

International and Regional Laws and Instruments related to Security Sector Reform and Gender

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The 12 Tools contained in the *Gender and Security Sector Reform Toolkit* explore how the integration of gender issues into security sector reform (SSR) increases the effectiveness and accountability of the security sector, and local ownership and legitimacy of SSR processes. Integration of gender issues in SSR is also necessary to comply with international laws, instruments and norms.

A number of international and regional resolutions, conventions, agreements and guidelines refer in both general and detailed terms to the need for gender equality, gender mainstreaming, the inclusion of women and men in decision-making institutions and processes, the elimination of gender based violence and the protection of women's human rights. Many laws and international standards establish particular responsibilities for the security sector. These laws, instruments and norms should guide SSR processes.

The following is a compilation of key laws and instruments relevant to gender and SSR, referencing the specific articles that relate to particular security sector institutions. These are categorised as either international or regional instruments and listed chronologically.

All readers are recommended to consult the more general standards relating to *Security Sector Reform and Gender* in Section 1, as well as the standards relating to the particular part(s) of the security sector they are interested in. Section 1 contains a section on norms guiding security sector reform, as well as a compilation of international and regional instruments.

Laws and norms governing private security and military companies are not included in this compilation as they are discussed in Section 5 of the Tool *Private Military and Security Companies and Gender*.



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

1 Security Sector Reform and Gender

1.1 Norms Guiding Security Sector Reform

Organisation for Economic Co-operation and Development, *DAC Guidelines and Reference Series: Security System Reform and Governance*

Year of publication: 2005

The OECD DAC Guidelines emphasise the relevance of gender issues to SSR, recognising that SSR provides an opportunity to advance gender equality; acknowledging that women are key civil society actors in the creation of peace, reconciliation and reconstruction; and emphasising the importance of gender issues in enhancing the professionalism of security forces. In addition, the Guidelines state that: 'ensuring women's participation beyond the grass-roots enhances the legitimacy of the process by making it more democratic and responsive to all parts of the affected population' (p. 42).

Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament: A Concept for European Community Support for Security Sector Reform*

Date of publication: 24 May 2006

The European Commission names gender equality as one of the European Union's common values that it works to promote in SSR. One of the principles outlined as guiding the European Community's support for SSR is that SSR processes should be 'seen as a framework for addressing diverse security challenges facing States and their populations, based on a gender-sensitive multi-sector approach' (section 4-2).

Council of the European Union, *Council Conclusions on Promoting Gender Equality and Gender Mainstreaming in Crisis Management*

Date of adoption: 13 November 2006

The Council of the European Union underlines the importance of promoting gender equality and gender mainstreaming in the context of Common Foreign and Security Policy and European Security and Defence Policy (ESDP) at all levels. It emphasises that a 'gender perspective needs to be fully integrated in peace building' (para. 6), and that a 'gender perspective should be incorporated in EU policies and activities on Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR)' (para. 8).

United Nations Security Council, *Statement by the President of the United Nations Security Council (S/PRST/2007/3)*

Date of statement: 21 February 2007

The President of the Security Council stated that: 'the Security Council recognises the inter-linkages between security sector reform and other important factors of stabilisation and reconstruction, such as transitional justice, disarmament, demobilisation, repatriation, reintegration and rehabilitation of former combatants, small arms and light weapons control, as well as gender equality, children and armed conflict and human rights issues'.

1.2 International Instruments

United Nations General Assembly, *Universal Declaration of Human Rights*

Date of adoption: 10 December 1948

The Universal Declaration of Human Rights articulates the entitlement of each individual to enjoy their rights and freedoms 'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' (Art. 2). Article 3 states that: 'everyone has the right to life, liberty and security of person'. Article 7 stipulates that: 'all are equal before the law and are entitled without any discrimination to equal protection of the law'.

United Nations General Assembly, *International Covenant on Civil and Political Rights*

Date of adoption: 16 December 1966

Article 26: 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)*

Date of adoption: 18 December 1979

CEDAW seeks to end discrimination against women, defined as 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field' (Art. 1). The Convention holds States Parties responsible for the adoption of appropriate legislation and other measures, such as repealing discriminatory national penal provisions, to prohibit all

discrimination against women and establish legal protection of the equal rights of women. It specifically requires States to take measures to eliminate prejudices and stereotyped roles for men and women; to suppress all forms of traffic in women; to ensure the right of women 'to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government' (Art. 7-b); and to ensure the right to the same employment opportunities, promotion, job security, equal remuneration and equality before the law.

United Nations General Assembly, *Declaration on the Elimination of Violence against Women* (A/RES/48/104)

Date of adoption: 20 December 1993

This was the first international human rights instrument that exclusively addresses violence against women. The Declaration calls on States to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and punish acts of violence against women. States are called upon to provide women who are subjected to violence with access to the mechanisms of justice; prevent re-victimisation; ensure adequate government budgets for activities related to the elimination of violence against women; and collaborate with, and enhance the work of, the women's movement and non-governmental organisations. The Declaration also calls on States to 'take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women' (Art. 4-i).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action* A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)

Date of adoption: 15 September 1995

The Beijing Declaration and Platform for Action were adopted unanimously at the Fourth World Conference on Women. They include 12 areas of critical concern and hundreds of actions to be taken in relation to the advancement and empowerment of women, among which are numerous obligations in relation to the security sector. These obligations include ensuring: access to free or low-cost legal services; a gender balance in government bodies, public administrative entities and the judiciary; and the provision of gender-sensitive human rights education and training for police, military, corrections officers, members of the judiciary, members of parliament and people who deal with migration issues.

***Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations* (S/2000/693)**

Date of adoption: 31 May 2000

The Windhoek Declaration and Namibia Plan of Action were adopted at a seminar organised by the UN Department of Peacekeeping Operations and the Office of the Special Adviser on Gender Issues and Advancement of Women, and hosted by the Namibian Government in Windhoek, Namibia. They were noted in United Nations Security Council Resolution 1325 on Women, Peace and Security (UN SCR 1325). The Declaration and Plan of Action state that:

- 'the principles of gender equality must permeate the entire mission, at all levels, thus ensuring the participation of women and men as equal partners and beneficiaries in all aspects of the peace process — from peacekeeping, reconciliation and peace-building, towards a situation of political stability in which women and men play an equal part in the political, economic and social development of their country' (Preamble)
- 'in accordance with the Secretary-General's target of 50% women in managerial and decision-making positions, more determined efforts must be made to select and appoint female Special Representatives of the Secretary-General and senior field staff for peace support operations' (para. 3)
- 'the United Nations must set an example by rapidly increasing the number of senior female civilian personnel in peace support operations in all relevant Headquarters departments, including DPKO, and in the field' (para. 5)
- 'gender issues should be mainstreamed throughout all regional and national training curricula and courses for peace support operations, particularly those sponsored directly by the Training Unit of DPKO' (para. 6)
- 'Standard Operating Procedures applying to all components of missions should be developed on the issues of sexual assault and sexual harassment' (para. 7).

***United Nations Security Council Resolution 1325 on Women, Peace and Security* (S/RES/1325)**

Date of adoption: 31 October 2000

UN SCR 1325 the Security Council recognised for the first time women's roles and needs in wartime and post-conflict situations, from victims of war to combatants and peace-builders. The Resolution addresses all UN Member States, parties to armed conflict and all actors involved in peace agreements and DDR. It stresses the importance of women's 'equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution' (Preamble). It calls for support to local women's peace initiatives; the protection of women and girls from gender-based violence; measures to ensure the human rights of women and girls, particularly as they relate to the police and the judiciary; an end to impunity for those responsible for genocide, crimes against humanity, and sexual and other violence against women and girls; and gender-sensitive DDR. UN SCR 1325 is gaining increasing visibility, and a number of SSR donor countries have

developed national plans of action for the implementation of the Resolution.

1.3 Regional Instruments

Council of Europe, *European Convention on Human Rights*

Date of adoption: 4 November 1950

Article 14 of the Convention states that 'the enjoyment of the rights and freedoms ... shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'

Organization of American States, *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)*

Date of adoption: 9 June 1994

This Convention calls upon security sector actors including government, the justice sector and law enforcement agencies to prevent, punish and eradicate violence against women at physical, sexual and psychological levels that occurs within the family or within any other interpersonal relationship; in the community, including 'rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace ...'; or that is perpetrated or condoned by the state or its agents (Art. 2).

Southern African Development Community (SADC), *Gender and Development Declaration*

Date of adoption: 8 September 1997

The Heads of State or Government of the SADC 'endorse the decision of Council on...the establishment of a policy framework for mainstreaming gender in all SADC activities, and in strengthening the efforts by member countries to achieve gender equality' (para. F-i). They also commit their countries to: 'repealing and reforming all laws, amending constitutions and changing social practices which still subject women to discrimination, and to enacting empowering, gender sensitive laws' (para. H-iv).

European Communities, *Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*

Date of adoption: 2 October 1997

This is the first international treaty to expressly highlight discrimination on the basis of sexual orientation. According to Article 2-7 (ex Article 6a), 'the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat

discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'.

Organization of American States (OAS), *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (AG/RES. 1732)*

Date of adoption: 5 June 2000

This Program recommends that the Member States of the OAS 'ensure that a gender perspective and equality of opportunity between men and women are integrated into public policies relating to all spheres of society and government' (IV-1-4).

European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution (2000/2025(INI))

Date of adoption: 30 November 2000

The Resolution 'calls on the Commission and the Member States to gender sensitise peace and security related initiatives', including the provision of gender training of military personnel 'so that respect for women becomes a matter of course and a female-friendly atmosphere prevails in the army' (para. 8).

African Union, *Declaration on Democracy, Political, Economic and Corporate Governance AHG/235 (XXXVIII)*

Date of adoption: 18 July 2002

The African Union issued this Declaration within the framework of the New Partnership for Africa's Development (NEPAD). It recognises that: 'the marginalisation of women remains real despite the progress of recent years' and agrees that they shall 'work with renewed vigour to ensure gender equality and ensure their full and effective integration of women in political and socioeconomic development' (para. 22).

African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*

Date of adoption: 11 July 2003

The Protocol stipulates that 'States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures' (Art. 2-1). States Parties shall ensure 'increased and effective representation and participation of women at all levels of decision-making' (Art. 9-2); and that 'women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace' (Art. 10-1). Article 8 provides that 'States Parties shall take all appropriate measures to ensure: effective access by women to judicial and legal services, including legal aid; and support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid'.

African Union, *Solemn Declaration of Gender Equality in Africa*

Date of adoption: 8 July 2004

This African Union Declaration addresses the importance of gender mainstreaming. In Article 12, Member States commit themselves 'to report annually on progress made in terms of gender mainstreaming and to support and champion all issues raised in this Declaration, both at the national and regional levels, and regularly provide each other with updates on progress made ...'

The Pacific Community, *Revised Pacific Platform for Action on Advancement of Women and Gender Equality 2005 to 2015: a Regional Chapter*

Date of adoption: 20 August 2004

The Pacific Community's Platform for Action calls for the implementation of UN SCR 1325, improvements in sex-disaggregated data and the use of gender indicators, gender training for peacekeepers, the inclusion of women in all peace and justice decision-making and processes, the elimination of violence against women and equal access to justice. The Platform calls on governments to 'recognise and enhance women's inclusion in early warning systems, conflict prevention peace processes and negotiations and post conflict reconstruction' and to 'make use of regional and international organisations to conduct gender sensitivity training for peacekeepers so as to ensure that they are sensitive to issues on the ground' (para. 121).

Organization for Security and Co-operation in Europe, *OSCE Action Plan for the Promotion of Gender Equality (MC.DEC/14/04)*

Date of adoption: 7 December 2004

The OSCE Action Plan states that 'equal rights of women and men and the protection of their human rights are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region' (Preamble).

Commonwealth Secretariat, *Commonwealth Plan of Action on Gender Equality 2005 – 2015*

Year of publication: 2005

The Plan of Action reaffirms 'a target of no less than 30% of women in decision-making in the political, public and private sectors by 2005' and recommends states 'include women at all levels of peace-building, peacekeeping, conflict prevention, mediation and resolution, and post-conflict reconciliation and reconstruction activities' (para. 6). It also encourages the mainstreaming of gender equality, human rights and HIV/AIDS into training for security sector institutions, and encourages governments to 'improve the collection, analysis and dissemination of sex-disaggregated data for policy, planning and implementation processes' (para. 4-12).

Organization for Security and Co-operation in Europe, *Decision No. 14/05 on Women in Conflict*

Prevention, Crisis Management and Post-conflict Rehabilitation

Date of adoption: 6 December 2005

The Decision encourages 'participating States to develop national rosters of potential women candidates ... and take active steps to ensure that women are fully informed of and encouraged to apply for positions in the area of conflict prevention and post-conflict rehabilitation processes, in particular for senior management positions' (para. 3). It calls on participating States and OSCE structures 'to support and encourage training and educational programmes focusing on women and girls, as well as projects aimed at women's participation in building sustainable peace; to empower women's organizations; to support women's peace initiatives through the media and workshops on human rights and gender equality; and to raise awareness among women concerning the importance of their involvement in political processes' (para. 6).

European Parliament Resolution on Homophobia in Europe

Date of adoption: 26 April 2007

The European Parliament Resolution 'calls on the Commission to ensure that discrimination on the basis of sexual orientation in all sectors is prohibited ...' (para. 4). It calls on all Member States 'to take any other action they deem appropriate in the fight against homophobia and discrimination on grounds of sexual orientation and to promote and implement the principle of equality in their societies and legal systems' (para. 10) and 'urges Member States to enact legislation to end discrimination faced by same-sex partners in the areas of inheritance, property arrangements, tenancies, pensions, tax, social security etc.' (para. 11).

2 Police Reform and Gender

2.1 International Instruments

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)*

Date of adoption: 18 December 1979

Under CEDAW, States Parties undertake: '(c) ... to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation' (Art. 2). This commitment requires that

police services are reformed to ensure effective and equal legal protection of women, and themselves do not discriminate against women. CEDAW further calls for equal representation of women and men in areas of work, requiring that police reform address equal access to opportunities.

United Nations Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19 (11th session, 1992) Violence against women*

Year of adoption: 1992

The CEDAW Committee's General Recommendation 19 states that gender-sensitive training of law enforcement officers is essential for the effective implementation of the Convention (para. 24-b).

United Nations General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*

Date of adoption: 20 December 1993

The Declaration calls upon States to take 'measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women' (Art. 4-i).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

The Platform for Action states that 'women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces' (para. 121). Governments committed to provide gender-sensitive human rights education and training to police (para. 232-i) and ensure that women have the same right as men to be police officers (para. 232-m).

United Nations General Assembly, *Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (A/RES/52/86)*

Date of adoption: 2 February 1998

The annex of the Resolution provides concrete examples of state action needed for police to combat violence against women. In Paragraph 8, states are urged: '... to empower the police to respond promptly to incidents of violence against women' and 'to encourage women to join police forces, including at the operational level'. In addition, 'Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in

collaboration with relevant professional associations, are urged ...: (a) to provide for or to encourage mandatory cross-cultural and gender-sensitivity training modules for police ... that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women' (Annex para. 12).

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

UN SCR 1325 is a key document in influencing police organisations to incorporate gender aspects into reform. Paragraph 8-c 'calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including ... measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary'. The Council invites Member States to incorporate the protection, rights and the particular needs of women, as well as the importance of involving women in all peacekeeping and peacebuilding measures, into their national training programmes for military and civilian police personnel in preparation for deployment (Art. 6).

2.2 Regional Instruments

Organization of American States, *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)*

Date of adoption: 9 June 1994

States Parties agree to 'promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women' (Art. 8-c).

Organization of American States, *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (AG/RES. 1732)*

Date of adoption: 5 June 2000

In this Program, the Inter-American Commission of Women of the OAS recommends that the governments of the States party 'support the provision of continuing gender education and training for judiciary and legislative staff and for law enforcement officers of both sexes ...' (section IV-1-13).

Council of Europe, *Recommendation Rec(2002)5 of the Committee of Ministers to Member States on the Protection of Women against Violence*

Date of adoption: 30 April 2002

The Committee of Ministers recommends that member states include the treatment of domestic violence and other forms of violence affecting women in the basic training programmes of members of the police force (Appendix para. 8).

African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*

Date of adoption: 11 July 2003

States Parties commit to take all appropriate measures to ensure 'that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights' and 'that women are represented equally in the judiciary and law enforcement organs'.

3 Defence Reform and Gender

3.1 International Instruments

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)*

Date of adoption: 18 December 1979

CEDAW's purpose is to prevent the discrimination against women and to ensure their full development and advancement. In terms of defence reform, this implies that defence institutions, including the ministries and armed forces, should 'ensure, on a basis of equality of men and women ... the right to the same employment opportunities' (Art. 11-1-b).

United Nations Committee on the Elimination of all Forms of Discrimination against Women, *Implementation of Article 21 of CEDAW: Analysis of Articles 7 and 8 of the Convention (CEDAW/C/1994/4)*

Date of adoption: 4 February 1994

The CEDAW Committee has adopted a General Recommendation on Articles 7 and 8 of the Convention that looks specifically at participation of women in the military. The Committee stated that: 'The military is important to women in their role as citizens ... the military is an integral part of any political system ... Since the military constitutes an important element of State order, decision-making and governance, all citizens should be concerned about the kind of military they have. By being outside the military, women cannot be involved in the decisions related to the use of military forces, changes in the military institutions and overall control over its performance. The military accounts for a large portion of public expenditure, constitutes an important employer and provides career opportunities and training, which can often lead to other than military careers as well (paras. 29-30).

The Committee went on to observe: 'The issue of the participation of women in the military takes on a particular meaning in peace-keeping, the main purpose of which is to avoid or to defuse conflict in order to permit a peaceful solution ... As peace-keeping increases in importance, the question will need to be raised whether the exclusion of women from many peace-keeping tasks is acceptable. Given the fact that peace-keeping differs in many ways from the traditional military and involves characteristics related to conflict resolution, an increased presence of women could make some difference' (paras. 33-34).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

The Platform for Action recognises that: 'Although women have begun to play an important role in conflict resolution, peace-keeping and defence and foreign affairs mechanisms, they are still underrepresented in decision-making positions. If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making' (para. 134). This speaks to the need to involve women at all levels in defence management and in defence reform processes.

The Platform's broad commitment to strive toward gender equality requires that states provide men and women with equal opportunities. Defence reform processes should, therefore, include aspects aimed at reducing gender bias in the military in terms of recruitment, promotion and force composition. Further, the Platform for Action states that: 'women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces' (para. 121). Governments committed to provide gender-sensitive human rights education and training to military personnel (para. 232-i).

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

UN SCR 1325 'encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants' (Art. 13). The Council invites Member States to incorporate the protection, rights and the particular needs of women, as well as the importance of involving women in all peacekeeping and peacebuilding measures, into their national training programmes for military and civilian police personnel in preparation for deployment (Art. 6).

3.2 Regional Instruments

European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution (2000/2025(INI))

Date of adoption: 30 November 2000

This resolution 'calls on the Commission and the Member States to gender sensitise peace and security related initiatives, and to that end ... provide gender training at an early stage in the training of military personnel so that respect for women becomes a matter of course and a female-friendly atmosphere prevails in the army' (para. 8-d). Further, it 'calls on the Council and the Member States to promote the gender sensitisation of peace, security and reconstruction operations in which they participate, and to that end ... ensure that all military personnel — male as well as female — and specifically peace-building, peacekeeping, and peace-enforcement personnel have thorough gender training' (para. 14-b).

Council of Europe, Recommendation 1742 (2006) on Human Rights of Members of the Armed Forces

Date of adoption: 11 April 2006

The Parliamentary Assembly 'considers that the Council of Europe should pay greater attention to the issue of the status of women in the armed forces. A great many female soldiers are subjected to sexual harassment. The issues of access to military duties and to specific posts in the armed forces, career structures and equal rights are all relevant to discrimination against women, a matter requiring in-depth consideration in itself' (para 6). The Assembly asks member states to take a number of steps to ensure genuine and effective protection of the human rights of members of the armed forces.

Council of the European Union, Council Conclusion on Promoting Gender Equality and Gender Mainstreaming in Crisis Management

Date of adoption: 13 November 2006

In Paragraph 8, the Council emphasises that a 'gender perspective should be incorporated in EU's policies and activities on Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR). DDR programmes should ensure that female combatants are identified and registered early and that both sexes can participate equally in these programmes. Women need to be ensured equal access to the assistance package to which they are eligible under the DDR programme and to be involved in economic reintegration activities.'

4

Justice Reform and Gender

4.1 International Instruments

United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)

Date of adoption: 18 December 1979

States Parties undertake: '(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation and to ensure, through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; ... (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; (g) To repeal all national penal provisions which constitute discrimination against women' (Art. 2).

CEDAW specifies a range of areas in which women's equality must be guaranteed, such as public and political life, education, health, employment and family life. Law reform is in many cases required to give effect to these obligations. In particular, States Parties must accord to women equality with men before the law, a legal capacity identical to that of men and the same opportunities to exercise that capacity. Women shall be given equal rights to administer property and be treated equally in all stages of procedure in courts and tribunals (Art. 15).

United Nations Committee on the Elimination of Discrimination against Women, General Recommendation No. 19 (11th session, 1992) Violence against women

Year of adoption: 1992

The CEDAW Committee's General Recommendation 19 states that gender-sensitive training of judicial officers is essential for the effective implementation of the Convention (para. 24-b).

United Nations General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*

Date of adoption: 20 December 1993

According to Article 4, States shall: '(c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons; (d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered ...'; and '(i) Take measures to ensure that ... public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women'.

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

The Platform for Action calls on governments to 'review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, and revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice' (para. 232-d). Governments shall take actions to 'ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty' (para. 61-a). Additionally, governments are committed to 'ensure that women have the same right as men to be judges, advocates or other officers of the court ...' (para. 232-m).

United Nations General Assembly, *Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (A/RES/52/86)*

Date of adoption: 2 February 1998

The Resolution urges Member States to 'review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system' (para. 1) and 'to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice which may assist in the elimination of violence against women so that, before decisions are taken, an

analysis may be made to ensure that they entail no unfair gender bias' (para. 3). Member States are urged to 'review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that ... women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy' (para. 7 (c)).

Additionally, Member States 'are urged ... (a) to provide for or to encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women' (Annex para. 12).

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

UN SCR 1325 calls on all actors involved in negotiating and implementing peace agreements to include measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution and the judiciary (para. 8-c). The Security Council 'emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls' (para. 11).

4.2 Regional Instruments

Organization of American States, *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)*

Date of adoption: 9 June 1994

The Convention requires that States use 'due diligence to prevent, investigate and impose penalties for violence against women' (Art. 7-b). States Parties agree to undertake specific measures to promote the education and training of all those involved in the administration of justice and in implementing policies for the prevention, punishment and eradication of violence against women (Art. 8-c).

Southern African Development Community (SADC), *Gender and Development Declaration*

Date of adoption: 8 September 1997

Through this Declaration, SADC Heads of State committed themselves and their respective countries to 'repealing and reforming all laws, amending constitutions and changing social practices which still

subject women to discrimination, and enacting empowering gender sensitive laws' (Art. H-iv).

Organization of American States, *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (AG/RES. 1732)*

Date of adoption: 5 June 2000

In this Program, the Inter-American Commission of Women of the OAS recommends that governments support the provision of continuing gender education and training for members of the judiciary of both sexes (section IV-1-13).

Council of Europe, *Recommendation Rec(2002)5 of the Committee of Ministers to Member States on the Protection of Women against Violence*

Date of adoption: 30 April 2002

The Committee of Ministers recommends that member states include the treatment of domestic violence and other forms of violence affecting women in the basic training programmes of judicial personnel and 'encourage the inclusion of questions concerning violence against women in the training of judges' (Appendix para. 8, 11).

African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*

Date of adoption: 11 July 2003

The Protocol stipulates, in Article 2-1, that 'States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures'. They shall 'include in their national constitutions and other legislative instruments ... the principle of equality between men and women and ensure its effective application'. Article 8 provides that 'women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure: effective access by women to judicial and legal services, including legal aid; support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid ...; that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights; that women are represented equally in the judiciary and law enforcement organs; reform of existing discriminatory laws and practices in order to promote and protect the rights of women.'

Council of the European Union, *Council Conclusion on Promoting Gender Equality and Gender Mainstreaming in Crisis Management*

Date of adoption: 13 November 2006

The Council underlines the importance of 'addressing gender perspective in the context of rule of law activities. Gender equality could also be promoted in post conflict situations through legal reforms in the justice sector, inter alia through revising discriminatory

laws, such as laws concerning inheritance, family relations, property and employment, and through empowering women to access rule of law and economic and social justice institutions' (para. 9). The Council emphasises 'the importance of including measures against sexual and gender based violence in transitional justice mechanisms. All peace building and reconstruction plans should include comprehensive victim-protection and support mechanisms' (para. 10).

5 Penal Reform and Gender

5.1 International Instruments

United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Standard Minimum Rules for the Treatment of Prisoners*

Date of adoption: 30 August 1955

This instrument was adopted in 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Economic and Social Council in 1957 and in 1977. There are a number of rules for a better treatment of female prisoners, including:

Rule 8(a): 'Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate.'

Rule 23(1): 'in women's institutions there shall be special accommodation for all necessary prenatal and post-natal care and treatment. Arrangements shall be made wherever practical for children to be born in a hospital outside the institution...'

Rule 53(1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution; (2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer; (3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)*

Date of adoption: 18 December 1979

Article 2 of the Convention commits States Parties '(d) To refrain from engaging in any act or practice of

discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; ... (g) To repeal all national penal provisions which constitute discrimination against women.'

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Date of adoption: 9 December 1988

Principle 5-2 stipulates that: 'measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers ... shall not be deemed to be discriminatory'.

Fourth World Conference on Women, Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)

Date of adoption: 15 September 1995

According to the Platform for Action, governments shall take actions to remove gender bias in the administration of justice (para. 232-d). The Platform for Action states that 'women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces' (para. 121). Governments committed to provide gender-sensitive human rights education and training to corrections officers (para. 232-i) and governments committed to ensure that women have the same right as men to be prison and detention officers (para. 232-m).

5.2 Regional Instruments

Organization of African Unity, African Charter on the Rights and Welfare of the Child (OAU Doc. CAB/LEG/24.9/49)

Date of adoption: 11 July 1990

Under Article 30 of the Charter States Parties 'undertake to provide special treatment to expectant mothers and to mothers of infants and young children who have been accused or found guilty of infringing the penal law'; 'ensure that a non-custodial sentence will always be first considered when sentencing such mothers'; 'ensure that a mother shall not be imprisoned with her child' and 'ensure that a death sentence shall not be imposed on such mothers'.

6 Border Management and Gender

6.1 International Instruments

Fourth World Conference on Women, Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)

Date of adoption: 15 September 1995

The Platform for Action states that 'women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials ...' (para. 121). Governments committed to provide gender-sensitive human rights education and training to public officials, including 'people who deal with migration and refugee issues' (para. 232-i).

United Nations General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol)

Date of adoption: 15 November 2000

The Palermo Protocol calls for assistance to and protection of victims of trafficking in persons, taking into account their age, gender and special needs (Art. 6-4). States Parties shall 'provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons' that takes into account 'human rights and child- and gender-sensitive issues' and encourages 'cooperation with non-governmental organizations, other relevant organizations and other elements of civil society' (Art. 10-2).

7

Parliamentary Oversight of the Security Sector and Gender

7.1 International Instruments

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* (A/34/46)

Date of adoption: 18 December 1979

Parliaments play a crucial role in ensuring that a State's CEDAW obligations are met, including that the principle of equality of men and women is firmly established in the country's legal system, discriminatory laws are abolished and new laws effectively prohibit discrimination against women. Of particular importance to parliamentarians is the emphasis on the right of women 'to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies' (Art. 7-a) and 'to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government' (Art. 7-b).

United Nations General Assembly, *Declaration on the Elimination of Violence against Women* (A/RES/48/104)

Date of adoption: 20 December 1993

The Declaration stipulates that 'States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should ... Include in government budgets adequate resources for their activities related to the elimination of violence against women' (Art. 4).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

Governments committed to make available gender-sensitive human rights education and training to members of parliament 'in order to enable them to better exercise their public responsibilities' (para. 232-i).

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

UN SCR 1325 urges all Member States to strengthen gender equality 'at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict' (para. 1). All actors involved in negotiating and implementing peace agreements are

called upon to adopt a gender perspective, including 'measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary' (para. 8-c).

7.2 Regional Instruments

Organization for Security and Co-operation in Europe, *OSCE Action Plan for the Promotion of Gender Equality* (MC.DEC/14/04)

Date of adoption: 7 December 2004

The OSCE Action Plan encourages the OSCE Parliamentary Assembly to continue to 'have on its agenda the issue of equal opportunities for men and women in national parliaments as well as within the OSCE and the OSCE Parliamentary Assembly, having mainstreamed the discussion of gender equality in the agenda of the Assembly's Plenary Meetings' and to produce 'reports on the status of women in the OSCE area and seek to raise awareness by making such material available to all participating parliaments' (para. 44-h).

8

National Security Policy-Making and Gender

8.1 International Instruments

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* (A/34/46)

Date of adoption: 18 December 1979

Article 7 of CEDAW commits States Parties to 'take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular ... ensure to women, on equal terms with men, the right ... To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government'.

United Nations General Assembly, *Declaration on the Elimination of Violence against Women* (A/RES/48/104)

Date of adoption: 20 December 1993

The Declaration stipulates that 'States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should ... (e) Consider the possibility of developing

national plans of action to promote the protection of women against any form of violence ... (h) Include in government budgets adequate resources for their activities related to the elimination of violence against women'(Art. 4).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

The Beijing Declaration emphasises that the success of the Platform for Action will depend on a commitment to 'the equal participation of women and men in all national, regional and international bodies and policy-making processes' (para. 36). It is emphasised that 'governments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men' (para. 79).

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

The UN SCR 1325 'urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict' (para. 1).

8.2 Regional Instruments

Council of Europe, *Gender Mainstreaming Conceptual Framework, Methodology and Presentation of Good Practices: Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)*

Date of publication: May 1998

The Council of Europe Framework emphasises that it is important to 'evaluate the effects of policies on current gender relations, as this can serve as a starting point for the development of new policies' (Part II-2). Part III explains how to construct a 'gender mainstreaming policy plan' and provides some good practices of gender mainstreaming.

Organization for Security and Co-operation in Europe, *OSCE Action Plan for the Promotion of Gender Equality (MC.DEC/14/04)*

Date of adoption: 7 December 2004

The OSCE Action Plan can be used as a platform for ensuring non-discriminatory legal and policy frameworks. Paragraph 3 stipulates that: 'it is the joint responsibility of the participating States, the Chairman-in-Office, the Secretary General, and the Heads of institutions and missions to promote equality

between women and men as an integral element of policies and practices of the OSCE'.

Council of the European Union, *Council Conclusion on Promoting Gender Equality and Gender Mainstreaming in Crisis Management*

Date of adoption: 13 November 2006

This Conclusion underlines the importance of promoting gender equality and gender mainstreaming in the context of the Common Foreign and Security Policy and the ESDP at all levels. In Paragraph 8, the Council emphasises that 'gender perspective should be incorporated in EU's policies and activities on Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR)'.

9 Civil Society Oversight of the Security Sector and Gender

9.1 International Instruments

United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (A/34/46)*

Date of adoption: 18 December 1979

CEDAW affirms that 'the full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women on equal terms with men in all fields' (Preamble). More specifically, States Parties commit to ensure to women, on equal terms with men, the right: 'To participate in the formulation of government policy and the implementation thereof' and 'To participate in non-governmental organizations and associations concerned with the public and political life of the country' (Art. 7).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

The Platform for Action calls for the removal of all 'obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making' (para. 1).

United Nations General Assembly, *Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (A/RES/52/86)*

Date of adoption: 2 February 1998

The Resolution urges Member States to cooperate with 'non-governmental organizations, including organizations seeking women's equality' and 'relevant professional associations' to provide gender-sensitivity training for police, criminal justice officials, practitioners and professionals involved in the criminal justice system (Annex para. 12-a).

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

SCR 1325 emphasises the need for women to be involved in decision-making at all levels, and for specific efforts to be made to involve and support women's organisations. The Resolution calls on all actors involved in negotiating and implementing peace agreements to include 'measures that support local women's peace initiatives' (para. 8-b).

9.2 Regional Instruments

European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution (2000/2025(INI))

Date of adoption: 30 November 2000

The Resolution 'calls on the Member States and the Commission to systematically promote the participation of women in the official conflict resolution process, and to that end: ensure that the peace process is deeply rooted, through requesting that warring factions incorporate civil society representatives into their peace negotiation teams' (para. 19-c).

10 SSR Assessment, Monitoring and Evaluation and Gender

10.1 International Instruments

Fourth World Conference on Women, Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)

Date of adoption: 15 September 1995

The Beijing Platform for Action gives concrete advice on integrating gender issues into data collection and monitoring mechanisms in national, regional and international statistical services and relevant governmental agencies. In this regard, it states that: 'the absence of adequate gender-disaggregated data

and statistics on the incidence of violence makes the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including the workplace, impede efforts to design specific intervention strategies' (para. 120). The Platform calls for the creation of 'mechanisms to monitor women's access to senior levels of decision-making' (para. 192-b) using appropriate qualitative and quantitative data.

Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693)

Date of adoption: 31 May 2000

The Declaration calls for the equal participation of women in security assessment, monitoring and evaluation procedures in peace operations. Section 8 stipulates comprehensive reporting and evaluation of gender mainstreaming efforts.

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

UN SCR 1325 notes 'the need to consolidate data on the impact of armed conflict on women and girls' (Preamble). To assess whether UN SCR 1325 obligations are being met, data on the following should be included in SSR assessment, monitoring and evaluation processes:

- Representation of women at all decision-making levels
- Training initiatives on gender equality, HIV/AIDS awareness and peace processes
- Efforts made to assess and address the special needs of women and girls
- The involvement of local women in conflict resolution and peace initiatives
- Measures to ensure the protection of and respect for the human rights of women and girls, particularly in service delivery by the police and in access to justice
- The incidence of gender-based violence, and measures taken to protect women and girls from gender-based violence, and to end impunity for crimes of violence
- Efforts made to assess and address the special needs of female and male ex-combatants and their dependents.

10.2 Regional Instruments

Council of Europe, Gender Mainstreaming Conceptual Framework, Methodology and Presentation of Good Practices: Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)

Date of publication: May 1998

The Council of Europe Framework examines techniques and tools available for gender mainstreaming including: 'statistics split up by sex; surveys and forecasts regarding gender relations; cost-benefit analyses from a gender perspective; research in gender studies', as well as checklists (setting out objectives, describing actions to be taken), gender impact assessment and monitoring (Part II-3).

The Pacific Community, *Revised Pacific Platform for Action on Advancement of Women and Gender Equality 2005 to 2015: a Regional Chapter*

Date of adoption: 20 August 2004

The Pacific Community's Platform for Action calls for improvements in sex-disaggregated data and the use of gender indicators.

11

Gender Training for Security Sector Personnel

11.1 International Instruments

United Nations Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19 (11th session, 1992) Violence against women*

Year of adoption: 1992

The CEDAW Committee's General Recommendation 19 states that 'gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention' (para. 24-b).

United Nations General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*

Date of adoption: 20 December 1993

The Declaration calls on States to 'take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women' (Article 4-i).

Fourth World Conference on Women, *Beijing Declaration and Platform for Action A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)*

Date of adoption: 15 September 1995

The Platform for Action states that 'training of all officials in humanitarian and human rights law ... would help to ensure that [violence against women] does not take place at the hands of public officials in whom women should be able to place trust, including

police and prison officials and security forces' (para. 121). Governments committed to provide gender-sensitive human rights education and training to public officials, including police, military personnel and corrections officers (para. 232-i), and to create, improve, develop and fund training in order to sensitise such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured (para. 124-n).

United Nations General Assembly, *Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (A/RES/52/86)*

Date of adoption: 2 February 1998

The Resolution urges Member States 'to provide for or to encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women' (Annex para. 12-a).

Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693)

Date of adoption: 31 May 2000

In section 6, the Declaration addresses the need for gender training, stating that 'gender issues should be mainstreamed throughout all regional and national training curricula and courses for peace support operations'.

United Nations Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325)

Date of adoption: 31 October 2000

UN SCR 1325 'requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training' (para. 6). Additionally, paragraph 7 'urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts ...'

United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention*

against Transnational Organised Crime (Palermo Protocol)

Date of adoption: 15 November 2000

States Parties commit to 'provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons' that takes into account 'human rights and child- and gender-sensitive issues' and encourages 'cooperation with non-governmental organizations, other relevant organizations and other elements of civil society' (Art. 10-2).

United Nations Commission on Human Rights, Resolution 2003/45 on the Elimination of Violence against Women

Date of adoption: 23 April 2003

The Commission on Human Rights called upon States 'to develop and/or enhance, including through funding, training programmes for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to prevent the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence' (para. 14-k).

11.2 Regional Instruments

Organization of American States, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)

Date of adoption: 9 June 1994

The Convention calls on the States Party 'to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women' (Art. 8-c).

Organization of American States, Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (AG/RES. 1732)

Date of adoption: 5 June 2000

In this Program, the Inter-American Commission of Women of the OAS recommends that governments 'support the provision of continuing gender education and training for judiciary and legislative staff and for law enforcement officers of both sexes ...' (section IV-1-13).

European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution (2000/2025(INI))

Date of adoption: 30 November 2000

This resolution 'calls on the Commission and the Member States to gender sensitise peace and security related initiatives, and to that end ... provide gender training at an early stage in the training of military personnel so that respect for women becomes a matter of course and a female-friendly atmosphere prevails in the army' (para. 8-d). Further, it 'calls on the Council and the Member States to promote the gender sensitisation of peace, security and reconstruction operations in which they participate, and to that end ... ensure that all military personnel — male as well as female — and specifically peace-building, peacekeeping, and peace-enforcement personnel have thorough gender training' (para. 14-b).

Council of Europe, Recommendation Rec(2002)5 of the Committee of Ministers to Member States on the Protection of Women against Violence

Date of adoption: 30 April 2002

The Committee of Ministers recommends that member states include the treatment of domestic violence and other forms of violence affecting women in the basic training programmes of members of the police force and judicial personnel and 'encourage the inclusion of questions concerning violence against women in the training of judges' (Appendix para. 8, 11).

The Pacific Community, Revised Pacific Platform for Action on Advancement of Women and Gender Equality 2005 to 2015: a Regional Chapter

Date of adoption: 20 August 2004

The Pacific Community's Platform for Action calls for gender training for peacekeepers, calling upon governments to 'make use of regional and international organisations to conduct gender sensitivity training for peacekeepers so as to ensure that they are sensitive to issues on the ground' (para. 121).

Council of the European Union, Council Conclusion on Promoting Gender Equality and Gender Mainstreaming in Crisis Management

Date of adoption: 13 November 2006

The Council Conclusion 'emphasizes the importance of training activities, tailored to the needs of the military and civilian personnel taking part in the ESDP operations, in particular on gender equality and human rights as well as gender-based violence, and encourages the Member States to intensify these training efforts' (para. 5).

This Annex was prepared by Mugiho Takeshita of DCAF, based on material compiled by the authors of the 12 Gender and SSR Tools. Benjamin Buckland provided editorial assistance.