



RESOLUTIONS FOR GOOD PRIVATE SECURITY GOVERNANCE DURING 2022 ELECTIONS IN KENYA

Political parties, private security companies, police representatives, media, and civil society gathered on 30 June -1 July 2022 in Nairobi and have agreed on the following resolutions in preparation for the elections.

These resolutions draw from the Kenyan Private Security Regulation Act of 2016, the good practices of the Montreux Document and the International Code of Conduct for Private Security Service Providers. (the Code).



BEFORE THE ELECTIONS

1 PLANNING



Cooperation with the police

Establish internal mechanisms to ensure cooperation between public and private security. Set external channels so that private security can contact the police during the highly volatile context of elections.



Cooperation with the media

Media will develop a tool and training for private security providers on effective monitoring. Media will build a channel to ensure information sharing between private security providers and media representatives.



Monitoring

In planning security during elections, all stakeholders should consider the key role of private security providers in monitoring and reporting incidents, namely as witnesses of incidents in key electoral venues.



Liability planning

Private security providers should ensure that appropriate insurance and financial reserves cover potential liabilities, as the personnel should not have to bear the cost of potential harm due to the volatile context.



Contingency and risk management plan

for high risks areas should be updated. Private security should also contribute to efficient emergency response in case of an accident in election venues.



Right to vote of private security personnel should be safeguarded by planning adequate schedules during the elections period.

2 TRAINING

Private security companies, in coordination with the government, civil society, and media will ensure that the personnel receives targeted training for the election context according to national law and international norms.

3 SAFETY AND HEALTH AT WORK

Private security providers will provide for adapted equipment for the personnel to ensure their safety (e.g. introducing a helmet in the uniform if they are located in high-risk areas during the elections period).

Private security providers will conduct health and safety assessments of the different postings and take appropriate preventative measures before the elections.

See Part XII of the Private Security Regulation Act, 2016, the Montreux Document and the Code

DURING THE ELECTIONS See Part VII of the Private Security Regulation Act, 2016, the Montreux Document and the Code

4 PREVENTION OF SEXUAL EXPLOITATION AND ABUSE

Private security personnel will be provided with sufficient safeguards against sexual exploitation and abuse, according to their specific needs.

Private security personnel will notify authorities immediately in case of risk or occurrence of gender-based violence or abuse to themselves or third parties during the elections.

5 USE OF FORCE

Use of Force by private security providers will be strictly confined to the principle of self-defense.

In such cases, private security personnel will apply the principles of necessity, proportionality, and precaution.

Private security personnel will actively de-escalate violence in instances where they are required to complement the efforts of public security regarding crowd control, namely avoiding illegitimate use of force.

6 DETENTION OF PERSONS

Detention and apprehension by private security personnel will be strictly to defend themselves or others against an imminent threat of violence or following an attack committed against them or property under their protection. The person held must be treated humanely and consistent with national and international law (Art. 46, 47, 48 of the Act).

The private security personnel must hand over the person to the police. The private security personnel should record the circumstances of this incident and notify the superiors.

AFTER THE ELECTIONS

7 INCIDENT REPORTING AND REMEDIES

Private security providers will contribute to effective grievance mechanisms, including prosecution and investigation of any incident during the elections, by sharing relevant on-the-ground information with the police.