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Annex I

Outline for the drafting of the act concerning the authorization, registration and monitoring of security groups or units for protecting the property of the State, corporations or individuals, and private security personnel

I. Preambular Paragraphs:

1. Refer to the relevant articles and subparagraphs of the Constitution which may have a bearing on the purposes of the act.
2. Need to regulate, coordinate and integrate these functions, setting up a body responsible for monitoring them.
3. Develop a suitable framework for regulating the functioning of these types of groups, units and persons who provide security services, in relation to their role in a democratic society.

II. Articles:

1. Purpose of the act.
2. Scope:
 - a. Any group, unit or person providing security services to State institutions, other public or private institutions, and individuals;
 - b. The following shall be regulated according to the type of security provided:
 1. The number and type of personnel;
 2. The number and type of weapons, and equipment in general;
 3. Facilities for housing security personnel, training, and also storing weapons, ammunition and equipment.
 - c. Determination of mechanisms for the monitoring and supervision of security groups, entities and personnel by the National Civil Police, without prejudice to the jurisdiction of other organs and officials authorized by the Constitution or by the law;

- d. Determination of the powers and responsibilities of the monitoring body.
3. Establishment of the judicial and legal formalities for obtaining the necessary authorization to provide security services regulated by this act.
4. Establishment of the regime of powers granted to such groups, units or persons for the discharge of their functions.
5. Determination of the monitoring mechanisms to be used by the monitoring body and of the specific requirements to be fulfilled by such groups, units or persons:
 - a. Registration of firms or individuals specifically providing security services;
 - b. Special requirements to be fulfilled by persons responsible for the organization and operation of such firms;
 - c. Registration of the personnel of security firms;
 - d. Requirements and conditions for the recruitment of personnel by such firms, and conditions to be fulfilled by persons providing security services individually, including evidence of their respect for human rights;
 - e. Registration of facilities, weapons, ammunition and equipment.
6. Prohibitions:

Prohibit the existence or the functioning of any private armed groups which are not regulated and which do not fulfill the requirements established by this act.
7. Request by the monitoring body to such firms, groups or persons for information on the type of security to be developed for the provision of such services.
8. Establishment of the requisite procedures to enable any individual or legal entity to obtain authorization to hire security personnel.
9. Regulations for the establishment, functioning and monitoring of private detective agencies.
10. Determination of compliance with any special registers which may have been established by other laws with respect to certain necessary weapons, equipment or supplies to be used by such firms or groups.
11. Determination of the limits on personnel, weapons, ammunition, equipment and matériel in general, according to the type of security to be provided, and the proportions which must exist among them.
12. Determination of the deadlines for fulfilling the requirements set forth in this act.
13. Issuance by the monitoring body of whatever regulations and instructions may be necessary for carrying out the activities regulated by this act.

14. Establishment of various penalties for failure to comply with the provisions of this act.
15. Establishment of a transitional regime laying down peremptory deadlines for verifying that such entities and their personnel meet the requirements established by law for performing such functions, as a condition of their continuing to provide such services; surrender of weapons, ammunition and equipment not authorized under this act; and harmonization of juridical procedures in this area.
16. Establishment of an evaluation mechanism which will, within two years from this agreement, give an opinion on the advisability of continuing to authorize the functioning of the entities in question.
17. Repeal of any laws or provisions which conflict with this act.

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