didactic way. For example, through the analysis of cases or role plays, talks and training are provided on topics such as corruption and labor and sexual harassment. Due to the pandemic, previous handling of technological means facilitated the knowledge dissemination, since courses are also taught through mobile applications.

These applications were also useful for the dissemination of messages and information related to COVID-19 and health measures such as the importance of hand washing. A private security company representative reported that the use of these applications allowed them to complete an organizational climate survey. From this, several talks and short online courses were carried out that responded to the needs of the company's workers, such as relaxation, finances, managing family relationships or recommendations in the event that a family member is infected with COVID-19.

However, for another group of security workers, the experience with additional training is different. Some of the interviewees mention that these activities are aimed at complementing their own knowledge of private security for the benefit of the company, with the aim of enhancing its image with future clients and so that they can be more competitive with other companies in the field. Along these lines, they highlight that the training they have received did not mention human rights or the issues most closely related to their interests, such as labor rights and how to act in cases of abuse.

92 Interview to a representative of a private security company union



7. HUMAN RIGHTS VIOLATIONS IN THE PRIVATE SECURITY INDUSTRY

In addition to analyzing training, this research also sought to—briefly and with limitations— explore and diagnose the human rights situation in the private security sector. We consider it pertinent to address this issue since no previous documents or studies were found that describe it. Likewise, to the extent that the aim is to improve the knowledge and teaching methodologies for security personnel, it is important to identify which dynamics may eventually violate or put the rights of workers at risk, in order to offer a more integral proposal that guarantees their rights in this industry.

A first difficulty is that there are no data, complaint records or reports on the violation of human rights in the private security sector by SUCAMEC or another state organization related to the subject, which leaves the possibility open for conducting future research.

Another relevant aspect emerged during the interviews: the violation of rights in connection with private security operational personnel. This can be approached from two sides: on the one hand, when the agent is liable for rights violations complaints; and, on the other, when the security personnel agent is the victim.

7.1. RIGHTS VIOLATION BY SECURITY WORKERS

Some companies have records and internal complaint mechanisms in case of rights violation; however, as these are matters that are handled internally as far as possible, it is not easy for an external person to access this information. In addition, these channels are also not friendly or accessible to those who want to make a complaint, since they are not adapted to the various contexts in which security personnel can work. Without a doubt, this limits their effectiveness from the start—for example, they do not consider multilingualism, intergenerational problems, use of technological tools and procedures when complaints are virtual, the gender factor when complaints are face-to-face and women have to go to the claim office and also when complaints are made virtually. Similarly, the follow-up of these claims or complaints is not very transparent and the context of the pandemic has also limited dissemination of reports or complaints in both rural and urban areas.

Among the most common cases of rights violation, we have verbal attacks of racial or sexual connotation or related to social and economic status, which are the most difficult to record. In the field of extractive projects, situations of racism and verbal violence between security personnel and members of adjacent communities are more palpable and frequent than in other scenarios, since the people hired by the companies do not belong to these communities, which means that, in confrontational circumstances, cultural differences become more acute.

Other reported facts are related to the disproportionate use of force in conflict zones, especially against women and young people during protests, demonstrations or acts of possessory defense.⁹³ There is also a record referred to trespassing private property and destroying assets to intimidate those who file a claim or complaint against the companies (the most representative precedent is the case of Máxima Acuña). Even very serious accusations are mentioned, such as murder and surveillance of community leaders and environmental defenders between 2005 and 2006.⁹⁴

For all these reasons, constant use of communication channels between companies and community members is essential, since the latter point out that neither the margin of action of private security personnel nor the distinction of their functions in relation to other actors such as the police are clear. Similarly, it is also necessary to disseminate information on complaint channels, competent bodies and reparations that correspond to those affected. Some interviewees also mentioned limitations in the application of current human rights protocols and agreements, since security agents are unaware of the implications of documents such as the Voluntary Principles on Private Security and Human Rights (PVSPDH). This last aspect should be reinforced not only among security personnel, but there should also be joint dissemination by companies, the State (at national and local levels) and civil society, specifically to the communities.

Other actions were mentioned that, although not considered violations of rights, reflect intimidating attitudes that have a long-term effect on relations with the community. For example, in one of the interviews it was pointed out that security agents act in tasks other than providing security in the premises during the presentation of mining project studies. For example, they have decision-making power over people's entry, which restricts community members' participation rights in these dialogue forums.

On the other hand, the good practices implemented by some security companies and contractors to reduce the possibility of human rights violations were also mentioned in the interviews. For example, in extractive projects, personnel do not have any type of weapon, which reduces tension in contexts of confrontation and conflict and lessens the risk of inappropriate use of force. In other cases, security personnel profiles have been broadened to include members of the local community or women. In this regard, it would be interesting to carry out a study on the contributions to the industry by female staff, people from the communities themselves and migrants and refugees.

7.2. VIOLATED SECURITY WORKERS' RIGHTS

Not much information is available on this subject. From a general perspective, people who work in informal conditions have no labor rights or benefits. Regarding the formal sector, through interviews conducted with instructors and private security personnel, it was possible to collect information on some situations and experiences that show considerable violations of their rights.

However, the relative or precarious stability of agents in a certain job is an indicator that the staff is in a permanent search for better working and economic conditions. A very limited career line in

93 Art 920 in the Civil Code.

94 Interview to a social leader in 2019.

professionalization (private security staff and supervisors) stands out among their motivations for changing jobs.

This goes hand in hand with a fairly recurring point in interviews. Security workers mentioned cases of discrimination by the public: insults of a racial nature, due to social and economic status, and even assaults. The work environment of private security agents is marked by structural discrimination suffered in the country. Various episodes have been reported in interviews in which security personnel have been “choleado” or treated as inferior by the public and by their bosses. In large security companies—and in some contractors—this situation has improved in recent years due to greater recognition of the role of security personnel and appreciation for their work.

However, there are still accusations against some private security companies that do not respect operational personnel’s labor rights. In the institutional sphere, there were cases of dismissals due to illness, labor exploitation, lack of clarity and transparency when explaining the hiring conditions, or harassment due to unionizing or creating WhatsApp groups in which some business representative of the organization is not present. In other cases, it is the workers’ supervisors, who are supposed to guarantee adequate working conditions, who commit verbal or discriminatory aggression towards agents or coerce them into not reporting ill-treatment within the company.

Other aspects related to working conditions were also discussed, such as compliance with schedules, the possibility of rest, work center infrastructure, timely payment, among others. In the case of unions, it was said that their members face difficulties or differentiated treatment, a situation that harms their training and puts their continuity at work at risk (there are already complaints by unionists in this regard).

Another topic touched upon in the interviews was health and conditions that aggravate any previous conditions. Regarding physical health, situations such as being exposed to the sun and standing for several hours, not having restrooms and being in places without water were described. The pandemic context was also mentioned, since the State has not included the private security sector in the “front line” group, although they have continued to work during the quarantine. As for contracting companies, there was talk of delays in the delivery of protective equipment. In addition, some workers were sent to quarantine as a result of the health crisis, because they were within the population at risk, while others had their working hours reduced. Both scenarios affected their salaries and, consequently, this affected their finances and mental health. Similarly, cases have been reported of work in which current protection regulations have not been respected, such as lack of sanitation in workplaces, transfer to reduced spaces, among others. Security workers point out that, the characteristics of their work before the pandemic -being alone for a long time or cases of discrimination- already influenced their mental health and interpersonal relationships. Therefore, they highlight the importance of learning about managing emotions and improving working conditions, since, in practice, it is impossible to completely separate family and personal problems from work issues.

Additionally, a security company representative pointed out that, on their own initiative, they have a team of psychologists who monitor the workers and call them to find out their state of mind and detect any warning signs, in which case they follow a procedure so that this person receives more support. In a more general way, a telephone help line was also implemented, to which workers and their families can turn when they need it. The interviewee also points out that requests for help by this means have

considerably increased since the pandemic. The idea that the company incorporates a psychological service is positive, provided that this professional service is free of any pressure from the company and contributes to improving the staff's working conditions.

Given the scenarios described, it is essential that there are protocols and guidelines for security workers, in which the rights and channels of attention and complaints in the event of any grievance are clearly explained, to avoid possible abuses and arbitrary dismissals. Along these lines, there is also a need for greater precision and effectiveness in relation to protocols and the use of internal complaint channels, since some security workers report that their complaints and discomfort have not been heard as regulations so establish.

CONCLUSIONS

This study is part of a positive process of implementing the human rights approach in the private security sector. Indeed, in the last decade there have been important advances in its formalization, although it is still necessary to speed up compliance with existing regulations and their renewal, especially since it is an item that is in constant transformation.

It is clear that the issue of human rights and private security is part of an ethical issue and complicated regulations. So, when faced with a sensitive situation (a possessory cause, for example), what rights prevail? Privates and property or fundamental and collective rights? The connection between private security, contracting companies, the State and human rights is usual; It is also common to think about who bears or should bear the responsibility and the need to ensure the protection of vulnerable groups with whom one works. In addition, the question can also be addressed regarding why it is not preferred to file a judicial action to decide on these issues. Other conflict contexts have shown that moving the field of debate to a court room produces less damage, despite the fact that the law allows both forms of conflict management. It should be remembered that law enforcement agencies are also usually involved in these processes, which generates more problems and misunderstandings.

Private security must always be understood within the context, the society and the historical moment in which this activity takes place. For this reason, it is important to analyze it in light of these factors and at a macro and micro level to understand its complexity. In this regard, interdisciplinary analysis could facilitate this type of perspective.

It is worth mentioning that more public data and studies on the sector are needed that cover informality and illegality in depth, the new challenges it faces (technologies, privacy, feminization, among others) and how to mediate socio-environmental conflicts without inappropriate use of force. It would also be useful to have a better understanding of the private security personnel's perspective and of their working, psychological and socio-economic conditions in different fields of employment, in the regions and regarding involved civil society.

Faced with this, it stands out that the country is going through a favorable moment for promoting the Voluntary and Guiding Principles, as well as for implementing them in the different relevant industries. For this to be effective, work must be coordinated among different involved actors, to understand the diversity of demands and find solutions that fully and articulately satisfy the different needs, as has been the purpose of this diagnosis. On the other hand, strengthening the internal coordination of civil society on business and human rights issues, as well as its relationship with other actors, is an issue that should be promoted.

A proposal that has emerged in interviews and technical tables is to professionalize the industry. If this materializes with a human rights approach, it would allow a more effective protection of labor rights, better control and knowledge of activities and greater civil society recognition of the role of private security personnel. Additionally, professionalization must include a real assessment of agents'

professional aspects in the industry itself; therefore, improvement and respect for working conditions in private security companies must be guaranteed.

Finally, the following are recommendations stemming from the interviews and from the analysis of findings:

- Create a national private security manual that incorporates the human rights approach. This must be done from a multidisciplinary perspective and under the review of a multi-stakeholder table. It should include skill development—and not just content—, so it should include the teaching and assessment of soft skills and conflict prevention and management. For all these reasons, the manual would be useful for training and for reviewing contents over time.
- Incorporate protocols regarding the use of force and attention to different vulnerable groups according to contexts of greatest risk, both in training and in companies.
- Diversify training according to the necessary skills, work contexts and years of experience. Similarly, create specific training for supervisors and ensure that their frequency and teaching methodology can be useful for updating information and procedures and for effective learning. Besides, instructors' skills should be supervised by CEFOCSPs, which must be urgently implemented; meanwhile, feedback must be in charge of students.
- Create an international group of expert instructors in human rights and private security.
- Train lawyers from civil society and NGOs, as well as local prosecutors and public officials on issues of rights, private security and complaint mechanisms; It is also important to educate the people and make them aware of the role of private security agents.
- Investigate new methods of conflict prevention and management, such as not equipping them with weapons, industry feminization and the hiring people from the communities; It would also be useful to promote the use of technologies for the protection of human rights and as a tool for conflict prevention. Adequate training in managing such tools and ethics in their implementation are also necessary.

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