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**MINISTRY OF POLICE**

**REPUBLIC OF SOUTH AFRICA**

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**QUESTION 2277**

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**(INTERNAL QUESTION PAPER NO 26-2017)**

**2277. Mr S P Mhlongo (EFF) to ask the Minister of Police:**

Have investigations been conducted into the involvement of owners and employees of the security industries in (a) human rights violations in South Africa during Apartheid and/or (b) human rights violations in other countries; if not, why not; if so, what are the relevant details?

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**REPLY:**

(a) The purpose of the Private Security Industry Regulation Act 56 of 2001 is to provide for the regulation of the private security industry. The purpose of the PSiR Act is to establish a regulatory Authority and to provide for matters connected with the regulation of the industry.

The primary object of PSiRA is to regulate the private security industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and the interest of the private security industry itself.

Basic to the regulation of the security industry is the requirement that all those who fall within the definition of “security service provider” and who propose to render a “security service”, must comply with registration procedures and be registered before becoming active in the industry. The PSiR Act therefore set reasonable and appropriate registration requirements that must be satisfied by applicant security businesses, their owners as well as all security officers. The basic object of these registration requirements is to achieve a trustworthy, legitimate and competent private security industry which has the effect that not all applicants will be able to secure legitimate entry to the industry and that the admission to or exclusion from the industry is based on proper grounds.

One of the registration requirements is that a person may not have been convicted of a criminal offence as highlighted in a Schedule to the PSiR Act. Any person convicted of a Scheduled offence will be disqualified from registration. In addition, a person found guilty of a Scheduled offence after registration as a security service provider, registration may be withdrawn by the PSiRA. The PSiR Act therefore provides for screening of all persons prior to registration in order to eliminate undesirable individuals from entering the industry in the first place. Part of this screening also includes an official clearance certificate for any ex-members of any official military, security, police or intelligence force or service (in or outside the Republic) to determine whether the applicant is fit and proper.

In addition, the conduct of the private security industry is also regulated in terms of a statutory Code of Conduct for Security Service Providers, 2003, made in terms of section 28 of the Act. This Code provides for rules and obligations a security service provider has towards the state security agencies, the public, clients, etc. Any contravention of the Code constitute improper conduct and a security service provider convicted, are subject to a variety of penalties or sanctions which includes withdrawal of registration as a security service provider or a fine of up to R1 million per count.

The PSiRA has not convicted any security service provider for human rights violations during apartheid but have generally prosecuted security service providers for human rights offences conducted in the course of their deployment as security officers. This is particularly in cases where security officers abuses their powers and the use of disproportioned force.

(b) As far as violations in other countries are concerned, and although the PSiR Act do have extraterritorial application, there are limitations in the Act. These limitations are being addressed in the Private Security Industry Amendment Act, which is currently with the President for promulgation